



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

26 MARCH 2013

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 26 March 2013, commencing at 6.06pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.06pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Rob Boardman, Director Community Services, due to personal reasons.

Carlie Eldridge, Director Planning Services on approved leave till 2 April 2013 for personal reasons.

(b) Members on Approved Leave of Absence:

Cr Julia Wilcox on approved leave from 16 March 2013 – 14 April 2013 (inclusive) for personal reasons.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Jacinta Anthony	Manager Community Development
Helen Smith	A/Director Planning Services
Rick Lotznicker	Director Technical Services (until 9.35pm)
Mike Rootsey	Director Corporate Services
Tory Young	Manager Strategic Planning, Sustainability and Heritage Services (until 9.35pm)
Elaine Clucas	Manager Health Services (until 7.42pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until 10.40pm)

Employee of the Month Recipient

Not Applicable.

Special Guest

Frances Curro	Student Journalist – Curtin University (until approximately 7.00pm)
Senior Sergeant Simon Hazel	Central Metropolitan Police (until approximately 6.46pm)

Media

Caroline Smith	Journalist – “The Guardian Express” (until approximately 9.27pm)
Stephen Pollock	Journalist – “The Perth Voice” (until approximately 8.55pm)

Approximately 38 Members of the Public

3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

The Presiding Member Mayor Hon. Alannah MacTiernan advised that the residents of Smith Street who have attended the meeting to speak regarding Item 14.1 - CONFIDENTIAL REPORT: Street Prostitution in Highgate area – Progress Report No. 1, shall speak first.

The following submissions were made by persons in the Public Gallery:

1. Ray Clarke of 47 Smith Street, Highgate – Item 14.1 Stated the following:
 - He has resided in Smith Street for twenty three (23) years and advised that Street Prostitution had been a big problem since 2001. He felt that the street prostitution had gotten back to the way it was in 2001 and possibly even worse. He used to reside at 46 Smith Street and now resides at 47 Smith Street next door to the Homeswest building.
 - That within the last eighteen (18) months a lot of the prostitutes reside within the Homeswest building and it is at a point where Homeswest need to be involved with this issue as there are a lot of problems.
2. Robert McCormack of 1/308 Stirling Street, Highgate – Item 14.1 Stated the following:
 - That the issue extends beyond Smith Street to Stirling Street, Lincoln Street and Bulwer Street and at times to Broome Street. It is almost anarchy within the area as the prostitutes have no respect for the law, private property or the rights of the residents and this will result in trespassing, knocking on doors of homes trying to get access, syringes that had been used and not capped inside complexes and on the street.
 - That residents are abused by the prostitutes and their pimps and are regular confronted with assaults in the street. There had been death threats issued and there had been a rape recently in the area and the problem just keeps getting worse.
 - His main concern is that this had been a serious issue for over ten (10) – fifteen (15) years and it continues. When the issue had been raised with Local Government and the Police they are advised to continue to ring the public information line or the public call line, this is not working.
 - That he was concerned that this item had been listed as a Confidential matter as it is a community issue and with the number of residents that had attended the meeting that they were pretty upset about this issue. And believed as a community they should be involved and be kept completely informed.

3. Alexandra Lawson of 52 Lincoln Street, Highgate – Item 14.1 Stated the following:
 - That she had grown up in the area and had been acquainted with this issue for the last twenty one (21) years and it had not been resolved.
 - Whilst growing up in the area she had been accosted on a number of occasions and had been propositioned by kerb crawlers. She had called the Police on several occasions and nothing ever occurred.
 - That currently within her street there are three (3) brothels to which the Police are aware of, over the years the corner of Smith Street and Lincoln Street had Police presence.
 - That the presence of brothels and prostitution in the area lowers the house values and the tone of the area.
4. Senior Sergeant Simon Hazel of Central Metropolitan Police – Item 14.1 Stated the following:
 - That they aware of the ongoing problem in Highgate and had been an ongoing issue as long as he had been a Police Officer and the issues were one of a criminality and of social issues that are well outside the spectrum for the Police to deal with.
 - Currently at the moment there were two (2) operations running from the Perth City Detective Office, which were “Operation Saline” and “Operation Proposal”. There were both overt and covert operations targeting the girls within the street and also targeting the kerb crawlers.
 - That there are powers under the Prostitution Act 2000 for the issue of restraining orders for Prostitutes within the area.
 - That they have continued their targeted patrols in conjunction with the Detectives. He stated that while he attended the meeting they had arrested one of the street prostitutes and she was in custody for breaching a move on notice.
 - Since the 1 January 2013 there had been a one hundred and fifty six (156) “move - on” notices issued within the Highgate area linked to street Prostitution.
5. Claire Richards of Greg Rowe and Associates 369 Newcastle Street, Northbridge – Item 9.1.13 Stated the following:
 - She spoke on behalf of the Italian Club regarding to their land holdings at Fitzgerald Street.
 - Stated That their offices had lodged a submission on behalf of the club during advertising of the Amendment No. 106, the submission supported the amendment but requested additional building height and density be permitted within the Commercial precinct along Fitzgerald Street. An increase in building height and density had been requested on the basis of three main consideration.
 - Firstly increasing the building height to five (5) storeys and increased the density from R80 will achieve a more sustainable outcome.
 - Secondly the current location which is surrounded by large areas of public open space such as Robertson park would ensure sufficient recreational areas of future residents and
 - Thirdly the commercial area did not adjoin the existing residential uses rather it is lodged between two large areas of open space and a carpark on this basis there is no risk of overshadowing or over looking residential properties, nor is there a potential for any impact on residential streetscape.
 - That a four (4) storey height limit on the site would not achieve the best long term outcome.
 - That her client were disappointed with the Officer’s response to their submission and felt that the response did not adequately why the suggested changes were not agreed to.

The Presiding Member Mayor Hon. Alannah MacTiernan asked Ms Richards if her clients had advised her of the meeting that was held regarding the variation Policy, that provided they develop a sustainable building they can have five (5) storeys. Ms Richards replied: “yes”.

6. Chris Zellman of 58 Milton Street, Mount Hawthorn – Item 9.1.7 Stated the following:
- That last year the Mayor attended a community meeting regarding the development and the changes to the zoning requirement in the Glendalough area that had been taken over the City of Stirling.
 - That regarding the application in relation to maintaining the character of the street was the setback. The current application violated the average setback rules.
 - That the developer who was also developing across the road owned the block next door to the current development.
7. Carlie Keane of Lawler Street, North Perth – Item 9.4.1 Stated the following:
- She spoke on behalf of the Kyilla Primary School P&C regarding the Kyilla Farmers which was proposed to be held weekly on Saturday mornings.
 - She asked if the Council support the item with the Officer's Recommendation.
 - That prior to lodging the application they door knocked to the adjoining residents and held an information session so that all concerns or issues could be addressed.
 - That there would be three stalls available weekly, one to Kyilla P&C another to a non-profit organisations and one for local businesses for promotion. To ensure local business had a presence was important.
 - That one of the conditions for approval would be that a contact person be available at all times during the market setup and operation.

Cr Carey departed the Chamber at 6.29pm.

Cr Carey returned to the Chamber at 6.30pm.

8. Stewart Lofthouse of 123 Oxford Street, Leederville – Item 9.4.4 Stated the following:
- He asked the Council regarding his question that was asked at the last meeting of Council held on 12 March 2013 regarding the specific distance between kerb face and eating area for unobstructed footpaths.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Lofthouse that the Director Technical Services would advise. The Director Technical Services advised that it is normally 1.5 metres the minimum width but this would need to be checked in the City's Policy.

- Mr Lofthouse stated to the Council that he disputed the Director Technical Services answer as the City's Policy stated 2 metres if adjacent to the building.
 - He referred to a document from WALGA called the "Local Government Alcohol Management Package". This is a package for Councillors and Councils to deal with any application received regarding licenced premises.
 - He stated that there had been many signed forms sent to Council within the Consultation periods.
9. William Martino of 2 Stirling Street, Highgate – Item 14.1 Stated the following:
- That he owned a property in Stirling Street and had lived there twenty six (26) years.
 - He asked the Council to consider the residents comments.

10. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.4.4 Stated the following:
- That she had emailed the Council last week regarding this matter and was concerned that within the Agenda Report it stated that fifty one (51) submissions had been handed in by the same business owner.
 - That she had spoken to the Officers at Racing, Gaming and Liquor department who advised her that there is no such thing as a “renewal of an extended trading permit”, each application is treated as a new application.
 - That in 2007 the Chief Executive Officer and the Director Community Services both opposed this extended trading permit and they stated “*it is considered that this application for extended trading hours is not in keeping with the objectives and future direction of the Leederville Masterplan, which is currently being advertised, these objectives include to deliver or facilitate sustainable, functional and invigorated Town Centre with a high level of amenity, which is safe, healthy and attractive, to minimise undue conflict between activities and to facilitate community and social activities where people can meet and interact*”.
11. Richard Stern of 300 Stirling Street, Highgate – Item 14.1 Stated the following:
- That he is originally from New York, where there is zero tolerance for policy for crime.
 - He asked the Council why there were no CCTV cameras in the Highgate area as they have been made aware of the issues.
- The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Stern that the Local Government in the United States run the Police Force and in Australia Local Government does not run the Police Force and do not have the power to direct the Police. City of Vincent have worked hard with the Police Force to get this matter addressed and will eventually look at installing CCTV cameras.*
12. Peter Rinaldi of 21-23 Eaton Street, West Perth – Item 9.1.5 Stated the following:
- He lived directly behind the proposed gym on No. 305 Fitzgerald Street, North Perth and there had been a major problem within the area regarding the shortage of parking. He was concerned regarding the proposed parking spaces and this would suffice for the staff but not the customers and the noise issues that may occur.

There being no further speakers, Public Question Time closed at approx. 6.46pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 12 March 2013

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 12 March 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

8.1 Cr McGrath declared an Impartiality interest in Item 9.1.7 – No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn - Proposed Demolition of Existing Single House, and Construction of Six Multiple Dwellings. The extent of his interest being he is an association with the applicant and had met the applicant on a number of times socially.

8.2 Cr Pintabona declared an Impartiality interest in Item 9.1.2 - No. 38 (Lot 145; D/P 3002) Mabel Street, corner of Norham Street, North Perth – Proposed Alterations and Additions to Existing Single House Including Ancillary Accommodation. The extent of his interest being that the applicant is a personal acquaintance and he had knowledge of the property development.

8.3 Cr Maier declared an Impartiality interest in Item 9.1.9 - No. 55 (Lot: 62 D/P: 1106) Chatsworth Road, Highgate - Proposed Alterations and Additions to Existing Three (3) Storey Single House. The extent of his interest being that he is a friend of the applicant and a close neighbour.

8.4 Cr Topelberg declared an Impartiality interest in Item 9.1.5 - No. 305 (Lot 4; D/P 1602) Fitzgerald Street, North Perth (Proposed Change of Use from Showroom/Warehouse to Recreational Facility (Crossfit Gym). The extent of his interest being that his father in law is a part owner of the adjacent property to the South and have not had any discussion relating to this proposed development other than informing him that they had received a consultation letter from the City.

8.5 Cr Topelberg declared an Impartiality interest in Item 1.01 - Cr Warren McGrath – Investigations into Washing Lane, Perth. The extent of his interest being that is approximately thirty (30) metres from his primary place of business which is located within a building owned by members of his family.

Cr McGrath, Cr Pintabona and Cr Topelberg except Cr Maier disclose that as a consequence, there may be a perception that their impartiality on these matters may be affected and declared that they will consider on the matter on its merits and vote accordingly.

Cr Maier has disclosed that as a consequence, there may be a perception that his impartiality on this matter may be affected.

9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil.

10. REPORTS

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer advise the meeting of:

10.1 **Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Items 9.1.5, 9.1.7, 9.1.13, 9.4.1, 9.4.4 & 14.1.

10.2 Items which require an Absolute Majority decision and the following was advised:

Items 9.1.7, 9.2.1, 9.2.5, 9.4.1 & 14.3

10.3 Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:

Nil.

Presiding Member, Mayor Hon. Alannah MacTiernan, requested Council Members to indicate:

10.4 Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	9.1.7 & 9.5.1
Cr Buckels	9.1.1, 9.1.4, 9.1.12 & 9.2.2
Cr Carey	9.1.10
Cr Harley	Nil.
Cr Maier	9.1.2, 9.1.3, 9.1.6, 9.1.9, 9.4.2 & 9.4.5
Cr McGrath	9.1.8
Cr Pintabona	Nil.
Cr Topelberg	9.1.11, 9.1.16 & 9.2.5
Cr Wilcox	On approved leave for the meeting.

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer to advise the meeting of:

10.5 Unopposed items which will be moved “En Bloc” and the following was advised:

Items 9.1.14, 9.1.15, 9.2.3, 9.2.4, 9.3.1, 9.3.2, 9.3.3, 9.4.3 & 9.5.2

10.6 Confidential Reports which will be considered behind closed doors and the following was advised:

Item 14.2 and 14.3

New Order of Business:

The Chief Executive Officer advised the meeting of the New Order of business, in which the items will be considered, as follows:

(a) Unopposed items moved *En Bloc*;

Items 9.1.14, 9.1.15, 9.2.3, 9.2.4, 9.3.1, 9.3.2, 9.3.3, 9.4.3 & 9.5.2

(b) Those being the subject of a question and/or comment by members of the public during “Question Time”;

Items 9.1.5, 9.1.7, 9.1.13, 9.4.1, 9.4.4 & 14.1.

(c) Those items identified for discussion by Council Members;

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

(d) Confidential Items – to be considered (“Behind Closed Doors”).

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.

ITEMS APPROVED “EN BLOC”:

The following Items were approved unopposed and without discussion “*En Bloc*”, as recommended:

Moved Cr Harley, Seconded Cr Pintabona

That the following unopposed items be approved “En Bloc”, as recommended;

Items 9.1.14, 9.1.15, 9.2.3, 9.2.4, 9.3.1, 9.3.2, 9.3.3, 9.4.3 & 9.5.2

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Cr Topelberg requested the Presiding Member Mayor Hon. Alannah MacTiernan if Confidential Item 14.1 could be debated in an Open meeting and moved the following Procedural Motion:

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Maier

That Confidential Item 14.1 be debated in an open meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Pintabona

That Confidential Item 14.1 be debated before other items.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

14.1 CONFIDENTIAL REPORT: Street Prostitution in Highgate Area – Progress Report No. 1

Ward:	Both	Date:	22 March 2013
Precinct:	Highgate	File Ref:	TES0175
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	M Wood, Coordinator Safer Vincent, J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 1 as at 22 March 2013 concerning street prostitution in the Highgate area;
2. **AUTHORISES** the Chief Executive Officer:
 - 2.1 to implement a programme of placing Ranger/Security Officers in Stirling Street and the surrounding area as a way to disrupt the standard routes used by kerb-crawlers and the activities of streetwalkers, for an initial period of one (1) month, at an estimated cost of approximately \$10,500; and
 - 2.2 to determine which streets should be the subject of activity as prescribed in Clause 1., based on information and intelligence from the WA Police and other sources;
3. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of:
 - 3.1 \$30,000 from a source to be identified by the Chief Executive Officer, for the installation of additional lighting in Stirling Street, Highgate, between Bulwer and Lincoln Streets to assist in minimising the incidence of street prostitution and anti social behaviour; and

- 3.2 \$20,000 from a source to be identified by the Chief Executive Officer, for the installation of moveable CCTV cameras in Stirling Street, Highgate and the surrounding area, to provide evidence and intelligence to support WA Police in identifying and prosecuting offenders and to assist in minimising the incidence of street prostitution and anti social behaviour;
4. NOTES that;
- 4.1 the Mayor is having ongoing discussions with senior police on the intensification of policing and prosecutions in respect to street prostitution and associated activities; and
- 4.2 a report will be provided to the next Ordinary Meeting of Council to be held on 9 April 2013;
5. APPROVES the additional pruning and trimming of the verge tree canopies in Stirling Street, to maximise the available street lighting, as a way to assist in the detection of street prostitution offences and the promotion of positive aspects of community safety; and
6. NOTES that the City's Administration will pursue grants for the funding of the proposed CCTV cameras.

Moved Cr Carey, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Maier

“That a new Clause 7 be inserted to read as follows:

REQUESTS that the City seek an urgent meeting with the WA Police and the Department of Housing to discuss the issue of street prostitution in Highgate area.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council;

1. RECEIVES the Progress Report No. 1 as at 22 March 2013 concerning street prostitution in the Highgate area;
2. AUTHORISES the Chief Executive Officer:
 - 2.1 to implement a programme of placing Ranger/Security Officers in Stirling Street and the surrounding area as a way to disrupt the standard routes used by kerb-crawlers and the activities of streetwalkers, for an initial period of one (1) month, at an estimated cost of approximately \$10,500; and
 - 2.2 to determine which streets should be the subject of activity as prescribed in Clause 1., based on information and intelligence from the WA Police and other sources;

3. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of:
 - 3.1 **\$30,000** from a source to be identified by the Chief Executive Officer, for the installation of additional lighting in Stirling Street, Highgate, between Bulwer and Lincoln Streets to assist in minimising the incidence of street prostitution and anti social behaviour; and
 - 3.2 **\$20,000** from a source to be identified by the Chief Executive Officer, for the installation of moveable CCTV cameras in Stirling Street, Highgate and the surrounding area, to provide evidence and intelligence to support WA Police in identifying and prosecuting offenders and to assist in minimising the incidence of street prostitution and anti social behaviour;
4. **NOTES** that;
 - 4.1 the Mayor is having ongoing discussions with senior police on the intensification of policing and prosecutions in respect to street prostitution and associated activities; and
 - 4.2 a report will be provided to the next Ordinary Meeting of Council to be held on 9 April 2013;
5. **APPROVES** the additional pruning and trimming of the verge tree canopies in Stirling Street, to maximise the available street lighting, as a way to assist in the detection of street prostitution offences and the promotion of positive aspects of community safety; and
6. **NOTES** that the City's Administration will pursue grants for the funding of the proposed CCTV cameras; and
7. **REQUESTS** that the City seek an urgent meeting with the WA Police and the Department of Housing to discuss the issue of street prostitution in Highgate area.

PURPOSE OF REPORT:

The purpose of this report is to obtain approval to implement appropriate remedial actions to deter and detect street prostitution and anti-social behaviour, as well as to raise the community concerns with the Minister for Police.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2012 at Item 9.4.6, it was resolved as follows:

"That the Council;

1. *RECEIVES* the report regarding street prostitution and "street walkers" in the Stirling Street, Highgate area;
2. *NOTES* the action taken by the City's administration concerning the matter as detailed in the report;
3. *AUTHORISES* the Chief Executive Officer to investigate the installation of additional and/or upgrade of Western Power Street lighting, as well as alternative lighting methods in Stirling Street and surrounding streets;
4. *REQUESTS* the Safer Vincent Committee to consider this matter at its next meeting; and
5. *APPROVES BY AN ABSOLUTE MAJORITY* the immediate installation of a solar powered LED streetlight adjacent the payphone at 290 Stirling Street, Highgate, at an estimated cost of \$7,800 to be funded from the 2012/2013 Street Lighting Upgrade budget."

It has been suggested that a similar strategy to that adopted in 2000 be trialled. In 2000, the City adopted a programme of rolling road closures which created uncertainty for the kerb crawlers, who could not predict where to go to pick up a prostitute.

DETAILS:

Number of Complaints

Since 20 November 2012, the City has received five (5) complaints about street prostitution and the Police have not yet provided the actual number of complaints that they have received, but this was estimated at around twenty (20) complaints.

The following statistics may be of assistance:

Overall Street Prostitution Complaints raised by residents since Public Meeting of Street Workers on 25 October 2012		
Alleged Incident and Date	Police IR report number provided?	Action Taken by City
General Street Prostitution concerns 18/3/2013	Not provided	<p>Prior to this letter of complaint, the City had:</p> <ul style="list-style-type: none"> • Introduced measures, such as improved lighting, as a way to better identify the scale of the problem and to deter would-be offenders; • Arranged for additional Ranger patrols to provide a visual presence to act as a deterrent measure; and • Reinforced the need for residents to report all prostitution and anti-social behaviour to the Police.
Street prostitution Caversham Street, East Perth 18/1/2013	Not provided	<p>The City:</p> <ul style="list-style-type: none"> • Contacted the business occupier and provided advice on appropriate CPTED strategies; • Took action to prune the canopies of street trees to provide better illumination and sightlines; • Provided a 'Business Beat' Pack to the complainant to encourage appropriate actions to reduce the impact of street prostitution and anti-social behaviour; and • Referred the complaint to WA Police.
Complaint from landlord with property in Stirling Street, Perth advising short term tenant was moving out due to prostitution issues 28/11/2012	Not provided	<ul style="list-style-type: none"> • The City spoke to the complainant and explained that the tenant had not made the City aware of concerns, so it was not possible to undertake specific actions to alleviate the tenant's issues.

Overall Street Prostitution Complaints raised by residents since Public Meeting of Street Workers on 25 October 2012		
Alleged Incident and Date	Police IR report number provided?	Action Taken by City
Street prostitution Bulwer Street, Perth 14/11/2012	Not provided	<ul style="list-style-type: none"> The Co-ordinator Safer Vincent contacted the complainant to discuss the problem and to provide CPTED advice. The City provided the complainant with a free motion activated LED light, which would illuminate when anyone walked close to the sensor. The City reported the matter to the WA Police for their information and action.
Assault and Break in related to Prostitution, Stirling Street, Perth 10/11/2012	IR provided but not able to be verified by WA Police	<ul style="list-style-type: none"> The complainant provided an incomplete Incident Report Number, which made it difficult to check the actions taken. The Co-ordinator Safer Vincent discussed the issues with the complainant and provided advice on CPTED strategies and reinforced the need to report all prostitution and anti-social behaviour issues to WA Police.

Eyes on Street reports since November 2012 to February 2013*		
Issue	Area	Action Taken by City
3 suspicious behaviour reports	Highgate/ Perth	These matters were reported to the WA Police by the Co-ordinator Safer Vincent.
3 reports for alleged prostitution issues	Highgate/ Perth	These matters were reported to the WA Police by the Co-ordinator Safer Vincent.
2 for other alleged offences	Highgate/ Perth	These matters were reported to the WA Police by the Co-ordinator Safer Vincent.

WA Police figures provided so far*	
Prostitution act offences and date	Suburb
Seeking a prostitute 19 December 2012	Perth
Seeking a prostitute 19 December 2012	Highgate
Move on notice under Prostitution Act 4 December 2012	Highgate
* Given the short notice, Police were unable to provide accurate statistics, but further statistics will be provided by WA Police, to identify any convictions for prostitution offences from January 2013	

Conclusion

Despite a number of complaints to the Mayor and Councillors that prostitution and anti-social behaviour is a major problem, the statistics received by the City do not appear to support this. It is clear that the issue continues to be of serious concern for residents of Stirling Street and the surrounding area, but the residents themselves also need to adopt a pro-active stance and report matters as soon as they are observed.

ACTION TAKEN BY THE CITY'S ADMINISTRATION SINCE NOVEMBER 2012:

The following information is provided concerning the actions taken to implement the Council decisions:

"2. *NOTES the action taken by the City's administration concerning the matter as detailed in the report; ...*"

Action Taken:

- The City has placed funds on the 2013/2014 Draft Budget, for additional CCTV cameras and infrastructure for Leederville and the Stirling Street area.
- The City has developed an on-line "Report It" site where the community can report problems to the City and the Co-ordinator Safer Vincent will then share this information with WA Police. The community are encouraged to report all matters to the Police first and to thereafter provide a report to the City, for follow-up.
- In conjunction with WA Police, the City has developed a "Report Card", which outlines the roles of the Police and the City, details of how best to report crimes and what information should be provided.
- The City has installed "Eyes on the Street" signage in the Stirling Street and nib Stadium area, to encourage people to report problems.
- The City has met with a number of residents to provide CPTED advice, as well as appropriate advice on strategies to reduce the impact of offences.
- Tree canopies have been pruned to allow more light to penetrate the streets.
- Regular patrols by Rangers have been arranged, as a deterrent measure, by increasing the presence of the City's staff.

"3. *AUTHORISES the Chief Executive Officer to investigate the installation of additional and/or upgrade of Western Power Street lighting, as well as alternative lighting methods in Stirling Street and surrounding streets;*"

Action Taken:

- The City of Vincent has installed a Solar Powered LED Street Light, adjacent to the pay phone at No. 290 Stirling Street, Highgate at a cost of \$7,800 on 20 November 2012.
- An amount of \$30,000 has been placed on the 2013/2014 Draft Budget, for additional lights in the area where prostitution activities have been identified. While initially expensive, solar lights provide an excellent ongoing illumination, with little or no usage costs.
- The City has upgraded the existing street lighting in the Stirling Street area of Highgate, to provide better illumination, which in turn will improve the ability of the Police and the public to identify offenders. It should be noted that one of the strategies recommended by the WA Police and other Agencies, to reduce the incidence of prostitution, is to increase the level of lighting.

- "4. *REQUESTS the Safer Vincent Committee to consider this matter at its next meeting; and...*"

Action Taken:

The matter of street prostitution and the associated anti-social behaviour has been discussed and considered at a number of Safer Vincent Crime Prevention Partnership (SVCPP) meetings, the most recent being 13 March 2013. The Mayor attended that meeting to discuss the issues and to recommend a number of actions, including:

- Pursue any available Grant funding for additional lighting and CCTV cameras;
- Publish the details of men convicted of seeking prostitutes to discourage future kerb crawling activity in Vincent (*It is recommended that legal advice be sought, before the City publishes such details*);
- Establish additional lights in Stirling Street;
- The SVCPP endorse the next Safety Audit to be conducted in the Stirling Street area on 20 April 2013. These audits focus on Crime Prevention Through Environmental Design (CPTED) initiatives and the identification of potential vulnerabilities in the audit area.

The Mayor specifically requested more detailed WA Police statistics of all prostitution related offences, including the number of "Move On" notices, prostitution offences and charges made against kerb crawlers, since 1 January 2013. She further requested that this information be provided at all future SVCPP meetings, so that the City can track and analyse trends, as a way to reduce the perception of an unsafe environment.

- "5. *APPROVES BY AN ABSOLUTE MAJORITY the immediate installation of a solar powered LED streetlight adjacent the payphone at 290 Stirling Street, Highgate, at an estimated cost of \$7,800 to be funded from the 2012/2013 Street Lighting Upgrade budget.*"

Action Taken:

A solar powered LED street light was installed as per the Council decision on 20 November 2012.

Possible Temporary Road Closures

The possible re-introduction of road closures, as a means of curbing and minimising street prostitution is based on the City of Vincent's previous trial of such road closures in 2000. These road closures were concentrated in pockets where street prostitution was prevalent and served as a deterrent to kerb crawlers, who did not want to be identified by local authorities or WA Police. Whilst these actions resulted in a measurable reduction in the level of street prostitution, the benefits have been eroded over time, until the current situation has prevailed. The road closures were very successful in reducing the number of street prostitutes in Vincent and the actions were conducted in conjunction with WA Police.

However, it should be noted that legislation has changed since 2000 and it is now a requirement that a Traffic Management Plan (TMP) and a Traffic Control Diagram (TCD) be compiled by an accredited person, before road closures are implemented. As a result, there will be a one-off cost of around \$600 for these documents to be produced by an accredited traffic management company. Further, it is an offence for a person to erect or dismantle road closure signage, unless they are accredited to "Basic Worksite Traffic Management" level. Since none of the current Rangers are accredited, the City would need to engage a traffic management company to undertake this work at an estimated cost of \$600 per night.

Conclusion

The estimated cost of operating temporary street closures is approximately \$22,500 for one (1) month. This is not supported, however the use of Rangers to "monitor" the area is preferred, as it will achieve a similar objective - albeit at a lesser cost.

CCTV

Appropriate locations for CCTV cameras have been included in Item 9.4.5 - "*Draft CCTV Strategic Plan 2013-2018 – Adoption in Principle*" report that will be considered at the Ordinary Meeting of Council on 26 March 2013. It is proposed that cameras be installed on Stirling Street and adjoining streets, in the Highgate area, including the areas surrounding nib Stadium and Birdwood Square. This would assist the investigations into street prostitution and kerb crawlers, as well as anti-social behaviour, drunkenness, etc. This system would be connected to the larger CCTV system currently being installed on Beaufort Street and, whilst the cameras will not be monitored full time, the images will be transmitted back to the Administration and Civic Centre and stored for up to one month, should subsequent retrieval be necessary. For security and evidence-integrity reasons, the system will have the capability to be monitored, by selected computer terminals, on an as required basis.

An amount has also been included in the 2013/14 Draft Annual Budget for additional lighting and CCTV cameras to be installed throughout the City.

ACTION TAKEN BY WA POLICE:

WA Police have advised that they continue to conduct regular uniformed patrols, along with targeted covert operations of the Stirling Street area. These patrols are focused on the identification of kerb crawlers and the reduction in the number of street prostitutes operating in the Vincent area.

Residents and ratepayers are encouraged to always report prostitution and other matters to the WA Police Operations Centre (POC) on 131 444. Even if WA Police do not attend for every offence, all reported offences are collated and used for tasking of resources. If the issues go unreported, the WA Police will not necessarily be aware of the problems, so they may not allocate sufficient resources to the area.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Road closures will be conducted under the delegated authority of the Chief Executive Officer and appropriate temporary permits will be issued by Ranger and Community Safety Services.

RISK MANAGEMENT IMPLICATIONS:

The City's residents, ratepayers and businesses continue to suffer from the negative perceptions of community safety and crime surrounding street-based sex work. By implementing the proposed action as contained in this report the City, in conjunction with the WA Police, can continue to offer a proactive and positive response to serious community concerns.

STRATEGIC IMPLICATIONS:

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 1.1.4 states:

"Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Whilst Road Closures will not be sustainable in the long term, because of costs, it is proposed that these be conducted on a short term basis, which should have a desired effect in deterring street prostitution from the areas of concern.

FINANCIAL/BUDGET IMPLICATIONS:

Approximate costings to monitor the road have been based on four (4) staff from either the Temporary Rangers or existing Rangers to work from 6pm to midnight. There will also be a need for Traffic Control Diagrams to be compiled by an accredited traffic management company, authorised to do so, under Australian Standard AS1742.11. The expenditure for this matter will be incurred under a budgeted item yet to be identified and is estimated to be an initial amount of \$50,000 for additional lighting and CCTV \$10,500 for road monitoring.

COMMENTS:

The City's Council Members continue to receive a large number of complaints from residents and ratepayers in the Stirling Street area about street prostitution and anti-social behaviour. The City has undertaken a number of measures in an attempt to alleviate the concerns of the community, but this does not appear to have reduced the level of complaints. As a result, it is recommended that the City considers the reinstatement of "rolling road closures" in the Stirling Street area, aimed at disrupting the ability of kerb crawlers to locate street prostitutes and to relocate the prostitutes themselves away from the problem and residential areas.

It is also recommended that the Council approves the reallocation of \$50,000, from a source to be identified by the Chief Executive Officer, for the immediate introduction of road closures and the purchase and installation of additional solar-powered lighting and CCTV, as a way to reduce the impact of street prostitution and anti-social behaviour.

It should be noted that prostitution and kerb crawling is a criminal offence and as such, the responsibility of the WA Police to enforce. The local government can assist in a number of ways, as outlined in this report; however, such action is complementary to the role of the WA Police.

The Report is recommended for approval.

9.1.14 Amendment No. 111 to Planning and Building Policies – Policy No. 3.5.1 relating to Minor Nature Development

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	PLA0165
Attachments:	001 – Draft Amended Policy No. 3.5.1 – Minor Nature Development		
Tabled Items:	Nil		
Reporting Officer:	C Roberts, Senior Strategic Planning Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendment to Policy No. 3.5.1 - Minor Nature Development, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Policy No. 3.5.1 - Minor Nature Development having regard to any submissions received; and
 - 2.2 **DETERMINES** the Draft Policy No. 3.5.1 - Minor Nature Development having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

COUNCIL DECISION ITEM 9.1.14

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To seek the Council's consent to advertise a modification to Policy No. 3.5.1 relating to Minor Nature Development, in particular Clause 2(v) which outlines where above ground swimming pools are exempt from the requirement to obtain development approval.

BACKGROUND:

The City's Statutory Planning Officers and Development Compliance Officer have indicated that the above ground swimming pool planning approval requirements, as outlined in Policy No. 3.5.1 - Minor Nature Development, do not correlate with the R-Codes which results in a 'loophole' that allows above ground swimming pools to be developed higher than 0.5m above ground level, potentially causing privacy issues for neighbours.

The matter has been researched and it is clear that the Residential Design Codes (R-Codes) contains adequate provisions to address potential privacy (clause 6.8.1) and fill (clause 6.6.1) issues associated with decking surrounding above ground swimming pools, however the R-Codes do not deal with the “edges” of above ground swimming pools which can be stood upon, resulting in overlooking issues to neighbouring properties.

Therefore an amendment to above ground swimming pool planning approval exemptions is proposed to ensure consistency with the R-Codes standards for fill, to ensure the reasonable protection of privacy to adjoining properties.

History:

Policy No. 3.5.1 relating to Minor Nature Development

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.5.1 relating to Minor Nature Development.
11 June 2002	The Council at its Ordinary Meeting resolved to adopt Amendment No. 2 to the Planning and Building Policy Manual relating to Policy No. 3.5.1 (the amendment was unrelated to swimming pool exemptions).
28 June 2005	The Council at its Ordinary Meeting resolved to adopt Amendment No. 22 to the Planning and Building Policy Manual relating to Policy No. 3.5.1 (the amendment was unrelated to swimming pool exemptions).
22 November 2005	The Council at its Ordinary Meeting resolved to adopt Amendment No. 28 to the Planning and Building Policy Manual relating to Policy No. 3.5.1 (the amendment was unrelated to swimming pool exemptions).
6 December 2011	The Council at its Ordinary Meeting resolved to adopt Amendment No. 84 to the Planning and Building Policy Manual relating to Policy No. 3.5.1 (the amendment was unrelated to swimming pool exemptions).

Previous Reports to Council:

This matter has not previously been reported to the Council.

DETAILS:

Clause 33(d) of the City's Town Planning Scheme No. 1 enables the City to allow planning approval exemptions for development of a minor nature listed in a planning policy.

The objective of Policy 3.5.1 - Minor Nature Development is:

"To define development of a minor nature which, although complying with provisions of the City of Vincent Town Planning Scheme No. 1, is exempt from the need to obtain planning approval in accordance with Clause 33(d) of the City of Vincent Town Planning Scheme No. 1. A Building Licence is required for building works of a minor nature where this is appropriate."

Currently Policy No. 3.5.1 classifies above ground swimming pools, where any part projects more than 1800mm above the surrounding ground level, as minor nature development. Minor nature development is exempt from the requirement to obtain planning approval.

Amendment No. 111 proposes to modify Clause 2(v) to require planning approval for above ground swimming pools where any part projects more than 500mm above the surrounding ground level. The modification is consistent with the R-Codes planning approval requirements under clause 6.6.1, which has the effect of stating that any fill projecting more than 500mm above ground level requires planning approval. The approval requirement stems from potential building bulk and privacy issues associated with structures projecting above ground level.

The proposed modification to Clause 2(v) is from (emphasis added):

*“swimming pools where no part is more than **1800** millimetres above the surrounding ground level”*

to:

*“swimming pools where no part is more than **500** millimetres above the surrounding ground level”*

The effect of the change is that the City will now be able to require 1.6m privacy screening to be erected at the perimeter of above ground swimming pools proposed to be constructed at a height above 0.5m from surrounding ground level, which provides a standard to protect the privacy of adjoining properties. This is likely to encourage people to develop below ground swimming pools (where there are no excavation issues), which will be a better development outcome for the City in terms of privacy protection between properties.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy will be advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City’s website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, the Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

LEGAL/POLICY:

The following legal/policy documents are relevant to this report:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes of Western Australia.

RISK MANAGEMENT IMPLICATIONS:

Low: The risk for amending the Minor Nature Development policy to modify the swimming pool exemption from the requirement to obtain planning approval is relatively low as the Residential Design Codes of Western Australia outlines standards for excavation/fill and visual privacy, which are the only planning issues that arise from the matter.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2011-2016 states:

“1.1 Improve and Maintain the Environment and Infrastructure

1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 5,444</u>
Balance:	\$74,556

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

COMMENTS & CONCLUSION:

The proposed amendment to Policy No. 3.5.1 – Minor Nature Development is an appropriate change to the City's Planning and Building Policy Manual to bring the planning approval requirements for above ground swimming pools in line with the provisions of 6.6.1 (excavation/fill) and 6.8.1 (visual privacy) of the R-Codes.

The current planning approval exemption for swimming pools (exempt where projecting less than 1.8m above surrounding ground level) does not facilitate adequate protection of privacy for adjoining properties. The proposed modified threshold for swimming pools (exempt where projecting less than 0.5m above surrounding ground level) will facilitate swimming pool development that provides greater amenity protection for adjoining properties.

In light of the above, it is requested that the Council endorse the Officer Recommendation to advertise the proposed amendments to the policy.

9.1.15 Road Closure and Rezoning of Road Reserve in the South-Western Section of Main Street/Brady Street and Scarborough Beach Road Intersection

Ward:	All	Date:	15 March 2013
Precinct:	Both	File Ref:	PLA0205
Attachments:	001 – Letter from Department of Planning 002 – Map of affected area		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the initiation of a:
 - 1.1 road closure in the south-western section of Main Street/Brady Street intersection as shown in the map in Appendix 002, to be undertaken in accordance with the Lands Administration Act 1997 and Land Administration Regulations 1998; and
 - 1.2 Metropolitan Region Scheme (MRS) Amendment to re-zone the ‘MRS Road Reserve’ to ‘MRS Urban’ as shown on the map in Appendix 002, to be undertaken in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967, and advise the Department of Planning accordingly;
2. **AUTHORISES** the Chief Executive Officer to liaise with the Department of Regional Development and Lands as follows:
 - 2.1 Requests that a valuation be undertaken on the lots under private ownership and the road reservation under State ownership as shown in Appendix 002;
 - 2.2 Arrange for the engagement of a surveyor to mark out the land to be ceded from the private lots and the area of road closure;
 - 2.3 Requests a change of land ownership arrangement and determine whether either party will be required to pay the excess; and
 - 2.4 Requests that the Department of Regional Development and Lands finalise the land transfer;
3. **NOTES** that on approval of the MRS Amendment Report by the Western Australian Planning Commission, outlined in clause 2 above, the City shall initiate a Town Planning Scheme Amendment to rezone the Other Regional Road, Public Open Space and the Local Road, as shown in the map attached in Appendix 002 to a zoning consistent with the adjacent private lots; and
4. **REQUESTS** to the State Government that during the land transfer process the land area ceded to the State Government for the road widening is equal to that transferred to the private land holders to enable a larger area of public open space that is functional and readily accessible to accommodate the projected growth in population and residential density in the locality.

COUNCIL DECISION ITEM 9.1.15

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council support to endorse the progression of a road closure for the area shown in the map attached along Scarborough Beach Road between Jugan Street and the Brady Street/Main Street intersection and to progress with associated matters affecting this intersection, including a land swap, MRS amendment and ultimately a Scheme Amendment.

BACKGROUND:

At the Ordinary Meeting of Council held on 1 December 2009, the Council considered the possibility of a partial road closure for the land in the south-western section of Main/Brady Street and Scarborough Beach Road intersection, and resolved as follows:

"That the Council;

- (i) RECEIVES the report on a request received for a possible partial closure and amalgamation of Gibney Avenue, possible partial road closure and amalgamation with adjoining land at No 3 Brady Street, of a portion of Gibney Avenue, Mount Hawthorn;*
- (ii) SUPPORTS IN PRINCIPLE the concept of a partial closure and amalgamation of Gibney Avenue subject to;*
 - (a) in principle agreement being reached with the City of Stirling and Main Roads WA for the proposed future improvements to the Scarborough Beach Road/Main Street/Brady Street/Green Street intersection;*
 - (b) the outcome of clause (ii)(a), ensures that adequate area of road reserve remains at the intersection of Brady Street and Scarborough Beach Road to allow for the proposed future intersection improvements including, but not limited to, allowance for possible service relocations, paths and road realignments; and*
 - (c) all costs associated with the proposal being paid by the Applicant;*
- (iii) ADVISES the Department for Planning and the applicant of the Council's decision; and*
- (iv) NOTES that a further report on this matter will be submitted to the Council when clause (ii) has been actioned."*

Since this time, various events have transpired to progress the matter, as outlined in the 'History' section below.

History:

Date	Comment
1 July 2007	The area of land bounded by Scarborough Beach Road, Powis Street and the Mitchell Freeway was ceded from the City Stirling to the City of Vincent as part of the local government boundary change.
10 September 2008	The City of Vincent accepted an invitation from the then Department for Planning and Infrastructure to participate in the Working Group for the Scarborough Beach Road Activity Corridor Demonstration Project.
1 December 2009	The Council at its Ordinary Meeting provided in-principle support to the concept of a partial road closure for the land in the south-western section of Main/Brady Street and Scarborough Beach Road intersection, subject to a series of conditions, as outlined in the 'Background' section above.

Date	Comment
14 June 2010	Letter received from the Department of Planning noting that the Council's request of the partial closure approved at the Ordinary Meeting of Council on 1 December 2009 was considered premature, given it could potentially prejudice the Western Australian Planning Commission's future requirements for the widening/upgrading of this section of Scarborough Beach Road. It was recommended to the City to wait until the land requirement for the future widening of Scarborough Beach Road has been finalised and endorsed by the Western Australian Planning Commission, before progressing this matter.
22 February 2011	The Council considered a report relating to the three (3) road design options for the southern portion of Scarborough Beach Road between Main Street and the Mitchell Freeway, as part of the Scarborough Beach Road Activity Corridor Project. The Council endorsed Option 2, resulting in a 3.5 metre increase in the existing 5 metre road reservation for this portion of the road.
27 September 2011	The Council endorsed the Scarborough Beach Road Activity Corridor Urban Design Framework, as a higher level strategic planning document to guide the long term vision for the portion of Scarborough Beach Road that traverses the City of Vincent.
November – December 2012	The Department of Planning advertised the Scarborough Beach Road Activity Corridor Framework – A Land Use and Transport Vision, for public comment. Once endorsed by the Western Australian Planning Commission, this document is to be a higher level strategic planning document to guide the long term vision for Scarborough Beach Road, from Scarborough Beach to Charles Street, North Perth.
18 December 2012	The Minister for Planning granted approval for Planning Control Area No. 104 affecting Scarborough Beach Road from Main Street to King Edward Road, in the Cities of Vincent and Stirling. This was published in the Government Gazette on 18 December 2012 and is to be in place for a period of five (5) years.
30 January 2013	Letter received from the Department of Planning dated 24 January 2013, acknowledging that the Department of Planning supports the land in the south-western section of Main/Brady Street and Scarborough Beach Road intersection being re-zoned from 'MRS Road Reserve' to 'Urban', for the Council to progress a partial road closure and for the land to be transferred to private ownership as part of a land swap with the State Government. A copy of the letter and accompanying map is shown as attachments to this report.

Previous Reports to Council:

The matter was previously reported to the Council at its Ordinary Meeting on 1 December 2009, as Item No. 9.2.2. A copy of the minutes can be downloaded from the following link from the City's website:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2009

DETAILS:

Town Planning Scheme Provisions

The subject land forms part of the area that was ceded from the City of Stirling to the City of Vincent during the boundary changes that took place on 1 July 2007. Currently, for planning purposes, all proposed development on this land is to be determined in accordance with the City of Stirling District Planning Scheme No. 2 and associated policies and provisions, until such time as Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1 is gazetted. This Scheme Amendment is currently awaiting ministerial approval, anticipated to be received by May 2013.

The properties comprising No. 4 (Lot 34) and No. 2 (Lot 33) Jugan Street; No. 289 (Lot 9), No. 287 (Lot 7), No. 283 (Lot 6), No. 281 (Lot 5), No. 279 (Lot 4) Scarborough Beach Road; and No. 1 (Lot 3), No. 3 (Lot 32), No. 5 (Lot 16) and No. 7 (Lot 17) Brady Street, Mount Hawthorn were the subject of a Scheme Amendment No. 423 to the City of Stirling District Planning Scheme No. 2, which introduced the Glendalough Station Precinct and zoned these aforementioned lots 'Mixed Residential'. Clause 2.3.1 of Scheme Amendment No. 423 prescribes that *"no development of Lots 3, 32, 16 and 17 shall occur until such time as the land subject to the Brady Street road closure has been finalised and agreement reached with the owner(s) of the abovementioned properties regarding its acquisition and inclusion within the overall design and layout of their landholdings so as to ensure the land is subject to a comprehensive development solution"*.

In response to this provision within the City of Stirling District Planning Scheme No. 2, the owners of the majority of the land within the 'Mixed Residential Cell' affected by this provision engaged Masterplan Consultants to prepare an indicative concept plan for the redevelopment of the site. Over the years, various meetings have been held with the Consultants, the land owners, the City of Vincent, the Department of Regional Development and Lands and the Department of Planning to progress the redevelopment of this site.

In recognising the strategic development potential of this site, as part of Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1, the City have proposed for this 'Mixed Residential Cell' to be zoned RAC2 and for an additional clause be included in the Scheme that provides the Council authority to request a Local Development Plan for large sites above 3,000sqm to be submitted and approved by the Council, prior to a development application being submitted. In addition, it is noted that the proposed RAC2 coding will allow greater development potential in terms of height, plot ratio and land use mix than that prescribed under the existing City of Stirling District Planning Scheme No. 2 provisions.

Road Closure

Whilst the City has not proposed as part of Scheme Amendment No. 32 that a road closure provision is incorporated into Town Planning Scheme No. 1, the City does recognise the development potential of this site and the benefits of the partial road closure to facilitate integrated mixed-use development within close proximity to Glendalough Station. To this end, the City has been actively working with the relevant State Agencies and the owners of the subject land to realise an outcome that is also consistent with the guiding principles of the Scarborough Beach Road Activity Corridor Framework endorsed by the Department for Planning.

The process to undertake the road closure has been endorsed by the Department of Planning and will be undertaken in accordance with the provisions of the Land Administration Act 1997 and the Land Administration Regulations 1998.

Land Swap

As per the letter received from the Department of Planning dated 24 January 2013, the Department is supportive of commencing the investigation of a land swap being undertaken on the lots under private ownership and the road reservation under State ownership, through liaison with the Department of Regional Development and Lands. This arrangement has partly transpired as a result of Planning Control Area No. 104 being placed on the subject lots addressing Scarborough Beach Road, which now requires additional land to be ceded to the State Government beyond the existing 5 metre road reservation. The additional land to be ceded is shown in the map in Appendix 002 of this report. It is anticipated that eventually Planning Control Area No. 104 will result in a formal MRS amendment for this private land to be rezoned from 'Urban' to 'Road Reserve' to accommodate the long term vision of Scarborough Beach Road being an integrated transport route.

The land swap will be administered by the Department of Regional Development and Lands and will be between the State Government and the private land owners. The City of Vincent will act in a facilitator role only and will not require contribute any costs as part of this process. As noted in the Council resolution, the City recognises the important of providing a functional open space in the locality, and have therefore conditioned a request that the State Government ensure in any land transfer process, the area of land to be ceded to the State is equal to that transferred to private ownership, to allow a greater area to be set aside for public open space.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Advertising of the road closure shall be undertaken in accordance with regulation 9 of the Land Administration Regulations 1998.

Advertising for the MRS Amendment and Town Planning Scheme Amendments will be undertaken in accordance with the Town Planning Regulations 1967.

LEGAL/POLICY:

- Land Administration Act 1997;
- Land Administration Regulations 1998;
- Planning and Development Act 2005;
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City has been liaising with the owners of the subject land and the relevant State Government agencies on this matter since the area was ceded from the City of Stirling to the City of Vincent in July 2007. Given that the Minister's decision to gazette Amendment No. 32 to the City's Town Planning Scheme No. 1 is believed to be eminent and that significant time has passed since this matter was first discussed with the City, it is important that the proposed road closure is progressed to align with the other associated matters to follow to eventually realise the redevelopment of this strategic location.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objectives 1.1.1, 1.1.4 and 1.1.5 state;

"Natural and Built Environment

- 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL
The proposed road closure, land swap and associated Town Planning Scheme and MRS Amendments are anticipated to contribute to creating an integrated transport corridor and strategic mixed use development area that capitalises on the close proximity to the Glendalough Train Station and reduces the dependence on the private motor vehicle.

SOCIAL
The proposed road closure, land swap and associated Town Planning Scheme and MRS Amendments are anticipated to contribute creating an integrated transport corridor and strategic mixed use development area that provides tangible long term benefits to the urban character of this area and improves the pedestrian amenity.

ECONOMIC
The proposed road closure, land swap and associated Town Planning Scheme and MRS amendments are anticipated to contribute in providing the planning framework to create landmark integrated mix use development that will contribute to the economic sustainability of the locality.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendments and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$74,556

COMMENTS & CONCLUSION:

The City has been liaising with the owners of the subject land and the relevant State Government agencies on this matter since the area was ceded from the City of Stirling to the City of Vincent in July 2007. Over the years progression has been made in developing a framework to enable that the necessary provisions are in place to ensure both that the development of the subject area at a local level can be achieved, whilst also adhering to the State Government requirements to align with the broader long term vision of the Scarborough Beach Road Activity Corridor Framework.

As outlined in the letter received from the Department of Planning dated 24 January 2013, it is considered that the City has a responsibility to act on the steps outlined in the letter to progress with the road closure and the land swap and eventually for the re-zoning of the land from 'MRS Road Reserve' to 'Urban' to provide the catalyst for transit oriented development around the Glendalough Station, which is recognised as a District Centre, under the Department of Planning's Directions 2031 strategic planning framework.

In light of the above, it is requested that the Council endorse the Officer's Recommendation to progress the proposed road closure and associated matters in line with the long term vision for the area espoused by the Department of Planning and to meet the redevelopment potential of the site as detailed in the City's Scheme Amendment No. 32 to Town Planning Scheme No. 1.

9.2.3 Les Lilleyman Reserve – Request from Cardinals Junior Football Club for Additional Training

Ward:	North	Date:	15 March 2013
Precinct:	Mt Hawthorn (1)	File Ref:	RES0019
Attachments:	Nil.		
Tabled Items:	Nil.		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Cardinals Junior Football Club's use of Les Lilleyman Reserve on a Wednesday night between 5pm and 6pm during the winter season;
2. **NOTES** that the Subiaco Football Club and Coastal Titans who currently use Les Lilleyman Reserve during the winter season have endorsed this additional use; and
3. **ADVISES** the North Perth Precinct group and local community of the proposed additional use for the 2013 winter season via the information board located at Les Lilleyman Reserve.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of a recent request from the Cardinals Junior Football Club's for the use of Les Lilleyman Reserve, North Perth for training of their 16-17 year old boys team.

BACKGROUND:

At the Ordinary Meeting held on 14 September 2004 a report was presented in relation to the Subiaco Football Club's use of Les Lilleyman Reserve where it was resolved (in part) as follows:

"That the Council;

- (i) APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
 - (a) Subiaco Football Club (SFC) Colts having priority use of the football oval area marked on the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm with the specified nights where possible to be identified and displayed at the reserve;*

- (b) *the use of the designated area of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*
- (c) *the use of the designated area of the reserve by SFC seniors and for WAFL development games not being permitted;*
- (f) *the reserve remaining as a dog off leash area (except for the hours of training) and an exclusive dog exercise area of 6000m2 being specifically created to accommodate dogs on the training nights;*
- (g) *notes that dogs off leash will be permitted on the entire reserve at all times during non training times. The proposed floodlights to be kept on for an additional hour after training has finished, for residents use. The lights to be installed to minimise any possible impact on residents;*
- (k) *the conditions of the use of Les Lilleyman Reserve by SFC being included as a Memorandum of Understanding (MOU) to be signed by both parties and included in the lease documentation;*
- (l) *notes that the Memorandum of Understanding covers the period from March to October inclusively and that any other use by SFC from November to February inclusive be the subject of the Council's approval;*
- (p) *the use of Les Lilleyman Reserve by SFC being reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group to form part of this review process, and any proposed changes being approved by the Council with park users will be notified of any changes;*
- (q) *the use of any casual booking of the reserve by SFC be restricted to "once off" events;*
- (s) *no later than the month of February each year, a notice will be displayed in a public place on the reserve identifying the three nights of the week Subiaco Colts will utilise the reserve.*

DETAILS:

History:

In conjunction with East Perth Football Club (EPFC) and Subiaco Football Club's (SFC) shared use of Medibank Stadium, alternative training grounds for both clubs were required for their Colts (under 20's) teams.

The use of Les Lilleyman Reserve was allocated to the SFC following consultation with the local community. This is prescribed in a Memorandum of Understanding (MOU) as part of the Leederville Oval (Medibank Stadium) lease.

Some of the issues raised by the community when the SFC's proposal to use Les Lilleyman Reserve first raised were traffic, parking, exclusive use of the reserve, increased noise and conflicts between footballers and dogs.

In the end the Council recommendation was cognisant of the comments received as a result of the community consultation and provided a position which allowed the SFC Colts and the community to co-exist on the reserve during the winter season.

Since 2004 there have been very few issues, other than the odd parking and traffic issue. The club and local community have a good relationship and the community have been particularly pleased in that any issues identified are quickly resolved.

Cardinals Junior Football Club (CJFC);

A request has been received from the CJFC committee for their Year 11 football squad consisting of twenty five (25) 16 to 17 year old boys to use Les Lilleyman Reserve for training on a Wednesday night.

The CJFC (who has been based at Menzies Park, Mt Hawthorn for many years) is continually expanding and now has over 200 'Auskickers' and 12 junior teams using Menzies Park. One of their biggest issues is setting a schedule and finding the space to fit all of the teams on the oval at Menzies Park during any given week.

The oval at Menzies Park is limited in size due to the embankments located along the north-eastern and eastern sides of the park and the older boys who are gaining in strength and power are finding it difficult to train given the limited space and safety considerations with younger children also training at the same venue.

Discussion with Subiaco Football Club (SFC):

The matter was formally raised with the SFC and the following response has been received in regard to the request from the CJFC.

Further to our recent discussion regarding the use of Les Lilleyman Reserve by the Cardinals Junior Football Club, the Subiaco Football Club would support 'in principle' the use of Les Lilleyman Reserve for one day per week (Wednesday) between the hours of 5:00pm – 6:00pm. As you are aware the Coastal Titans Football Club have an existing booking at the oval and their scheduled training time is from 6:00pm.

As discussed, the Subiaco Football Club would request that the changerooms, medical room and gym that is located at the oval is not utilised as these facilities would be in use by the SFC from 5pm. The (SFC Player Development Officer), Jeff Lind and Ben Haywood (Subiaco District Manager) who is affiliated with the Coastal Titans Women's Football Club have been advised of this proposal and should this be approved by the Council it would be appreciated if a meeting could be convened on site to discuss in further detail.

Winter use at Les Lilleyman Reserve (1 April – 30 September):

Letters have recently been sent out to all clubs requesting that they submit their forthcoming winter training schedules and matchplay dates prior to staff finalising the bookings at each respective reserve for the 2013 winter season.

The winter use for Les Lilleyman Reserve given the previous Council decision is unlikely to change from previous years as follows (Note:* proposed CJFC day/times)

CLUB	SPORT	DAYS	TIMES	STATUS
Subiaco Football Club	AFL	Mon/Tues/Thurs	5pm – 7.30pm	Existing
Cardinals Junior Football Club	AFL	Wed	5pm to 6.00pm	PROPOSED
Coastal Titans Football Club	AFL	Wed	6pm – 7.30pm	Existing

CONSULTATION/ADVERTISING:

The North Perth Precinct Group and park users will be notified of any changes to the use of this reserve and subsequently approved by the Council.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Australian Rules football does not have a major impact on the turf surface in comparison with soccer, wear areas are usually evident at the end of the winter season in the goal squares and centre square area only.

In view of the current use of Les Lilleyman Reserve, this proposed additional training use if approved will have little or no affect on the long-term sustainability of the playing surface.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

In view of the minimal impact and endorsement of SFC, it is recommended that the Council approve the request for the CJFC to use Les Lilleyman Reserve on a Wednesday night between the hours of 5pm – 6pm.

9.2.4 Hyde Park Lakes Restoration – Progress Report No. 17

Ward:	South	Date:	15 March 2013
Precinct:	Hyde Park (12)	File Ref:	RES0086, TEN0465
Attachments:	001 – Photos (Please click on pop up note for guide)		
Tabled Items:	Nil		
Reporting Officers:	K Bilyk, Property Officer; J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No.17 for the Hyde Park Lakes Restoration Project as at 15 March 2013;
2. **NOTES** that;
 - 2.1 The restoration works are progressing on schedule as outlined in the report and shown in the attached photographs; and
 - 2.2 The “treatment train” works are approximately four (4) weeks behind schedule as detailed in Progress Report No. 16; and
3. **CONTINUES** to receive monthly progress reports until the project is finalised.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Harley, **Seconded** Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Hyde Park Lakes Restoration Project.

BACKGROUND:

At its Special meeting held on 20 June 2012 the Council made the following decision (in part):

“That the Council;

1. *ACCEPTS* the tender submitted by Advantearing Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;
2. *AUTHORISES* the:
 - 2.1 *Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;*

- 2.2 *Chief Executive Officer to vary the proposed 'Soldier Pile Wall' design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and*
- 2.3 *AUTHORISES the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City, subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;...*
4. *NOTES that the 'Removal of Exotic Vegetation' from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions; and..."*

DETAILS:

1. Contract Documentation

1.1 Tender

Tender No. 456/12
Advertised: 26 May 2012
Closed: 15 June 2012
Awarded: Advanteeering Civil Engineers

1.2 Contracts

Construction contract signed on 27 June 2012.

1.3 Contract Variations/Additional Scope of Works

Construction

- Remaining portion of existing wall 200mm high to be retained and repaired.
- Bore inlet water feature - design and documentation
- Lake edge treatment for lakes - design and documentation
- Removal and treatment of vegetation Eastern Island.
- Additional culvert construction through causeway.
- Extending capping wall height (old wall) and render.
- Pipe extensions into lakes.
- Issue drawings and calculations to Water Corporation.
- Additional piling and panels to reduce beach area in Western lake.
- Removal of exotic vegetation from the western island as per the recommendations provided by GHD.
- Mini-excavator to remove Giant Reed root balls from the lake around the east island. The reach of the mini excavator was not sufficient to reach the outer most root balls as a result of the moist unstable ground; hence once the island has dried more a larger excavator will need to be utilized to remove the remaining root balls.
- Treatment train installation in lieu of Sediment Trap – once the final design was approved this variation shows the difference in cost compared to the initial tender design.
- Landscaping to new lake edge hard landscaping - paving only. Parks staff will complete the planting around the lake at a later date (April – May).
- Bore water inlet treatment William St – to improve the water quality entering the lake from the William St bore.
- Modification of construction site fencing for the Hyde Park Rotary Fair – as requested by the Rotary Club.
- Removal of giant reed balls from the Eastern Island – final preparation of Eastern Island for planting.

1.4 **Cost Variations**

Construction

Client Requests:

Description	Amount
Existing wall to be retained and repaired.	\$ 5,253.10
Bore inlet water feature - design and documentation	\$ 5,880.00
Lake edge treatment for lakes - design and documentation	\$ 9,293.00
Removal and treatment of vegetation Eastern Island.	\$ 27,102.50
Additional culvert construction through causeway.	\$ 5,043.00
Extending capping wall height (old wall) and render	\$ 27,825.00
Pipe extensions into lakes	\$ 33,019.15
Issue drawings and calculations to Water Corp	\$ 2,904.00
Additional piling and panels to reduce beach area in Western lake.	\$ 15,970.25
Removal of exotic vegetation western island	\$ 40,040.00
Mini-excavator to remove Giant Reed Root Balls from the lake around the east island	\$ 1,100.00
Treatment train installation in lieu of Sediment Trap	\$ 5,800.00
Landscaping to new lake edge hard landscaping - paving only	\$ 21,654.00
Bore water inlet treatment William St	\$ 4,280.00
Modification of construction site fencing for Hyde Park Fair	\$ 1,545.00
Removal of giant reed balls eastern island	\$ 11,262.50
Total	\$217,971.50

Summary of Variations

Total Variation Savings	(\$0)
Total Variation Additions	\$217,971.50
Total Variation	\$217,971.50

1.5 **Claims**

None applicable at this time.

2. **Works - Lakes**

2.1 **Piling and panel installation.**

All piles and panels have been installed. Back filling between new panel wall and old wall to eastern lake completed. Backfilling to wall of western lake completed. Capping to old wall completed. Capping to new wall progressing well. Hard standing paving between old and new wall ground preparation underway.

2.2 **Islands – east and west**

Eastern lake – final clearing and removal of giant reed root balls completed. Mounding of clean fill on eastern island completed. Final monitoring and removal of minor in progress, mulch being delivered to Eastern Island

Western lake – causeway has been constructed to the western island and the removal of exotic species is in progress.

2.3 **Pipe works**

Majority of all pipe extensions installed to new wall. Waiting on a final approval from Water Corporation in regards to the connection of the main drain through to new wall.

2.4 **Sediment removal**

Completed.

3. **Works – Flora And Planting**

3.1 **Edge treatment planting**

City of Vincent will now carry out final planting around lakes edges. These works are set to commence at the end of April 2013, beginning of May 2013.

3.2 **East and west islands and beaches**

Western lake beach construction commenced. The eastern and western lakes beach construction is in progress. Planting of the beaches is set to commence in late April 2013, early May 2013.

3.3 **Treatment train**

Construction work has commenced on the treatment train. The retaining wall has been constructed on the lake side of the treatment train.

Construction of the tier walls running north south and the retaining wall on the Vincent St side of the treatment train in progress. Treatment Train walls and base have been line along with the installation of inspection manholes. First level of filtering aggregate has been installed.

4. **Indicative Timeline**

4.1 **Progress**

Works are progressing well with the restoration of the Lakes on schedule. Although works to complete the Treatment Train are behind schedule time is being made up on a weekly basis now the main construction works are in progress. It is still estimated that construction works will be completed in mid April.

4.2 **Days Claimed**

Zero (0) have been claimed.

5. Communication Plan

Various communication methods have been utilised to advise park patrons, stakeholders and employees of the redevelopment, these are listed below:

- A letter drop to surrounding residents;
- Signage at either end of the central causeway;
- Website updates, including a photo diary, plans and a detailed project overview.
- Monthly report to Council.

CONSULTATION/ADVERTISING:

The City's officers have been updating the City's web page and relevant information together with photographs is included on this site. The site is updated on a regular basis. Additionally a letter drop was conducted at the commencement of the project covering nearby residences surrounding the Hyde Park site and further letter drops will be undertaken as the project nears completion.

LEGAL/POLICY:

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development to Hyde Park would be required to be referred to and approved by the Heritage Council of Western Australia prior to the commencement of works.

Hyde Park Lakes has been identified and recorded, and will need to be managed and remediated in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

In addition, the proposed restoration works will impact registered Department of Indigenous Affairs (DIA) site 3792 and will require a Site Identification Survey. The survey will need to be conducted to Section 18 standards in accordance with the Aboriginal Heritage Act 1972.

RISK MANAGEMENT IMPLICATIONS:

Medium-High: The construction project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant construction projects (e.g. Loftus Centre Redevelopment, rectangular stadium, DSR Office Building, Leederville Oval redevelopment).

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.3 Enhance and maintain the City's parks, landscaping and the natural environment."

SUSTAINABILITY IMPLICATIONS:

The City is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

As part of the City's Sustainable Environment Plan 2007-2012, the City has identified a number of objectives and the Hyde Park Lakes Restoration Project will be required to address most of the objectives listed below on various levels;

- reduce water use (reduce the size of the Lakes – Option 2A);
- use natural systems to improve water quality (construction of treatment train);
- encourage the planting of native species (Islands to be replanted); and
- re-establish native fringing vegetation as bird habitat areas (may be possible in some locations between existing and new walling).

FINANCIAL/BUDGET IMPLICATIONS:

Adequate funding has been allocated in the 2012/2013 budget to undertake the project. The Commonwealth Government are funding approximately 50% of the final project cost with the City and other minor contributions from the Water Corporation and North Perth Community–Bendigo Bank.

Seven (7) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	August	\$139, 467.20	\$139, 467.20	September 2012
No. 2	September	\$488, 281.55	\$488, 281.55	October 2012
No. 3	October	\$470, 067.70	\$470, 067.70	December 2012
No. 4	November	\$252, 793.69	\$252, 793.69	December 2012
No. 5	December	\$140, 697.64	\$140, 697.64	January 2013
No. 6	January	\$164, 110.88	\$164, 110.88	February 2013
No. 7	February	\$386, 278.71	\$386,278.71	March 2013
		Total Paid	\$2, 041,697.37	

COMMENTS:

Works are progressing well.

9.3.1 Investment Report as at 28 February 2013

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 28 February 2013 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 28 February 2013 were \$18,711,000 compared with \$20,711,000 at 31 January 2013. At 29 February 2012, \$23,811,000 was invested.

Investment comparison table:

	2011-2012	2012-2013
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000
October	\$21,511,000	\$26,711,000
November	\$21,011,000	\$24,711,000
December	\$18,011,000	\$20,711,000
January	\$25,011,000	\$20,711,000
February	\$23,811,000	\$18,711,000

Total accrued interest earned on Investments as at 28 February 2013:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$465,000	\$311,522	53.34
Reserve	\$535,000	\$420,000	\$479,389	89.61

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. Key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The funds invested have decreased from previous period due to payment to creditors.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

9.3.2 Authorisation of Expenditure for the Period 1 – 28 February 2013

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 February 2013 – 28 February 2013 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 February – 28 February 2013.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	73712 - 73825	\$136,185.26
Transfer of Creditors by EFT Batch	1496-1498, 1500-1502, 1505	\$3,110,031.22
Transfer of PAYG Tax by EFT	February 2013	\$246,938.80
Transfer of GST by EFT	February 2013	
Transfer of Child Support by EFT	February 2013	\$1,179.84
Transfer of Superannuation by EFT:		
• City of Perth	February 2013	\$28,994.21
• Local Government	February 2013	\$98,999.32
Total		\$3,622,328.65
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$9,583.39
Lease Fees		\$5,206.30
Corporate MasterCards		\$10,626.13
Loan Repayment		\$194,101.70
Rejection fees		\$27.50
Total Bank Charges & Other Direct Debits		\$219,545.02
Less GST effect on Advance Account		0.00
Total Payments		\$3,841,873.67

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment.

9.3.3 Financial Statements as at 28 February 2013

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 28 February 2013 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 28 February 2013.

BACKGROUND:

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates for the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income for the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure; and
- includes other supporting notes and other information that the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

In addition to the above, under Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 28 February 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-29
2.	Statement of Financial Activity by Programme Report	30
3.	Statement of Financial Activity by Nature or Type Report	31
4.	Statement of Financial Position	32
5.	Statement of Changes in Equity	33
6.	Capital Works Schedule	34-40
7.	Restricted Cash Reserves	41
8.	Sundry Debtors Report	42
9.	Rate Debtors Report	43
10.	Beatty Park Leisure Centre Report – Financial Position	44
11.	Major Variance Report	45-52
12.	Monthly Financial Positions Graph	53-55

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$12,004,181
YTD Revised Budget	\$13,817,730
YTD Variance	\$1,813,550
Full Year Budget	\$20,198,425

Summary Comments:

The total operating revenue is currently 87% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 19% under budget;
 Governance – 88% under budget;
 Law, Order, Public Safety – 43% over budget;
 Health – 6% under budget;
 Community Amenities – 22% over budget;
 Recreation and Culture – 18% under budget;
 Transport – 14% under budget;
 Economic Services – 28% under budget;
 Other Property and Services – 29 over budget; and
 General Administration (Allocated) – 1% over budget.

Operating Expenditure

YTD Actual	\$28,869,174
YTD Revised Budget	\$30,021,200
YTD Variance	(\$1,152,026)
Full Year Budget	\$45,143,870

Summary Comments:

The total operating expenditure is currently 96% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 3% under budget;
 Governance – 3% under budget;
 Law Order and Public Safety – 1% over budget;
 Health – 13% under budget;
 Education and Welfare – 6% under budget;
 Community Amenities – 7% under budget;
 Recreation and Culture – 5% under budget;
 Transport – 7% under budget;
 Economic Services – 10% under budget;
 Other Property & Services – 167% over budget; and
 General Administration (Allocated) – 243% under budget.

Net Operating and Capital Excluding Rates

The net result is Operating Revenue less Operating Expenditure plus Capital Revenue, Profit/(Loss) of Disposal of Assets and less Capital Expenditure.

YTD Actual	\$16,387,225
YTD Revised Budget	\$13,647,374
Variance	\$2,739,851
Full Year Budget	\$26,434,292

4. Statement of Financial Activity by Nature and Type Report

This statement of Financial Activity shows operating revenue and expenditure classified by nature and type.

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$25,074,148 and non-current assets of \$202,082,614 for total assets of \$227,156,762.

The current liabilities amount to \$10,894,112 and non-current liabilities of \$19,356,716 for the total liabilities of \$30,250,828.

The net asset of the City or Equity is \$196,905,934.

7. Net Current Funding Position

	28 February 2013 YTD Actual \$
Current Assets	
Cash Unrestricted	6,359,980
Cash Restricted	11,187,675
Receivables – Rates and Waste	2,211,219
Receivables – Others	3,204,358
Inventories	165,512
	23,128,744
Less: Current Liabilities	
Trade and Other Payables	(4,933,856)
Provisions	(2,552,425)
Accrued Interest (included in Borrowings)	(55,297)
	(7,541,578)
Less: Restricted Cash Reserves	(11,187,675)
Net Current Funding Position	4,399,491

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2012/2013 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$184,490	\$120,584	65%
Plant & Equipment	\$1,757,000	\$953,000	\$954,234	100%
Land & Building	\$11,289,000	\$9,512,000	\$7,412,175	78%
Infrastructure	\$13,916,365	\$6,392,595	\$3,582,477	56%
Total	\$27,273,005	\$17,042,085	\$12,069,470	71%

Note: The actual to date value for Plant and Equipment is the net of trade in value of the purchase price.

Note: Detailed analyses are included on page 34 – 40 of Appendix 9.3.3.

9. Restricted Cash Reserves

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 28 February 2013 is \$11.1m. The balance as at 29 February 2012 was \$16m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$745,081 is outstanding at the end of February 2013.

Out of the total debt, \$361,413 (48.5%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

The Sundry Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

11. Rate Debtors

The notices for rates and charges levied for 2012/13 were issued on the 23 July 2012.

The Local Government Act 1995 provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	27 August 2012
Second Instalment	29 October 2012
Third Instalment	3 January 2013
Fourth Instalment	7 March 2013

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$10.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the City for rate concessions do not incur the above interest or charge.

Rates outstanding as at 28 February 2013 including deferred rates was \$2,078,311 which represents 8.47% of the outstanding collectable income compared to 9.59% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 28 February 2013 the operating deficit for the Centre was \$991,518 in comparison to the year to date budgeted deficit of \$695,051.

The cash position showed a current cash deficit of \$642,597 in comparison year to date budget estimate of a cash deficit of \$343,507. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop have not opened yet, but partial services are offered through reception area. The indoor pool re opened on the 23rd July, 2012. The new 50 metre outdoor pool opened on 22 November, 2012 with the other outdoor pools opening in mid December. It should be noted that it was budgeted for the complete redeveloped centre to open in December 2012, it is now anticipated to open in mid March 2013.

13. Major Variance Report

The material threshold adopted this year is 10% or \$10,000 to be used in the preparation of the statements of financial activity when highlighting material variance in accordance with FM Reg 34(1) (d).

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of \$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.4.3 Community Sporting and Recreation Facility Fund (CSRFF) – Grant Application for Tennis Seniors Association of Western Australia

Ward:	South	Date:	15 March 2013
Precinct:	Hyde Park; P12	File Ref:	FIN0074
Attachments:	001 – CSRFF application		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

- APPROVES** the lodgement of the following application to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF):

Rank	Facility	Project	Amount
1	Tennis Seniors Association of Western Australia	Replace the lighting to six (6) courts	\$75,000 (excl. GST)

- LISTS** for consideration an amount of \$25,000 in the Draft Budget 2013/2014, subject to matching the funds being approved by DSR.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Harley, **Seconded** Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To obtain the Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Small Grants application for the facility as shown in Appendix 9.4.3 within the City of Vincent as outlined.

BACKGROUND:

The purpose of the CSRFF Small Grants is to assist community groups and Local Government authorities to develop well-planned facilities for sport and recreation for communities. The types of projects that will be considered for funding under the Small Grants category will include projects that involve the basic level of planning. The total project cost for the Small Grants must not exceed \$150,000, with the CSRFF contributing up to 1/3 of the total project cost.

On Friday, 1 February 2013, the CSRFF 2013/2014 Small Grant round opened; applications were due to be lodged with the City by Thursday, 28 February 2013 and to DSR by Friday, 29 March 2013. Small Grants are allocated to projects that do not exceed \$150,000 and involve a basic level of planning and implementation. These funds must be acquitted prior to 15 June 2014.

DETAILS:

Tennis Seniors Association of Western Australia (TSAWA)

TSAWA is situated at Robertson Park on Fitzgerald Street in North Perth. In 1997, TSAWA took over the lease at the venue and have since, with the assistance of the City of Vincent and the Department of Sport and Recreation, systematically upgraded the clubrooms and court facilities. The Club has 451 capitated members and a further approximate 450 social members with all eighteen (18) tennis courts being utilised at night during the weekdays.

The proposed upgrade of the flood lights to six (6) tennis courts is an extension of an ongoing programme to upgrade the amenity of the old court lighting to reach the standard of the newer courts. These six (6) tennis courts are the last of the eighteen (18) tennis courts to have their lighting upgraded.

Proposed Project

Upgrade of tennis court lighting for court numbers one to six (1-6) to bring them up to the same standard as lighting for court numbers seven to eighteen (7-18).

Costs

The Budget, as shown in Appendix 9.4.3 outlines the overall cost and breakdown of funding sought as follows:

Amount contributed by TSAWA:	\$25,000 (excl. GST)
Amount sought from Council:	\$25,000 (excl. GST)
Amount sought from DSR:	<u>\$25,000</u> (excl. GST)
Total:	\$75,000 (excl. GST)

This costing is based on the best of three (3) quotes sought by TSAWA for the proposed project, with a ten (10) percent allowance for escalation in costs over the next twelve (12) months.

Recommendation

The Council to support the project in principle to replace floodlighting to six (6) tennis courts to allow for the hosting of night tennis with the provision of \$25,000 (excl. GST). This contribution will be subject to equivalent funding provided by DSR.

CONSULTATION/ADVERTISING:

Development at TSAWA will require community consultation prior to final planning approval.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The increase in support from the Council is associated with low risk implications for the City.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, the following Objectives state:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

Community Development and Wellbeing

- 3.1 *Enhance and promote Community Development and Wellbeing:*
 - 3.1.3 *Promote health and wellbeing in the community*
 - 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

The CSRFF funding allows for the ongoing investment in the upgrading of the City's sport and recreation facilities to ensure their sustainability in providing quality recreational opportunities for residents.

TSAWA have demonstrated a long term commitment to upgrade and improve the facility with the proposed project being an extension of an ongoing programme to upgrade the amenity of the old court lighting to the standard of the newer courts.

Having taken over the lease of Robertson Park Tennis Courts on Fitzgerald Street in 1997, TSAWA have continually held this lease and recently extended it for a further five (5) years, until 31 August 2017.

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the project is requested to be considered for the Draft 2013/2014 Budget. The Council contribution to TSAWA will be subject to initial DSR grant approval and will match the contribution by DSR.

COMMENTS:

Supporting funding through the CSRFF process provides the opportunity to ensure the City's sporting and recreation assets continue to meet and exceed the expectations of their patrons and are able to cater for the diverse needs of the community into the future.

9.5.2 Information Bulletin

Ward:	-	Date:	15 March 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 15 March 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 15 March 2013 are as follows:

ITEM	DESCRIPTION
IB01	CRC for Water Sensitive Cities
IB02	Better Beginnings Program – Progress Report to February 2013
IB03	Medibank Stadium (Leederville Oval) Ground Management Committee Meeting Minutes
IB04	WALGA State Council Summary Minutes, Meeting held on 6 March 2013
IB05	Mindarie Regional Council Ordinary Council Meeting Minutes, Meeting held on 7 March 2013
IB06	Unconfirmed Minutes from the Local History and Heritage Advisory Group Meeting held on 7 March 2013
IB07	Unconfirmed Minutes from the Britannia Reserve Masterplan Working Group Meeting held on 13 February 2013
IB08	Unconfirmed Minutes from the Leederville Town Centre Enhancement Working Group Meeting held on 25 February 2013

9.1.5 No. 305 (Lot 4; D/P 1602) Fitzgerald Street, North Perth (Proposed Change of Use from Showroom/Warehouse to Recreational Facility (Crossfit Gym))

Ward:	South	Date:	15 March 2013
Precinct:	Hyde Park, P12	File Ref:	PRO5938; 5.2013.3.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission 003 – Applicant Submission to Council		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Platform Crossfit, on behalf of the owner, Jedan Holdings Pty Ltd, for Proposed Change of Use from Showroom/Warehouse to Recreational Facility (Crossfit Gym) at No. 305 (Lot 4; D/P: 1602) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 3 January 2013 and amended plans stamp dated 16 January 2013, subject to the following conditions:

1. The maximum gross floor area of the recreational facility shall be limited to 205 square metres, as depicted on the plans;
2. The maximum total number of employees shall be limited to three (3) at any one time;
3. The maximum total number of clients shall be limited to eight (8) at any one time;
4. This approval is valid for a period of one (1) year after which time the applicant will be required to have obtained a further planning approval;
5. The hours of operation shall be limited to 6.00am to 9.00am and 5.00pm to 8.00pm Monday to Friday and 7.00am to 12.00pm Saturday, inclusive and accordingly, the classes shall be scheduled to allow a 15 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;
6. The doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;
7. **WITHIN 28 DAYS OF THE ISSUE OF THE SUBJECT 'APPROVAL TO COMMENCE DEVELOPMENT'**, a detailed Parking Management Plan for the Recreational facility shall be submitted to and approved by the City. The Management Plan is to detail the following aspects:
 - 7.1 **Operational Management** - to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or surrounding streets; and

- 7.2 **Communications Strategy - outlining a complaint handling system which provides:**
- 7.2.1 a telephone number and email address to log complaints and enquiries;
 - 7.2.2 a procedure how complaints will be handled and associated timeframes for responding to such complaints; and
 - 7.2.3 a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the City of Vincent for its information; and
8. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements;**
- 8.1 **Cash in Lieu**
- Pay a cash-in-lieu contribution of \$7,203 for the equivalent value of 2.058 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR lodge an appropriate assurance bond/bank guarantee of a value of \$7,203 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 8.1.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
 - 8.1.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
 - 8.1.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
9. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 9.1 **Car Parking**
- The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and
10. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Eden and Fitzgerald Streets;
2. Any new street/front wall, fence and gate within the Fitzgerald Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences.
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The report is referred to a meeting of Council as more than five (5) objections have been received.

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council:

Not Applicable.

DETAILS:

Landowner:	Jedan Holdings Pty Ltd
Applicant:	Platform Crossfit (Mr B Dominguez & Ms N Haines)
Zoning:	Commercial
Existing Land Use:	Showroom/Warehouse
Use Class:	Recreational Facility
Use Classification:	"AA"
Lot Area:	355 square metres
Right of Way:	N/A

The proposal is for a change of use from Showroom/Warehouse to a Recreational Facility (Cross fit Gym). The Cross fit gym is essentially a structured fitness class under the guidance of a coach. The activity consists of a combination of free weight exercises, skipping, rowing, plyometric and bodyweight movements conducted at high intensity.

The applicant proposes classes (which operate for 1 hour) to take place between 6-9 am and from 5 -8pm, from Monday to Friday and 7.00am – 12.00pm on Saturday. The maximum employees at any one time proposed will be three (3) persons, with one (1) receptionist and two (2) coaches and classes are proposed to be a maximum of eight (8) people.

The subject property is located adjoining commercial offices within close proximity to the Gull Petrol Station, Bikram Yoga; and residential dwellings are located to the rear.

ASSESSMENT:

Town Planning Scheme/Parking and Access Policy Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	✓		
Access & Parking			✓
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		

Town Planning Scheme/Parking and Access Policy Detailed Assessment

Car Parking Calculation

Car Parking	
Car parking requirement (nearest whole number) Proposed Recreation (Internal) (1 car parking bay per 30 square metres of gross floor area – 205.16 square metres) – 6.839 car parking bays	= 7.0 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (The proposed development is within 400 metres of a bus stop) 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces. 	(0.7225) = 5.058 car bays
Minus the car parking provided on-site	3.0 car bays
Minus the most recently approved on-site car parking shortfall	Nil car bays
Resultant Shortfall	2.058 car bays

If the proposal were to be supported a cash-in-lieu payment of \$7,203 would be required.

Bicycle Parking Calculation

Bicycle Parking	
Recreation – Nil required	None Proposed

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	8 February 2013 – 21 February 2013
Comments Received:	Seven (7) comments were received during the neighbour consultation period with six (6) objections received and one (1) noting concern.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <p>Note that car parking is a significant problem within the area.</p> <p>Note that there is limited parking for the site for a business of this type, with the tenants likely to occupy the available bays, leaving the clientele to park along Eden Street.</p> <p>Concern that an existing Recreational facility in the area along with other uses including the Service Station/Hyde Park Hotel/Office Building have created parking issues within the area and noted that many of the cars from these facilities park at the rear of the subject tenancy along Eden Street, further limiting parking in the area. Furthermore residential property owners find it difficult to park along Eden Street.</p>	<p>Noted. It is considered that parking within the area is at a premium, however the use provides for a minimal car parking shortfall on site of 2.058 car parking bays, which is not considered of a significant impact and can be accommodated by the utilisation of other transport options to the site. Within walking distance of the premises there is a public car parking as well as opportunities for public transport.</p> <p>Noted. There are three (3) proposed car parking bays for the operators and the clientele for the premises at the rear of the property. It is considered that during the peak hours of operation at 8.00am in the morning and before 6.00pm that parking will be at a premium in the vicinity. However all parking bays within the vicinity are able to be utilised by any of the businesses in the area, subject to time constraints, and the nature of the use is not considered.</p> <p>Noted. Whilst there are a number of other uses to the proposed use in the vicinity, it is considered this section of Fitzgerald Street is of a Commercial zoning and is designed to function as an active area to accommodate various businesses. A by product of this will inevitably be a high utilisation of persons using a vehicle to access the properties. It is therefore considered that any use of the subject premises as a recreational facility will require its clientele to find alternative transport solutions if adequate parking is not available at the different parts of the day the facility operates.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Noise</p> <p>Concern regarding noise emanating from the gym.</p>	<p>Dismiss. It is considered that the subdued use of music for the premises is not considered unreasonable for a commercially zoned property. Any concerns relating to the level of noise can be considered according to the Environmental (Noise) Regulations 1997, which provide controls for the level of noise and by the City's Health Services.</p>
<p>Issue: Use</p> <p>Note the prevalence of other Gym and Pilates studios within close proximity to the proposed tenancy.</p>	<p>Dismiss. The City's Town Planning Scheme does not restrict/control the prevalence of a use.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

The applicant has provided the following response to the objections:

The following are responses to the neighbours' concerns:

"1) Note the prevalence of other Gym and Pilates Studios within close proximity to the proposed tenancy."

"Cross Fit is not your usual gym; it is an instructor lead exercise class with limited class sizes. As far as we are aware there are presently no other Cross Fit Gyms in the City of Vincent. We hope to foster relationships with those businesses around us to refer clients to the Pilates/Yoga business to increase our clients' flexibility and core control as well as help promote local business with our members. In addition we hope to engage our residential neighbours with a 1 month free membership to help them improve their health and fitness."

"2) Note that car parking is a significant problem within the area.

3) Note the limited parking for the site for a business of this type, with the tenants likely to occupy the available bays, leaving the clientele to park along Eden Street.

4) Concern that an existing Recreational facility in the area along with other uses including the Service Station/Hyde Park Hotel/Office Building have created parking issues within the area and noted that many of the cars from these facilities park at the rear of the subject tenancy along Eden Street, further limiting parking in the area. Furthermore residential property owners find it difficult to park along Eden Street."

"We are aware that car parking is currently a problem in this area and that is why we will be asking our members to adhere to the following:

- 1) If possible use public transport; there are multiple bus routes that stop outside the property that can take people to and from work/home.*
- 2) Use a bike as a bike rack will be provided.*
- 3) Prohibit member parking on Eden Street to prevent further congestion on this street.*
- 4) Offer incentives to those that car pool and catch public transport."*

"4) Concern regarding noise emanating from the gym (music)."

"The purpose of the music in a work out is to help the gym members get through the work out, however this is not to the detriment of being able to hear the coach taking the class as it is imperative that they can be heard above the music for safety and technique correction. Therefore the music will be kept at level that will not cause a disturbance to our neighbours."

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy 3.1.12; and
- Planning and Access Policy 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
More efficient use of the subject land by utilising an existing building rather than redeveloping the site. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The use of an indoor space for a recreation use will enhance the liveability of the area and provide opportunities for exercise. The proposal also provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
Employment opportunities for persons who work in the premises and short term employment opportunities for the fit out of the premises.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is considered that the use of the former Warehouse/Showroom premises as a Recreational Facility for a Cross fit Gym would, given the zoning of the property (Commercial), be an appropriate use for the area. Any concerns relating to the existing parking or impact of the business on the area will be controlled by the conditions of approval allowing for a finite number of clients to the business (eight).

The proposed hours of business from 6.00am – 9.00am and 5.00pm to 8.00pm Monday to Friday and Saturdays from 7.00am – 12.00pm, are mainly outside the core business hours of other uses in the vicinity, which will assist in minimising any disruption by way of parking in the area. In addition a condition is recommended to provide intervals between the classes so that clientele can leave the premises prior to new classes commencing, alleviating parking build-up further.

In light of the above, it is recommended the application be supported subject to the conditions listed above.

9.1.7 No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn - Proposed Demolition of Existing Single House, and Construction of Six Multiple Dwellings

Ward:	North	Date:	15 March 2013
Precinct:	COS; P16	File Ref:	PRO5876; 5.2012.460.2
Attachments:	001 – Property Information Report, Development Application Plans 002 – Applicant’s submissions dated 16 January 2013 and 26 February 2013 003 – Neighbourhood Context Report and Development Application Report		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

A. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by A Gauci of Milton Pulse Pty Ltd for the Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn, and as shown on amended plans stamp-dated 22 January 2013, subject to the following conditions:

1. Amendment No. 32 to City of Vincent Town Planning Scheme No 1 being approved by the Western Australian Planning Commission and gazetted in the Government Gazette, approving No. 52 (Lot: 64 D/P: 6049) Milton Street, Mount Hawthorn to be zoned Residential R 60, and permitting multiple dwellings within the Residential R 60 zone;
2. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 50 Milton Street and No. 7 Anderson Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

3.1 Front Setback

The ground floor front setback to Milton Street shall be 3.7 metres and the upper floor front setback shall meet the Residential Design Elements (RDE’s) requirements whereby the balcony shall be setback a minimum of 1 metre behind the ground floor setback and the remaining upper floor building being setback a minimum of 2 metres behind every portion of the ground floor setback;

3.2 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City’s Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

3.3 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted;

3.4 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 3.4.1 Provision of landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 3.4.2 Provision of soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 3.4.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 3.4.4 The location and type of existing and proposed trees and plants;
- 3.4.5 All vegetation including lawns;
- 3.4.6 Areas to be irrigated or reticulated;
- 3.4.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 3.4.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 3.4.9 Planting to the western boundary to include 200L trees planted at 3 metre spacing's respectively for the full width of the boundaries;
- 3.4.10 Planting to the landscape areas of the eastern boundary to include 200L trees planted at 3 metre spacing's respectively for the full width of the boundaries;

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

3.5 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision;

3.6 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development;

3.7 Stores

All stores shall be a minimum of 4 square metres in area in accordance with the R-Codes;

3.8 Section 70 A Notification under the Transfer of Land Act

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

3.8.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

4. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

4.1 Car Parking

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

4.2 Clothes Dryer

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Multiple Dwellings Policy No. 3.4.8, Clause 5.2;

4.3 Residential Car Bays

A minimum of six (6) and two (2) car bays shall be provided for the residents and visitors respectively. The two (2) car bays for visitor parking spaces shall be clearly marked and signposted accordingly;

4.4 Visitor Bays

The car parking area shown for the visitor bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and

4.5 Bicycle Parking

Two (2) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided;

5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

B. APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Chief Executive officer the authority to approve the subject development upon gazettal of Amendment 32.

ADVICE NOTES:

1. With regard to condition 2 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Milton Street;
3. Any new street/front wall, fence and gate within the Milton Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

"That a new Clause 3.9 be inserted as follows:

3.9 Rear Setback

The proposed rear setback being 1.5 metres from the rear northern boundary except where the building is adjacent to a boundary wall."

Debate ensued.

COUNCIL DECISION ITEM 9.1.7

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Pintabona

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises six (6) multiple dwellings.

BACKGROUND:

Date	Comment
1 July 2007	The subject site and surrounding area became part of the City of Vincent as part of the Local Government Boundary changes.

DETAILS:

Landowner:	G L Hackett & J R Rout & J B Hackett
Applicant:	Milton Pulse Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban City of Stirling District Planning Scheme No. 2: Residential R50
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"X" under City of Stirling District Planning Scheme; "P" under TPS No. 1 subject to Amendment No. 32.
Lot Area:	756 square metres
Right of Way:	Not applicable

DETAILS:

The proposal involves the demolition of a single house and proposed construction of a two storey building comprising of six (6) multiple dwellings and associated car parking.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio			✓
Streetscape			✓
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Landscaping	✓		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Streetscape Front Setback
Requirement:	<p>Residential Design Elements- SPC 5 South front setbacks Ground floor = 5.8 metres</p> <p>Second Floor Required = 6.8 metres to balcony and 7.8 to wall.</p>
Applicants Proposal:	<p>Ground floor = 2.403 metres Second floor = 3.780 metres to balcony and 5.28 metres to wall.</p>
Performance Criteria:	<p>Development is to be appropriately located on site to: Maintain streetscape character; Ensure the amenity of neighbouring properties is maintained; Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; Facilitate solar access for the development site and adjoining properties; Protect significant vegetation; and Facilitate efficient use of the site.</p> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>"The characteristic of the local precinct is the development of 1950/60's residences on large sites, grouped dwelling developments and more recently multiple dwelling developments. Only a few large sites remain undeveloped and a number of projects are under construction within the precinct consisting of grouped and multiple dwellings. The majority of development occurred through the City of Stirling regime of grouped dwellings with 4 metre average street setbacks.</i></p> <p><i>A small portion (4.9m) of the proposed ground floor is set back 2.4m from the front boundary, while the average street set-back of the building is 6.98m.</i></p> <p><i>This complies with the minimum primary street set-back of 2m as per the Residential Design Codes. The average street set-back is consistent with the City's set-back policy which calculates the average of adjoining properties in the street being 5.8m however the minimum set-back requires consideration under the performance criteria.</i></p> <p><i>The design ensures the amenity of neighbouring properties is maintained and has no northern overshadowing impacts to the neighbouring properties and a generous setback to the eastern shadow precinct (where the neighbours' driveway is located).</i></p>

Issue/Design Element:	Streetscape Front Setback
	<p><i>Given the local area is undergoing significant transformation and an increase in zoning from R50 to R60 the proposed set-back is consistent with the desired future streetscape. The surrounding architecture has little heritage value and the majority of developments were approved under the City of Stirling's planning scheme. There are two other multiple dwelling developments in the precinct currently under construction with minimum set-backs of 2.4m and 2.7m.</i></p> <p><i>Following a meeting with the City's Planning Department 13th December 2012 the applicant amended the plans to introduce screening (consistent with the front boundary screening) to the front elevation."</i></p>
Officer technical comment:	<p>The proposed front setbacks are not supported as they will result in a substantial reduction in the average street setback, and affect the existing streetscape. The recommended variation in the ground floor front setback to 3.7 metres to Milton Street and for the upper floor setback to meet the City's Policy relating to Residential Design Elements (RDE's) with the balcony setback 1 metre minimum from the ground floor and the upper floor being setback 2 metres from the ground floor setback. This setback is recommended as the area is transitioning to grouped dwellings and multiple dwellings and the average setback of these in the street is around 3.5 metres. The setback of the adjoining developed property is 3.7 metres and this is felt to be an appropriate setback as the small portion of the building at this reduced is adjacent to this property and driveway.</p> <p>The applicant has advised via email that they accept the above new setbacks and that it be a condition of approval. The applicant further advises that the increased setback may need to increase the length of the eastern boundary wall in order to achieve the required setback, and therefore seek the City's support should this outcome arise as they do not expect any further approval or neighbour consent will be required should this occur.</p>

Issue/Design Element:	Setbacks
Requirement:	R Codes –table 2b North rear setbacks Ground floor = 1.5 metres
Applicants Proposal:	Ground floor = Nil metres
Performance Criteria:	Buildings setback from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy.
Applicant justification summary:	<i>"The secondary boundary exists to the northern boundary consisting of store 6 and Apartment 6. In</i>

Issue/Design Element:	Setbacks
	<p><i>addition to the secondary wall, the height of this wall exceeds the acceptable criteria. These areas require approval under the performance criteria of the Residential Design Codes.</i></p> <p><i>The northern boundary property is currently under construction with a grouped dwelling development. A boundary wall has been constructed on the neighbouring property which predominately obscures store 6. The remainder of the boundary wall does not affect the daylight or direct light due to the orientation of the site. The visual impact is mitigated as the neighbour has already constructed a boundary wall, our boundary wall will create a rhythm to an existing structure. The height of the boundary wall has been emphasised due to the topography of the site (1.4 metre slope). We have stepped the multiple dwellings along the slope as practical as possible and ensuring a satisfactory slope to the driveway”.</i></p>
Officer technical comment:	<p>The buildings, while on the boundary still allow for adequate daylight, direct sun and ventilation for buildings and the open space associated with them. The overshadowing is compliant, hence providing adequate access to daylight and direct sun to adjoining properties. The applicants have adhered to the 2 storey height limit applying to the site.</p> <p>Compliant with the solar access requirements, this ensures access to daylight and direct sun for adjoining properties.</p> <p>Compliant with the privacy requirements results in the protection of privacy between adjoining properties.</p>

Issue/Design Element:	Plot Ratio
Requirement:	<p>Plot ratio- R 50; R-Codes –table 4 Required 0.6 or 453.6 square metres</p> <p>Plot Ratio for R60 as per Scheme Amendment 32 is 0.7</p>
Applicants Proposal:	0.608 or 459.65 square metres
Performance Criteria:	Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<p><i>“The proposed development has a plot ratio of 60.8%. The accepted plot ratio for R50 has been exceeded by 0.8%. It is considered the increase in plot ratio of 6.05m2 is supportable given the bulk and scale of the development is consistent with multiple dwelling development form and with the desired future built form of the locality. As the proposal is a two storey development it reflects the existing scale and minimises impact on the adjoining properties through its contemporary design and the use of different building materials which provide articulation to both the adjoining properties and Milton Street.</i></p> <p><i>The area is currently awaiting gazettal of Scheme Amendment 32 which will increase the zoning to R60 and while the applicant has not based the submission on</i></p>

Issue/Design Element:	Plot Ratio
	<i>an increased zoning it is pertinent to note that the proposed design is 9.2% less than the R60 plot ratio of 70%. The development also reduces bulk and scale through quality articulated design. The design incorporates balconies, varying set-backs, a 6m wide landscaped driveway, the retention of two verge trees, a contemporary skillion roof and mixed building materials which break the lines of the building reducing bulk and scale. The development will significantly enhance the character of the emerging area."</i>
Officer technical comment:	The proposed rezoning of the site is R 60 which will result in a plot ratio of 0.7 or 529.2 square metres. The proposed increase in plot ratio is considered minimal, and not considered to adversely affect the amenity of the area in terms of bulk and scale.

Issue/Design Element:	Store
Requirement:	R Codes-7.4.7- Store is required to have a minimum dimension of 1.5 metres with an internal area of 4 square metres.
Applicants Proposal:	Area of 4 square metres not achieved for some stores.
Performance Criteria:	Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are: <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of the locality.
Applicant justification summary:	The stores were compliant.
Officer technical comment:	Based on the dimensions given, the stores are slightly non-compliant in area. A condition has been recommended that all stores are a minimum of 4 square metres in area.

Issue/Design Element:	Building on boundary
Requirement:	R Codes-6.3.2 Wall on one boundary; maximum height 3.5 metres and average height of 3 metres
Applicants Proposal:	Walls on 2 side boundaries. Height on north boundary 3.705 metres.
Performance Criteria:	Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to: <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	<i>"The proposed development exceeds the acceptable criteria for boundary walls to one side boundary. There are boundary walls to the North and East boundaries. The boundary walls to the east (store walls) require approval under the performance criteria of the Residential Design Codes. The neighbouring property has a 1.8 metre high masonry fence above a substantial retaining wall. This fence predominately obscures the boundary walls proposed. Store 5 is abutting an existing</i>

Issue/Design Element:	Building on boundary
	<i>boundary wall. In consideration of these factors, the proposed boundary walls have no visual impact of building bulk on the neighbouring property. This is further emphasised with the boundary walls significantly setback for the neighbour's residence. The common driveway exists along this common boundary.</i>
	<i>The secondary boundary exists to the northern boundary consisting of store 6 and Apartment 6. The northern boundary property is currently under construction with a grouped dwelling development. A boundary wall has been constructed on the neighbouring property which predominately obscures store 6. The remainder of the boundary wall does not affect the daylight or direct light due to the orientation of the site. The visual impact is mitigated as the neighbour has already constructed a boundary wall, our boundary wall will create a rhythm to an existing structure. We have stepped the multiple dwellings along the slope as practical as possible and ensuring a satisfactory slope to the driveway".</i>
Officer technical comment:	The proposed setbacks would not result in any undue impact on the adjoining properties. The overshadowing is to the northern side which falls within the road reserve. Moreover the proposed development complies with the privacy requirements of the R codes which will not adversely the amenity of the adjoining properties.

Issue/Design Element:	Driveway access
Requirement:	R Codes-7.3.7 Formed driveways designed for two way access and for vehicles to enter the street in forward gear where the driveway serves five or more dwellings.
Applicants Proposal:	Small section being single accessway.
Performance Criteria:	Vehicular access provided so as to minimize the number of crossovers, to be safe in use and not detract from the streetscape.
Applicant justification summary:	<i>"The driveway design allows for two way access, there is a small section (of 5.4m only) at 3m width along a 40m long driveway. The design provides sufficient access for the development allowing for two way access."</i>
Officer technical comment:	The single driveway for a small section of the driveway is unlikely to affect two way traffic movements within the site and is supported.

Car Parking

The car parking required for the proposed multiple dwellings is calculated as per the R-Codes 2010.

Car Parking	
Multiple Dwelling based on size (75 and 110 square metres or 1 bedroom) – 1 bay per dwelling (6 multiple dwellings) = 6 car bays	8 car bays
Visitors = 0.25 per dwelling (6 multiple dwellings proposed) = 1.5 car bays = 2 car bays	
Total car bays required (6 residents + 2 visitors) = 8 car bays	

Car Parking	
Total car bays provided	6 car bays for residents and 2 car bays for visitors
Surplus/Deficit in car bays	Nil.

Bicycle Parking		
Bicycle Parking	<ul style="list-style-type: none"> • 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 6 dwellings proposed): 2 bicycle space for the residents. • 1 Bicycle space per 10 dwellings: 0.6 = 1 bicycle space required 	3 bicycle spaces proposed.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	Advertising from 1 February 2013 till 14 February 2013:
Comments Received:	<ul style="list-style-type: none"> • Support (2); • Objections (6); and • Neither support/objection (1)

Summary of Comments Received:	Officers Technical Comment:
<p><u>R50 Density</u></p> <p>The R50 density does not allow the “type of Housing” proposed to be approved onsite.</p>	<p>Noted. This proposal is requesting delegation for approval under City of Vincent Scheme once Amendment 32 is gazetted and the area is R60.</p>
<p><u>Front setback</u></p> <p>The front setback should be the same as adjoining properties. Proposed setbacks are nearly half of the current setbacks. Failure to comply with the setback requirements of the Residential Design Elements. The current streetscape character cannot be achieved in terms of bulk, scale and landscaping, resulting in an unacceptable precedent.</p> <p>The Mayor publically during the public consultation stated that street setback were an important feature in protecting a street character. When Amendment 100 was approved, it stated that street setbacks would be calculated based on averaging of adjacent properties, which this development ignores.</p>	<p>Supported. The greater front setback is recommended, so as to be more consistent with the setbacks in comparison to the adjoining redeveloped properties.</p>
<p><u>Building type</u></p> <p>Proposed multiple dwellings out of place with the current single houses, duplexes and town houses in the immediate area. Applicant states that only a few large sites remain underdeveloped, which is untrue, as half the homes in the street are still underdeveloped.</p>	<p>Dismiss. The development will provide a greater variety of housing choice being sought by the community at large and will be allowable once Amendment 32 gazetted.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Plot Ratio</u></p> <p>To comply with the R-Code requirements. The variation is required due because the 6 apartments are totally unsuited for the block. If permitted would represent another erosion of zoning standards. The same developer is building to the rear and directly opposite the site. The current plans are based on R60, which has not been approved. The application should be based judged solely against the current zoning. The Mayor at the consultative meeting advised that speculative developments were "<i>specifically prohibited</i>" based on based on planning changes that may be accepted in the future.</p>	<p>Dismiss. Reason stated in the above variation table.</p>
<p><u>Privacy</u></p> <p>Visual impact of at the rear of development. Single storey at the rear would be considered acceptable. Overlooking into backyard area. Loss of privacy, and amenity. Overlooking into front garden from upper floor windows.</p>	<p>Dismiss. The privacy requirements of the R Codes have been complied with in terms of cone of vision privacy setbacks as indicated on the submitted plans.</p>
<p><u>Bin compound</u></p> <p>Adjacent on the boundary of adjoining lot, that can potentially attract pest, due to the large accumulation of bins in one area. The plans indicate that the bin area is insufficient to hold the required number of 12 bins. Location of bin storage appears to restrict cars at the rear to exit in forward gear.</p>	<p>Noted. A condition has been imposed that the bin facilities be compliant with the City's standards at the Building Permit stage.</p>
<p><u>Building on boundary</u></p> <p>The deviation from development standard demonstrating the unsuitability of multiple dwellings developments on blocks of this size and location. Need to comply, and to avoid sense of confinement. Blocks out sunshine.</p>	<p>Dismiss. Reason as stated in the above variation table.</p>
<p><u>Driveway access</u></p> <p>Reduction in accessway would be considered unsafe, and block vision of drivers, and may also result cars being double parked in the complex. The driveway to exit the site is also narrow, and turning circles would be insufficient. Cars entering the site will be forced to stop on the main road to allow cars that are exiting the site. Location of a visitor bay between the front of the property and the boundary appears to contravene the Acceptable Design A1.4 in Amendment 100, which states "<i>The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</i>"</p>	<p>Dismiss. Reason as stated in the above variation table. The City's Technical Services have concluded that the accessway design is acceptable.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>The location of street parking for this development and the one immediately opposite will render the turning circle for cars entering and exiting the property from a single laneway impractical and dangerous.</p> <p>The driveway does not provide access for delivery/removal vehicles, thereby adding to street parking and congestion, and decreasing road safety.</p> <p>While the inclusion of a grassed driveway may create the illusion of landscaping it creates a safety risk to children playing on this paved area, which is also used by vehicles. Who will be responsible to maintain the paved driveway, as given the transient nature of the rental market, this site is certainly become rental units, where there is a real risk that there will be no sense of ownership.</p>	<p>Dismiss. There is adequate manoeuvring for a car parked at this location to exit the site in forward gear.</p> <p>The development is residential in nature, and does not require the provision of a loading bay.</p> <p>Dismiss. All landscaping on the site is required to be maintained as per the planning approval.</p>
<p><u>Traffic</u></p> <p>Undue impact on amenity of neighbours, as result of increased traffic to the area, along this short stretch of road and increased parking on verges, due to insufficient parking provided on-site. Safety concerns regarding verge car parking. Difficulty in getting out of driveway or getting in, due to too many cars parked on both sides of the street.</p>	<p>Dismiss. The City's Technical Services have assessed and determined that the crossover design is compliant.</p>
<p><u>Property value</u></p> <p>Devaluation of surrounding properties</p>	<p>Dismiss. Devaluation of property values is subjective, and not a valid planning ground to object to a development.</p>
<p><u>Stores</u></p> <p>Require to be compliant, as lack of storage space would result in unsightly storage elsewhere.</p>	<p>Supported. Reason as stated in the above variation table.</p>
<p><u>Overshadowing</u></p> <p>Reduced setback will result in excess overshadowing, resulting in impact on amount of direct sun and ventilation into adjoining properties. Need the above to maintain health, as majority of sunlight is received from the 2 large windows facing the west.</p>	<p>Dismiss. The proposal complies with the 50% overshadowing requirements under the R60 and R50 density, with all overshadowing occurring within the road verge, on the south side.</p>
<p><u>Landscaping</u></p> <p>The development "bends" the landscaping rules by paving the driveway with turf cells. The proposed landscaping does not fit in with the current street landscaping.</p>	<p>Noted. The landscaping is compliant.</p>
<p><u>Future precedent</u></p> <p>If approved may set a precedent for future developments to be similarly approved, which would be detriment to residents in the future.</p>	<p>Noted. All applications are assessed on their individual merit and against Town Planning Scheme, R-Codes and relevant Policies.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

The applicant has provided a response emailed on 26 February 2013 (attached) to the matters raised in the above submissions and a response to the comments of the Design Advisory Committee (DAC) is in italics below.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee on 21 November 2012, which resulted in the following DAC recommendation:

“These comments are based on the assumption the project will be submitted when the re-zoning to R60 is gazetted.

- 1. Improve access to north light. This may be achieved with clerestory windows, highlight windows or where possible north facing windows.*
- 2. Re-design upper level balconies to achieve privacy requirements, perhaps increase the depth of the balconies to obtain access to north light and an outlook in a north or south direction.*
- 3. The use of Turf-cell is to be noted as a condition of planning approval.*
- 4. The front setback is to demonstrate conformity with the City of Vincent policy and adjacent properties.*
- 5. Reduce the height and impact of the North Elevation parapet wall (noted as South Elevation on the drawings).*
- 6. Check conformity of store sizes with policy requirements.”*

Response from the applicant in relation to the above DAC recommendations dated 21 December 2012

“Following our presentation to the DAC and a subsequent meeting with council we addressed comments raised and submitted amended plans to:

- Increase balconies to apartments 3, 5 & 6 by 500mm to allow north light*
- Hi-lite awning windows have been placed to all apartments for natural light and ventilation*
- Front gate wall has been changed to match courtyard wall to open”*

The application was further presented to the Design Advisory Committee on 6 February 2013, which resulted in the following DAC recommendation:

1. The revised plans have addressed the concerns raised from the DAC meeting held on 21 November 2012.
2. However the DAC was prepared to support a 3.7 metres reduced setback in lieu of the proposed 2.403 metres ground floor setback, 3.780 metres and 5.28 metres upper floor setback, based on the 3.7 metres front setback on the adjoining property utilising performance criteria assessment principles, and for upper floor setback to meet the RDE's with the balcony setback 1m minimum setback from ground setback and upper floor building as 2m minimum setback from ground floor setback.

LEGAL/POLICY:

- City Of Vincent Town Planning Scheme No. 1.
- Multiple Dwellings in Residential Zones Policy No. 3.4.8.
- Amendment 32 to City of Vincent Town planning Scheme No. 1

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*, but would be likely to be unsuccessful, as the current City of Stirling Town Planning Scheme No. 2 that applies to the area does not permit multiple dwellings within the Residential R50 density.

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
More efficient use of land, including provision of infrastructure and services.	

SOCIAL	
Issue	Comment
Provides opportunity for greater housing choice within the City.	

ECONOMIC	
Issue	Comment
Short term employment opportunities related to the building and related industries.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Demolition:

In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition subject to the following condition:

"a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site."

Strategic Planning:

Scheme Amendment No. 32 was adopted for final approval by the Council at its Ordinary Meeting held on 23 October 2012, to then be forwarded to the Western Australian Planning Commission. The WAPC are currently reviewing the Scheme Amendment prior to final gazettal.

The current zoning of 52 Milton Street is R50. Following the gazettal of Scheme Amendment No. 32, the zoning is proposed to become R60. Currently, multiple dwellings are not permitted in this area; following the gazettal of Scheme Amendment No. 32, multiple dwellings are proposed to be permitted.

Planning

It is acknowledged that the current City of Stirling District Planning Scheme No. 2 does not allow multiple dwellings to be considered in a R50 area. The City has prepared and adopted Amendment 32 for the former City of Stirling area to be consistent with the immediate area and the Council has approved this area to be zoned R60, and to permit multiple dwellings. The current application has been assessed under the City of Vincent Town Planning Scheme No 1 requirements and the Multiple Dwellings Policy No. 3.4.8.

On the basis that Amendment 32 is being seriously entertained as an amendment by the Council to its Town Planning Scheme, the Council has the ability to determine and approve the development in principle and delegate this power of approval to the Chief Executive Officer, strictly subject to Amendment 32 being approved and gazetted which includes the subject site No. 52 Milton Street, Mount Hawthorn being approved as a R60 site, with multiple dwellings being permitted.

In view of the above, the application is supportable and accordingly, it is recommended the application be approved subject to standard and appropriate conditions and that the Council delegate to the Chief Executive Officer its power to approve the development under delegated authority upon gazettal of Amendment No. 32.

9.1.13 Amendment No. 106 to Planning and Building Policies – Amendment to Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	PLA0252
Attachments:	001 – Policy No. 3.1.11 002 – Policy No. 3.1.12 003 – Policy No. 3.1.13 004 – Policy No. 3.1.14 005 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the final amended version of the following Policies resulting from the advertised version being reviewed having regard to thirty four (34) written submissions received during the formal advertising as shown in Appendix 9.1.13 (Attachment 001, 002, 003 and 004 respectively):
 - 1.1 No. 3.1.11 relating to Mount Lawley Centre Precinct;
 - 1.2 No. 3.1.12 relating to Hyde Park Precinct;
 - 1.3 No. 3.1.13 relating to Beaufort Precinct; and
 - 1.4 No. 3.1.14 relating to Forrest Precinct; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Harley, Seconded Cr Buckels

That the recommendation, together with the following change(s), be adopted:

“That Clause 2 be amended to read as follows:

2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1, subject to Policy No. 3.1.12 relating to the Hyde Park Precinct, being amended as follows:

2.1 Amend clause 3.2.1 of the Policy as follows:

“3.2.1 Building Height

For all new buildings the minimum height limit is two storeys.

A third storey (including loft or concealed floor), to a height of 12 metres can be considered, in the areas zoned Commercial located along Bulwer Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, overshadowing scale and bulk.

A fourth storey (including loft or concealed floor), to a height of 15 metres can be considered in the areas zoned Commercial located along Fitzgerald Street.”

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.13

That the Council;

1. **RECEIVES** the final amended version of the following Policies resulting from the advertised version being reviewed having regard to thirty four (34) written submissions received during the formal advertising as shown in Appendix 9.1.13 (Attachment 001, 002, 003 and 004 respectively):

1.1 **No. 3.1.11 relating to Mount Lawley Centre Precinct;**

1.2 **No. 3.1.12 relating to Hyde Park Precinct;**

1.3 **No. 3.1.13 relating to Beaufort Precinct; and**

1.4 **No. 3.1.14 relating to Forrest Precinct; and**

2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1, subject to Policy No. 3.1.12 relating to the Hyde Park Precinct, being amended as follows:

2.1 **Amend clause 3.2.1 of the Policy as follows:**

3.2.1 Building Height

For all new buildings the minimum height limit is two storeys.

A third storey (including loft or concealed floor), to a height of 12 metres can be considered, in the areas zoned Commercial located along Bulwer Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, overshadowing scale and bulk.

A fourth storey (including loft or concealed floor), to a height of 15 metres can be considered in the areas zoned Commercial located along Fitzgerald Street.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for amendments to:

- Policy No. 3.1.11 relating to Mount Lawley Centre Precinct – Scheme Map 11;
- Policy No. 3.1.12 relating to Hyde Park Precinct - Scheme Map 12;
- Policy No. 3.1.13 relating to Beaufort Precinct - Scheme Map 13; and
- Policy No. 3.1.14 relating to Forrest Precinct - Scheme Map 14.

BACKGROUND:

As a part of the scheme review process, the City's Officers are reviewing the Planning and Building Policy Manual. Part of this review is to evaluate all the existing precinct policies to ensure they align with the City's other local planning policies.

Policy Amendment No. 106 relates to changes to maximum heights in the following four Precinct Policies: 3.1.11, 3.1.12, 3.1.13 and 3.1.14. The amendment was initiated to ensure consistency with the City's draft Town Planning Scheme No. 2, Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, and to align with the heights in the Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

History:

Policy No. 3.1.11 relating to Mount Lawley Centre Precinct – Scheme Map 11

Policy No. 3.1.12 relating to Hyde Park Precinct - Scheme Map 12

Policy No. 3.1.13 relating to Beaufort Precinct - Scheme Map 13

Policy No. 3.1.14 relating to Forrest Precinct - Scheme Map 14

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14.
25 October 2005	The Council at its Ordinary Meeting resolved to adopt amended Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14. The primary changes to the policies were to remove any unnecessary wording and ensure the structure of the policies were consistent and user friendly documents.
28 August 2012	The Council at its Ordinary Meeting resolved to adopt amended Policy No. 3.1.12 relating to Beaufort Precinct Scheme Map 13 following an error made in relation to the normalisation date.
20 November 2012	The Council at its Ordinary Meeting resolved to advertise the proposed amendments to Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 for public comment.

Previous Reports to Council:

This matter was previously reported to the Council on 20 November 2012.

The Minutes of Item 9.1.8 from the Ordinary Meeting of Council held on 20 November 2012 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, allows for variations to the number of storeys prescribed in a Local Planning Policy. Policy No. 3.5.11 was approved for advertising by Council at Ordinary Meeting held on 14 August 2012 and was advertised for public comment from 11 September 2012 to 9 October 2012. During this period, concerns were raised that Policy No. 3.5.11 does not take into account the surrounding built form context, in particular building heights and the City risks the possibility that Policy No. 3.5.11 will create outcomes that are of a lesser scale than what has previously been approved for development and not create the City's desired urban form.

In addition to the inadequacy of Policy No. 3.5.11, inconsistencies of height requirements were found in the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Therefore to ensure consistency and clarity in the Planning Approval process Policy Amendment No. 106 has been prepared and advertised.

The advertised changes to draft amended Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 are provided in the following tables:

Policy No. 3.1.11 – Mount Lawley Centre Precinct Scheme Map 11

Proposed Clause	Proposed Amendments	Comment
2.4	<p>a) Minimum Height</p> <p>Two storey development or its equivalent (minimum wall height of 6.0 metres at the street alignment) is to be promoted to help achieve a strongly urban character.</p> <p>b) Maximum Height</p>	<p>The City's Officers have removed all ambiguous language to ensure the City's Precinct Policies are enforceable and coherent.</p>
2.4.2 and 3.2.1	<p><u>For all new buildings the minimum height limit is two storeys</u></p>	<p>Ensuring all new developments have a minimum height of two storeys in areas zoned District Centre and Commercial, will encourage different levels of activity, accessibility, diversity of uses and density enabling passive surveillance of public spaces. This also remains consistent with the City's Town Planning Scheme No. 2, Draft Local Planning Strategy and Precinct Policies.</p>
2.4.2	<p>Three storeys, preferably at street corners</p>	<p>The City's Officers have removed all ambiguous language to ensure the City's Precinct Policies are enforceable and coherent.</p>
2.4.2	<p>Extra height at corners through the use of parapets, tower elements, or similar features help's give prominence to these buildings and is therefore encouraged</p> <p>Buildings are to define corners by building to the street alignment and creating landmark features. Corners may be emphasised by greater scale or differing geometries relative to the remainder of the project or surrounding development.</p> <p>This could include chamfering, curving, additional varying height, different roof forms, verandahs, balconies, or other design elements which accentuate corners.</p>	<p>These provisions are more appropriately suited to design features. In light of this the City's Officers have decided to remove this content and rather include under clause 2.4.9.</p>
2.4.2 and 3.2.1	<p><u>Variations to the number of storeys proposed can be considered in accordance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.</u></p>	<p>This ensures consistency and transparency with Policy No. 3.5.11.</p>

Proposed Clause	Proposed Amendments	Comment
2.4.9	<p><u>Design features through the use of parapets, tower elements, or similar features help's give prominence to these buildings and is therefore encouraged.</u></p> <p><u>Buildings are to define corners by building to the street alignment and creating landmark features. Corners may be emphasised by greater scale or differing geometries relative to the remainder of the project or surrounding development.</u></p> <p><u>This could include chamfering, curving, additional varying height, different roof forms, verandahs, balconies, or other design elements which accentuate corners.</u></p>	<p>These provisions are more appropriately suited to design features. In light of this the City's Officers have decided to remove this content from clause 2.4.2 and rather include under clause 2.4.9.</p>
2.4.12 h)	<p>The maximum depth of any fascia to a pedestrian awning is to be 300 millimetres with signage prohibited from the face or on top of the fascia.</p>	<p>The City's Policy No. 3.5.2 relating to Signs and Advertising, sets all requirements for signage therefore the extension of this clause is considered unnecessary.</p>

A review of current developments demonstrated a mix of one, two and three storey developments. However, it is noted that all heritage listed buildings have additional provisions and requirements relating to design guidelines and development. As a result, the existence of heritage listed buildings, in the Mount Lawley Centre Precinct, were considered in the review of building heights.

Policy No. 3.1.12 – Hyde Park Precinct Scheme Map 12

Proposed Clause	Proposed Amendments	Comment
2.2.1.	<p>Buildings with two storeys (including loft) are strongly encouraged</p>	<p>The City's Officers have removed all ambiguous language to ensure the City's Precinct Policies are enforceable and coherent.</p>
3.2.1	<p><u>A third storey, to a height of 12 metres (including loft) can be considered, in the areas zoned Commercial located along Bulwer Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, overshadowing scale and bulk.</u></p>	<p>The City's Officers have included more explicit details e.g. "<i>to a height of 12 metres</i>" to ensure guidelines are specific and enforceable. Furthermore, to ensure guidelines are clear and coherent the City has provided the relevant street names affected by the clause.</p>
3.2.1	<p><u>A fourth storey (including loft), to a height of 15 metres can be considered in the areas zoned Commercial located along Fitzgerald Street.</u></p>	<p>The Council at its Ordinary Meeting held on 20 November 2012 considered the Commercial zone along Fitzgerald street capable of increased heights.</p>
3.2.1	<p><u>Heights located along William Street are to be in accordance with Appendix 18 – Design Guidelines For William Street, Between Bulwer and Newcastle Streets, Perth contained in the City's Planning and Building Policy Manual.</u></p>	<p>The City's Officers have included this clause to ensure consistency amongst the whole Planning and Building Policy Manual and ensure development along William Street is aware of the provisions set out in Appendix 18.</p>

Policy No. 3.1.13 – Beaufort Precinct Scheme Map 13

Proposed Clause	Proposed Amendments	Comment
2.4.4	<p>(a) A maximum of three third storeys (including loft), to a maximum height of 12 metres, can be considered, in the areas zoned Residential/Commercial R80 provided that the amenity of any adjacent residential area is protected in terms of privacy, scale and bulk</p> <p>(b) A fourth storey (including loft), to a height of 15 metres can be considered in the areas zoned Residential/Commercial R100, provided that the amenity of any adjacent residential area is protected in terms of privacy, scale and bulk.</p>	<p>The City's Officers have deciphered a height variation between Residential/Commercial R80 and R100. This is deemed appropriate as land zoned R100 has potential for greater height and development opportunities.</p> <p>For land zoned Residential/Commercial R100, a proposed height of four storeys is proposed as this is consistent with the existing heights of the area.</p>
2.4.4 (c)	<p>For lots along Lacey Street (including No. 25 Brisbane Street, rear of 1/266 Stirling Street and No. 84 Brewer Street), heights are to be in accordance with Appendix No. 17 – Design Guidelines for Lacey Street, Perth, contained in the City's Planning and Building Policy Manual.</p>	<p>The City's Officers have included this clause to ensure consistency amongst the whole Planning and Building Policy Manual and ensure development in this area is aware of the provisions and height variations set out in Appendix 17.</p>
2.4.4 (d)	<p>For the lots bounded by Fitzgerald Street, Newcastle Street Stuart Streets and Pental Lane, heights are to be in accordance with Appendix 16 – Design Guidelines for the Half Street Blocks bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, contained in the City's Planning and Building Policy Manual.</p>	<p>The City's Officers have included this clause to ensure consistency amongst the whole Planning and Building Policy Manual and ensure development in this area is aware of the provisions and height variations set out in Appendix 16.</p>
3.3.1	<p>(b) A third storey (including loft), to a height of 12 metres can be considered, in the area zoned Commercial located along Money Street and Lindsay Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.</p> <p>(c) A fourth storey (including loft), to a height of 15 metres can be considered, in the area zoned Commercial located along Beaufort Street and Stirling Street along Newcastle Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, overshadowing, scale and bulk.</p>	<p>The City's Officers have included more explicit details e.g. "to a height of 12 metres" to ensure guidelines are specific and enforceable. Furthermore, to ensure guidelines are clear and coherent the City has provided the relevant street names affected by the clause.</p>

Proposed Clause	Proposed Amendments	Comment
	<p><u>(d) A fifth storey (including loft), to a height of 18 metres can be considered, in the area zoned Commercial located north of and fronting Newcastle Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, overshadowing, scale and bulk.</u></p>	<p>As part of the preparation process in analysing building heights, the City's Officers noted the area zoned Commercial in Policy No. 3.1.13 consists of multiple larger scale developments along Newcastle Street. In light of this, the City has proposed that a fifth storey can be considered along Newcastle Street as this is consistent with existing and approved development approvals.</p>

A review of current buildings and development applications demonstrated a diverse height range further characterised by the streets e.g. Newcastle Street demonstrated height up to 6 storeys and Beaufort Street demonstrated a height of 5 storeys. In light of this, the City Officers have amended the building heights in accordance to their street locations and with what was observed on the site visit.

Policy No. 3.1.14 – Forrest Precinct Scheme Map 14

Proposed Clause	Proposed Amendments	Comment
3.2.1	<p>A third storey <u>A fourth storey (including loft), to a height of 15 metres</u> (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.</p>	<p>The City's Officers have increased the height for areas zoned Commercial in Policy No. 3.1.14. This variation is supported by what is prescribed in the City's Town Planning Scheme No. 2 Precinct Policies and current development heights seen during a site visit. The City's Officers recognise the area has the potential to accommodate larger scale development and already consists of developments of six storeys.</p>

A review of current buildings and development applications demonstrated a diverse mix of building heights. Within the Forrest Precinct exists buildings with heights beyond what is proposed in the precinct policy, however these sites demonstrate unique features such as large lot sizes and sloping land which can accommodate greater height. In light of this, the City's Officers maintain increasing the height limit from three to four storeys with Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations allowing for height variations for sites who can accommodate this.

The City's Officers have recently prepared Policy Amendment No. 104 for the adoption of Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development. Policy No. 3.5.12 will set requirements pertaining to elements of built form and design, streetscape, environment and access requirements for all new Commercial and Mixed Use development within the City. Height requirements will not be included in Policy No. 3.5.12 therefore Amendment No. 106 has been completed to set appropriate heights in each of the precincts. The refined Precinct Policies along with Policy Nos. 3.5.11 relating to Exercise of Discretion for Development Variations and 3.4.8 Design Guidelines for Multiple Dwellings have been amended to align accordingly in preparation for the gazettal of the City's Town Planning Scheme No. 2.

Following the advertising period endorsed at the Ordinary Meeting of Council on 20 November 2012 a further minor amendment to each policy has been made and shown as strikethrough in the four attached Policies. In each Policy the section '*Building Height*' makes reference to the City's Policy No. 3.5.11 for which the title has recently been amended, to ensure certainty it is proposed that the Policy's former title be amended to reflect the current title.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of thirty four (34) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	1	14.28%
Object	-	-
Not Stated	6	85.71%
Total		100%

Community Submissions

Position	Number Received	Percentage
Support	22	81.48%
Object	4	14.81%
Not Stated	1	3.7%
Total		100%

Total Submissions Received

Position	Number Received	Percentage
Support	23	67.64%
Object	4	11.76%
Not Stated	7	20.58%
Total	34	100%

Comments in Support of Policy Amendment No. 106

Issue	Comment
Inner City development in close proximity to public transport should have more lenient parking requirements.	The Residential Design Codes of Western Australia set the requirements for the provision of residential car bays with a reduction in car parking bays when a development is within 800 metres of a train station or within 250 metres of a high frequency bus route. Policy No. 3.7.1 relating to Parking and Access contains section 10, 'Shortfall Parking', which contains variations to the amount of car parking required due to adjustment factors in relation to public transport.
Heights and Residential Densities should be increased further in inner city areas.	Further increases to base heights are not supported as the current character and streetscape is capable of the prescribed heights. The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations allows for consideration of additional height where additional criteria are met in regards to design and sustainability excellence.

Residential development should require two car parking bays per dwelling.	As stated above the Residential Design Codes along with the City's Policies have requirements relating to residential parking. It is not the priority of Government to use inner city space for car parking rather to utilise this space and provide alternate transport choices.
The increased height will increase activity for local business.	An increased populace will increase economic activity.
Heights should be increased further in the Commercial zone to differentiate it from the Residential zone.	The City is of the position that the potential of land is to be increased appropriately in both zones as the potential should be reached by also having regard to the existing character and residents of the area by not drastically changing height limits. The differentiation between zones is evident by land uses which exist in each zone and not by the height of buildings. Notwithstanding this in all residential zones in the City with a zoning of below R60 and not located along major roads the height limit is two storeys, which highlights the difference between residential and commercial zones.
Commercial uses at the ground floor level should be encouraged to activate the street.	The proposed draft Policy does not discourage ground floor activation. The zoning of the area permits commercial uses, the Policy complements this by stating, ' <i>existing shopping/service facilities are to be consolidated to serve the day-to-day convenience needs of the local residents</i> ', which pertains to a ground floor commercial tenancy.

Comments in Opposition of Policy Amendment No. 106

Issue	Comment
Loss of amenity due to increased maximum building height.	Residential Amenity is of high importance to the City and is protected by the Residential Design Codes of Western Australia along with the City's Planning and Building Policy Manual. Further to this Policy Amendment No. 108 relating to Policy No. 3.4.8 - Development Guidelines for Multiple Dwellings in Residential Zones, recently introduced controls to ensure residential amenity is retained where lots containing multiple dwellings abut residential zones.
The area does not have the appropriate infrastructure to cope with the increased heights.	The proposed height increases are for inner City strategic locations with established infrastructure capable of catering for an increase in populace.
Increasing building heights to 5 storeys along Newcastle Street and Fitzgerald Street and will create an ugly eyesore that will have a hugely negative impact on the surrounding area.	Building height does not represent a building's aesthetics, regardless the statement within the current and draft proposed policy is: A maximum height, ' <i>can be considered, provided that the amenity of any adjacent residential area is protected in terms of privacy, scale and bulk.</i> ' Further to this, Policy No. 3.5.11 – Exercise of Discretion for Development Variations, contains strict criteria to ensure the protection of adjacent residential amenity.
An increase in building height will increase overshadowing for adjacent residential developments.	As previously stated, it is the intention of the City to protect the amenity of properties, adjacent to new development, by enforcing the requirements of Planning and Building Policies.

Traffic congestion will increase if a light rail is introduced along with an increase in building height.	The light rail is a State government initiative and is still only a proposal however it is noted that an increase of traffic is a possible repercussion of introducing such a transport network however the benefit of providing this alternate transport mode far outweighs any negative impacts relating to its installation.
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LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the City's Local Planning Policies are reviewed regularly to ensure that they are consistent with the requirements of the Western Australian Planning Commission, and align with the City's strategic direction. It is also important that a Local Planning Policy provides a clear and transparent planning tool when assessing and determining applications for Planning Approval.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1;

'1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL
Increasing maximum building height in strategic locations within the City could increase development and therefore impact the environment; sustainable practices which are encouraged by the City are in place to reduce the impact of increased development.
Retaining and enhancing structures is a sustainable practice encouraged by the City. Increased development and development potential within strategic locations in the City reduces the need for the spread of infrastructure to the urban fringe by using systems which are already in place.

SOCIAL
Increasing maximum height restrictions increases the potential of land therefore enhancing housing and business opportunities for the community. An increase in the populace of an area benefits the community socially by an improvement in security with increased street activity.

ECONOMIC
Increasing maximum height restrictions increases the potential of land therefore enhancing housing and business opportunities for the community. An increase in the populace of an area will improve economic activity.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount: \$80,000
Spent to Date: \$ 4,684
Balance: \$74,556

COMMENTS & CONCLUSION:

It is considered that the amendments to height restrictions contained within the advertised version of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14, are appropriate to facilitate growth in appropriate locations within the City.

In light of this, it is recommended that the Council adopts the final draft amended Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 in accordance with the Officer Recommendation and advertise the final Policies in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

9.4.1 Proposed Kyilla Community Farmers Market - Approval

Ward:	North	Date:	15 March 2013
Precinct:	North Perth; P8	File Ref:	RES0118
Attachments:	001 – Application - Kyilla Community Farmers Market 002 – Plan of Kyilla Farmers Market on Kyilla Park		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Application from Kyilla Primary School Parents and Citizens Association (P&C) dated January 2013 to establish the Kyilla Community Farmers' Market on Kyilla Park; and
2. **APPROVES** Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a six (6) month period , at a time to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers' Market on Kyilla Park, as outlined in their application dated 30 January 2013, subject to full compliance with the following conditions:
 - 2.1 The hours of operation of the Farmers' Market shall be limited to 8.30am to 11.30am on Saturdays, with set-up time for stallholders limited from 7.00am-8.30am and pack-up time limited from 11.30am-12.00noon;
 - 2.2 The number of stalls shall be limited to a total of forty (40) and cover an area of no more than fifty (50) per cent of the western side of Kyilla Park, as shown in Appendix 9.4.1 (Attachment 002);
 - 2.3 The type of stalls shall be limited to those within the following categories: fruit, vegetables, meat, oil, honey, milk, cheese, bread, coffee making, community non profit organisations, community promotional activity outlets, and art and crafts;
 - 2.4 Kyilla Primary School Parents and Citizens Association shall use the City of Vincent's waste management services for the prescribed fee (or a commercial) to ensure Kyilla Park to remain clean and clear of rubbish;
 - 2.5 Full compliance with Environmental Health conditions;
 - 2.6 Kyilla Community Farmers' Market shall be covered by Public Liability Insurance under the Department of Education for the amount of \$20,000,000;
 - 2.7 A responsible adult shall be present on-site during the operation of the market (i.e 7.30am-12noon) to respond to any complaints;
 - 2.8 A Complaints "Hot-line" mobile phone number shall be made available to the public and displayed at the markets, to enable local residents to lodge any complaints;

To the satisfaction of the Chief Executive Officer; and

3. **APPROVES BY AN ABSOLUTE MAJORITY** the "in-kind" use of Kyilla Park on Saturday mornings from 7.00am to 12.00 noon and waiving of hire fees of \$159 per half day (\$8,268 per annum);

4. **AUTHORISES the Chief Executive Officer to:**
- 4.1 **Impose further conditions should justifiable complaints be received throughout the six (6) month period(s) and any other conditions considered applicable for use of Kyilla Park; and**
- 4.2 **Revoke the approval at any time during the six (6) month period(s) if Kyilla Primary School P&C fail to reasonably comply with the approved conditions; and**
5. **NOTES that the City's Rangers and Officers will be available to assist in the resolving of any issuing which may arise, to minimised any impact on the amenity of the area or the local community.**
-

COUNCIL DECISION ITEM 9.4.1

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 7.30pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.32pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To obtain Council approval for the Kyilla Primary School Parents and Citizens Association (P&C) for the Kyilla Community Farmers' Markets, as outlined in their proposal.

BACKGROUND:

The Kyilla Primary and Pre-Primary P&C is a not for profit organisation that is driven by the opportunity to engage and support the local community, whilst providing numerous benefits to the school and its students.

An Application was received by the City on 30 January 2013 from the Kyilla Primary School P&C to establish a Community Farmers' Market to be held Saturday mornings from 8:30am – 11:30am on a weekly basis at Kyilla Park, bounded by Selkirk, Hunter, Clieveden and Union Streets, North Perth. Set up times for stallholders will be from 7:00am to comply with the *Environmental Protection Act Noise Regulations*. Stallholders will not be allowed to pack-up after 11:30am, but the site must be cleared of stallholders by 12:00pm (midday).

DETAILS:

The Kyilla P&C has always sort to fundraise in new and interesting ways to engage the local and broader community, whilst providing valuable lessons and experiences for the students of Kyilla Primary School. Examples of this include:

- Kyilla Fete 2011 – this is held every three (3) years and is well supported by the local community;
- The Book Auction 2011 – with the children writing to their heroes (celebrities, politicians' and sportspeople) and requesting autographed books for auction; and
- Kyilla in Bloom 2012 – an art and botanical event where each student painted a canvas with a botanical theme for display at the stall. Cakes, plants, mulch and garden products were available for sale to fundraise for the Kyilla Beautification Project.

The development of the Kyilla Community Farmers' Market is an addition to these previous, successful community events that the P&C describes as 'a natural progression for the P&C and a fantastic way for the school community to engage with the local community, whilst providing a number of valuable lessons for the students and the entire community about healthy lifestyle, healthy eating and sustainability.'

Primarily, the Farmers' Market stalls will provide fresh produce to the community. Second to this, the market will include three (3) stalls critical to the community vision of the market; one (1) stall will be run by the P&C for the benefit of the school, one (1) stall will be available free of charge for other local not for profit organisations to fundraise through activities such as a sausage sizzle or raffle, and one (1) stall will be available for City of Vincent based businesses to promote themselves amongst their community.

The application, as shown in Appendix.4.1, provides a detailed charter which outlines all aspects of the market including:

- Making an application for a stall;
- Market operation hours;
- Stall fee schedule;
- Products to be sold;
- Who may sell;
- Value adding;
- Quality of produce;
- Presentation;
- Setting of prices and correct measurements;
- Labelling and signage;
- Health and safety;
- Insurance;
- Clean-up and rubbish;
- Management;
- Amendment of the charter; and
- Disclaimer.

CONSULTATION/ADVERTISING:

In accordance with Community Consultation Guidelines, the proposal was distributed for consultation to 301 surrounding residents (approximately 300m radius of Kyilla Park.), for their comments. This community consultation was advertised on Friday, 22 February 2013 for a period of eighteen (18) days, closing at 4pm on Monday, 11 March 2013.

Community consultation resulted in 106 written community consultation submission forms, - a response rate of **35.23%**.

Consultation	
In Support:	One hundred (100) – (94.33% in favour)
Comments Received	Officer Comments
<ul style="list-style-type: none"> • Fantastic idea to strengthen community spirit • Looking forward to fresh produce in my local park • It will be wonderful to walk to buy fresh produce with our children • Even though there will be additional traffic and noise, the benefit will outweigh this cost • Great benefit to the community • Other P&C coordinated events have been very well organised and beneficial • We currently go to Subiaco Farmers Market and it would be wonderful to have one in our own community • Great opportunity to meet my neighbours and local community 	<ul style="list-style-type: none"> • Noted
Objections:	Three (3) – (2.83% against)
Comments Received	Officer Comments
<ul style="list-style-type: none"> • Setting up time (7am) is too early • Parking / traffic hazard • Rubbish will be terrible and COV rate payers will have to pick up the cost • Toilets 	<ul style="list-style-type: none"> • This is in line with the Environmental Protection Act Noise Regulations • The parking plan supplied by the Kyilla P&C is reflective of the City of Vincent Policy No. 3.7.1 Parking and Access, which prescribes that a market requires 3 parking spaces per stall provided. The P&C will also encourage the local community to leave their vehicles at home and walk to market through information sent home from school and through a letterbox drop. • Clause (14) 'Clean up and rubbish' of The Kyilla Community Farmers' Market Charter outlines that all stallholders must ensure that their stall site and the area that surrounds it is kept clean and rubbish free during the market and left in a clean and tidy state once the market closes at the end of the trading day. • Currently, there is one (1) urinal and one (1) toilet cubicle in the male's toilet block and two (2) cubicles in the females toilet block available at Kyilla Park for public use.

Consultation	
<ul style="list-style-type: none"> Kyilla Park is a recreation park, not a commercial park; the markets should be held on the school grounds 	<ul style="list-style-type: none"> The Department of Education and Training are currently revising The Community Use of School Facilities and Resources Policy and a note from the Director General outlined that until the policy review is complete, 'schools should not enter into any significant arrangements for the use of school facilities'.
<ul style="list-style-type: none"> 40 stalls is too many 	<ul style="list-style-type: none"> Noted, this will be considered at the end of the six (6) month period.
<ul style="list-style-type: none"> If approved, it should be on a trial period 	<ul style="list-style-type: none"> If approved, it will be on a six (6) month renewable Permit basis.
<ul style="list-style-type: none"> Kyilla Park has already been ruined by the eyesore of the playground/exercise equipment 	<ul style="list-style-type: none"> The Market is not a permanent fixture
Other:	Three (3) – (2.83%)
Comments Received	Officer Comments
<ul style="list-style-type: none"> In favour of the proposal but prefer it to be at Kyilla Primary School 	<ul style="list-style-type: none"> See comments above
<ul style="list-style-type: none"> Access to the laneway between Doris and Bedford Streets may be restricted – already an ongoing issue 	<ul style="list-style-type: none"> Parking will be required to be monitored and reviewed
<ul style="list-style-type: none"> Rubbish is a concern 	<ul style="list-style-type: none"> See comments above
<ul style="list-style-type: none"> Disagree with parallel parking on Bedford Street 	<ul style="list-style-type: none"> Parking will be required to be monitored and reviewed
<ul style="list-style-type: none"> Concerned with overflow parking in neighbouring residential streets 	<ul style="list-style-type: none"> Parking will be required to be monitored and reviewed
<ul style="list-style-type: none"> If approved, it should be on a trial period 	<ul style="list-style-type: none"> See comments above

In addition to the above, the City received a petition of support from Kyilla P&C on 30 January 2013 which was presented to the Ordinary Meeting of Council held on Tuesday, 12 February 2013. This petition contained 106 signatures of support for the Kyilla Community Farmers' Market, as well as a letter of support from John Hyde, former MLA, Member for Perth, requesting that the Council approve the proposed Kyilla Community Farmers' Market to be held weekly from 8:30am to 11:30am on Saturdays at Kyilla Park.

LEGAL/POLICY:

- City of Vincent Local Government Property Local Law;
- Policy No. 2.1.7 – Parks, Reserves and Hall Facilities – Conditions of Use and Hire;
- Policy No. 3.8.3 – Concerts and Events;
- Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- Policy No. 4.1.5 – Community Consultation.

The City sought legal advice concerning this matter. They advised that:

- A development application is not required for an event on Local Government property;
- An application for an event on Local Government property can be dealt with in accordance with the City of Vincent Local Government Property Local Law 2008; and
- Applications for Farmers Market on private property should be dealt with as a development application.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this project is low risk.

STRATEGIC IMPLICATIONS:

The City of Vincent's 'Plan for the Future'; *Strategic Plan 2011 – 2016*, Objective 3 states:

“Community Development and Wellbeing

3.1: *Enhance and Promote Community Development and Wellbeing:*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity;*

3.1.3 *Promote health and wellbeing in the community;*

3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life; and*

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.”*

SUSTAINABILITY IMPLICATIONS:

This Community Farmers' Market aims to promote and encourage environmental, economic and social sustainability by providing an avenue for local business to sell fresh, local produce for the local community.

FINANCIAL/BUDGET IMPLICATIONS:

The hire of Kyilla Park is \$159 for the use of Kyilla Park from 7.30am – 12 noon.

An Absolute Majority Decision is required to waiver the hire fees.

COMMENTS:

Kyilla P&C have submitted a well prepared application to establish the Kyilla Community Farmers' Market. They have thoroughly considered all aspects of holding the Farmers' Market to ultimately achieve their aim of providing a community service.

It is recommended that a permit be issued on a six (6) month renewable basis, subject to the specified conditions.

9.4.4 No. 742 Newcastle Street, Leederville – Consideration of Submissions concerning Renewal of Extended Trading Permit for Leederville Hotel and the Garden

Ward:	South	Date:	15 March 2013
Precinct:	Oxford Centre; P04	File Ref:	PRO0630; ENS0053
Attachments:	001 – Approved Trading Hours		
Tabled Items:	Nil		
Reporting Officers:	C D'Agostino, Environmental Health Officer L Di Nella, Acting Manager Health Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the submissions received as a result of public consultation concerning the renewal of the ongoing Extended Trading Permit for the Leederville Hotel, located at No. 742 Newcastle Street, Leederville;
2. **DOES NOT OBJECT** to the application for renewal of the ongoing Extended Trading Permit (ETP) between 12:00 midnight (2400 hours) to 1:00AM (0100 hours) on Saturday nights/Sunday morning; and
3. **ADVISES** the Director of Liquor Licensing, Department of Racing, Gaming and Liquor of the Council decision.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr McGrath and Cr Topelberg

Against: Cr Harley, Cr Maier and Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

ADDITIONAL INFORMATION:

Sixteen (16) letters of support from local business were provided to the Council.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the Leederville Hotel and The Garden located at No. 742 Newcastle Street, Leederville has applied to the Department of Racing, Gaming and Liquor (DRGL) for renewal of an Ongoing Extended Trading Permit (ETP) in relation to the premises hours of operation.

BACKGROUND:

The City previously reported to the Council on 12 February 2013 regarding an application that was incorrectly advertised by the Department Racing, Gaming and Liquor. It has been confirmed that this application applies only to the internal areas of the Leederville Hotel and will not pertain to the external Garden bar. Furthermore, this application is for the renewal of the current approved Extended Trading Permit for the premises which has been in place since 30 August 2006. Details of the proposed extended hours are as follows:

- Between 12:00 MIDNIGHT and 1:00AM on Saturday nights.

DETAILS:

Complaint History

Between 1 January 2011 and present, the City received:

- Thirteen (13) complaints regarding music noise allegedly emitted from the venue;
- Two (2) complaints regarding alleged anti-social behaviour; and
- One (1) complaint regarding alleged substandard building modifications in relation to the outdoor eating area at The Garden.

Of the above complaints received, no complaints are specifically relating to noise and anti-social behaviour between the extended hours of 12:00 midnight and 1:00am on Saturday nights.

Of the complaints received, evidence was obtained to support the complaints relating to noise. Sound level measurements were taken by the City's Officers on a number of occasions in 2011 and 2012. As a result, the Leederville Hotel engaged an Acoustic Consultant to maintain long-term compliance with the noise regulations. Routine sound level measurements are taken by Leederville Hotel and sound attenuating measures have been adopted. The City has not received any complaints in relation to noise from the Hotel over recent months, which may be a reflection of the measures adopted by Hotel Management.

The matter of noise compliance will be addressed by the City's Officers through application of the *Environmental Protection Act 1986* should further complaints be received. The City's Health Services are liaising with Leederville Hotel Management on an ongoing basis regarding this matter.

The owners of Leederville Hotel have written to the City advising of their intent to renovate the front portion of the premises in the near future, effectively making the Newcastle Street side of the premises a small bar layout. In particular, this will vary the services of the premises to include the sale of food, superior wines and cocktails.

CONSULTATION/ADVERTISING:

In accordance with *Community Consultation Policy 4.1.5*, Community Consultation was undertaken of all occupiers and owners within a 200metre radius of the premises on 26 February 2013. The closing date for submissions was 12:00pm on 7 March 2013.

Of the 485 letters distributed, a total of nine (9) responses were received in favour of the application and a total of sixty two (62) objections were received; however, fifty one (51) of these objections were provided to the City in a single submission by a local business owner.

Details of the comments received objecting to the proposal are as follows:

Summary of Comments Received:	Officers Comment:
<p><u>Issue: Anti-social Behaviour</u></p> <ul style="list-style-type: none"> • Our office block continually endures damage to gardens, reticulation and boom gate to our car park. • It will attract from far and wide late night revellers. • There is continued urine, vomit, broken bottles and discarded drinks all over the area • Staying open an extra hour will give the patrons another hour of drinking. 	<p>Not supported. A search of the City's records has revealed that the City has not received a large number of complaints relating to anti-social behaviour from patrons of the Leederville Hotel and The Garden. Since January 2011, only two complaints relating to anti-social behaviour were submitted to the City. The complaints were referred to the Hotel for action, including arranging for security to carry out more patrols of the area.</p> <p>Noted.</p>

Summary of Comments Received:	Officers Comment:
<p><u>Issue: Noise (Amplified Music)</u></p> <ul style="list-style-type: none"> • The music can be heard from my apartment. • Considering the noise problems experienced in summer months, we cannot support ongoing approval of extended trading hours beyond midnight. • Being able to hear Leederville Hotel for another hour every night will only be detrimental to residents sleep. • Can't sleep at night with the sound of thumping noise. • We do not agree with the proposed renewal due to the noise pollution Leederville Hotel creates. • The noise issue is ongoing and unresolved. Complaints made to the telephone number provided by the Hotel go unresolved and no one returns calls or follows up. There are no Rangers on call after 12 o'clock on Saturday. 	<p>Not supported. Whilst a number of noise complaints have been received since January 2011, complaints have not recently been reported to the City and the recent monitoring undertaken reveals that noise levels do not exceed permitted limits, particularly during the existing extended trading period. Whilst the community have predicted that the renewal of trading hours will result in a continued noise disturbance, the City is liaising with Hotel Management on a regular basis to resolve these matters and have observed improvements over recent months.</p> <p>It was requested in Clause 4 of the Council resolution at the Ordinary Meeting of Council held on 12 February 2013 (Item 9.4.7), that the matter of telephone communication with licensed venues be investigated and raised at the next Vincent Accord Meeting. This was raised at the most recent Vincent Accord meeting held on 20 February 2013 and licensed venues, including the Leederville Hotel, agreed to ensure that this matter will be addressed.</p> <p>It is acknowledged that residing in close proximity to a Commercial present has both positive and negative attractions.</p>
<p><u>Comments in Favour:</u></p> <ul style="list-style-type: none"> • I love coming to Leederville on any night of the week and experiencing the wonderful nightlife. • We fully support Leederville Hotel being open an extra hour. 	<p>Noted. The City has observed a decrease in the number of complaints regarding the Hotel over recent months. Recent Police reports to the Vincent Accord working group have also revealed that the behaviour of patrons in the Leederville area has improved.</p>

LEGAL/POLICY:

- Liquor Control Act 1988;
- Health (Public Building) Regulations 1992; and
- Environmental Protection (Noise) Regulations 1997.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposed renewal of the ongoing extension of hours may contribute to noise and antisocial behaviour complaints in the local area. However, given the Hotel's compliance over recent years, a renewal of their existing approval is not expected to have a significant negative effect on the local community.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011 –2016*, the following Objectives state:

"Economic Development

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*

Community Development and Wellbeing

3.1.2 *Promote and foster community safety and security."*

SUSTAINABILITY IMPLICATIONS:

It is essential within mixed land use areas that the City balances the needs of both residents and business'. It is also essential from a sustainability and business continuity perspective that decision making processes are not unnecessarily prolonged. This is particularly true when the worst case implication of a decision is limited or easily absolved by alternate means.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Leederville Hotel has been a popular licensed premises for many years. It is acknowledged that over previous years the Hotel has been the source of complaints, however, in recent years the complaints do not appear to be justified, as detailed in this report.

The Consumption of alcohol, particularly by the younger generation, and the resultant problems is a nationwide issue and cannot be attributed to major licensed premises alone – it is a society issue.

It is proposed that the 'Officer Recommendation' be supported by the Council.

9.1.1 No. 12 (Lot 801; D/P 64064) Smith Street, Perth – Proposed Construction of Four-Storey Building Comprising Nineteen (19) Multiple Dwellings (Aged or Dependent Persons Dwellings) and Associated Car Parking

Ward:	South	Date:	15 March 2013
Precinct:	Forrest; P14	File Ref:	PRO5458; 5.2012.297.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Assessment Report 003 – Applicant’s Response to Design Advisory Committee Recommendations dated 21 June 2012 004 – Applicant’s Response to Submissions dated 30 October 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS APPROVAL** to the Western Australian Planning Commission, for the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Department of Housing for Proposed Construction of Four-Storey Building Comprising Nineteen (19) Multiple Dwellings (Aged or Dependent Persons Dwellings) and Associated Car Parking at No. 12 (Lot 801; D/P 64064) Smith Street, Perth, and as shown on amended plans stamp dated 6 March 2013, subject to the following conditions and advice notes:

1. Each dwelling shall be occupied by at least one aged or dependent person or the surviving spouse of that person;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

2.1 Amended Plans

Amended plans are required which provide highlight or obscure windows to all living areas on the northern facade, with a minimum area of 1 square metre;

2.2 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City’s Policy No. 3.5.23 relating to Construction Management Plans, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma; and

2.3 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 2.3.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.3.4 The location and type of existing and proposed trees and plants;
- 2.3.5 All vegetation including lawns;
- 2.3.6 Areas to be irrigated or reticulated;
- 2.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
- 2.3.9 Planting to the north-eastern, south-eastern and south-western boundaries to include 200L trees planted at 3 metre spacing's for the full width of the boundary; and
- 2.3.10 Planting to the north-western boundary to include 200L trees planted at 3 metre spacing's for all identified landscaped areas.

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

2.4 Refuse Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

Residential:

- 1 x mobile garbage bin per unit; and
- 1 x paper recycle bin per unit;

2.5 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted; and

2.6 Section 70A Notification on Title

A Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors of the existence of the above occupancy requirement;

3. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

3.1 Car Parking

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

3.2 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;

3.3 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

3.4 Residential Car Bays

A minimum of fourteen (14) and five (5) car bays shall be provided for the residents and visitors respectively. The nineteen (19) car parking spaces shall be clearly marked and signposted accordingly;

3.5 Visitor Bays

The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

3.6 Bicycle Parking

Six (6) and two (2) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
 2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Smith Street;
 3. Any new street/front wall, fence and gate within the Smith Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
 4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning.
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Moved Cr Maier, Seconded Cr Buckels

That the recommendation, together with the following change(s), be adopted:

"That Clause 2.1 be amended to read as follows:

2.1 Amended Plans

Amended plans are required which provide highlight or obscure windows to all living areas on the northern facade, with a minimum area of ~~1 square metre~~ 2 square metres and shaded against summer sun;"

Cr Pintabona departed the Chamber at 7.44pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 7.45pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

"That Clause 2.1 be amended to read as follows:

2.1 Amended Plans

Amended plans are required which provide highlight or obscure windows to all living areas on the northern facade, with a minimum area of ~~1 square metre~~ 2 square metres and shaded against summer sun and improve access to the natural light to the Northern courtyard of units 1 and 2;"

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Topelberg

“That an Advice Note No. 5 be inserted to read as follows:

5. It may be possible to significantly improve the liveability of some of the units by providing a more environmentally sensitive treatment to the units on the northern elevation; and taking advantage of City views from units on the southern elevation without compromising the privacy of neighbours to the south”

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

AMENDMENT 3

Moved Cr Maier, Seconded Cr Topelberg

“That Clauses 1 and 2.6 be deleted as follows:

1. ~~Each dwelling shall be occupied by at least one aged or dependent person or the surviving spouse of that person; and~~

~~2.6 Section 70A Notification on Title~~

~~A Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors of the existence of the above occupancy requirement;~~

Debate ensued.

AMENDMENT 3 PUT AND LOST (3-5)

For: Cr Buckels, Cr Harley and Cr Maier

Against: Mayor Hon. MacTiernan, Cr Carey, Cr McGrath, Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

COUNCIL DECISION ITEM 9.1.1

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Pintabona

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises more than four (4) dwellings and it is a four-storey development.

BACKGROUND:

History:

Date	Comment
16 March 2012	A development application for the construction of four-storey development consisting of eighteen (18) aged persons units was withdrawn by the applicant.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the construction of a four-storey building comprising nineteen (19) two bedroom multiple dwellings and associated car parking at No. 12 Smith Street, Perth. As the proposed development involves a public work by a public authority, the Western Australian Planning Commission is the determining authority, with Council providing a recommendation to the Western Australian Planning Commission.

Landowner:	Department of Housing
Applicant:	TPG Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Outbuilding
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1500 square metres
Right of Way:	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms	✓		
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height			✓
Building Storeys			✓
Open Space	N/A		
Bicycles			✓
Access & Parking	✓		
Privacy	✓		
Solar Access			✓
Site Works	✓		
Essential Facilities			✓
Surveillance	✓		
Dwelling Size			✓
Landscaping			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5</p> <p><u>Ground Floor</u> The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development.</p> <p>Average setback: 4.2 metres.</p> <p><u>Upper Floor</u> A minimum of 2 metres behind each portion of the ground floor setback.</p> <p><u>Balconies</u> A minimum of 1 metre behind the ground floor setback.</p>
Applicants Proposal:	<p><u>Ground Floor</u> 3 metres – 3.59 metres.</p> <p><u>First and Second Floor</u> In-line with the ground floor – 2 metres behind the ground floor.</p> <p><u>Balconies (First and Second Floor)</u> 0.5 metres behind the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5</p> <p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“The front setback area will incorporate a significant landscaping component and will enhance the streetscape and provide for greater opportunities for passive surveillance from the balconies above.”</i></p>
Officer technical comment:	<p>The proposed ground floor and upper floor setbacks comply with the Performance Criteria in this instance.</p> <p>The proposed ground floor setback is in keeping with the existing streetscape, as the existing streetscape comprises a nil setback to 6.7 metre setback to Smith Street. In light of this, the proposed 3 metre to</p>

Issue/Design Element:	Front Setback
	3.59 metre setback is considered to be consistent with the existing streetscape presenting to Smith Street.
	<p>The first and second floors are flush with the ground floor and the balconies to the first and second floors are setback 0.5 metres behind the ground floor setback; however they are not considered to have an undue impact on the streetscape. The building presenting to Smith Street incorporates different finishes which aids in minimising the impact of the building on the streetscape. As the balconies are setback 0.5 metres behind the ground floor, they provide some separation from the main building line which aids in further reducing any undue building bulk on the streetscape.</p> <p>The amenity of the adjoining properties is maintained as the proposal is setback to maintain access to light and ventilation to the adjoining properties, along with the proposal complying with the Acceptable Development provision of Clause 7.4.1 "Visual Privacy" of the R-Codes therefore maintaining privacy between the subject site and adjoining properties. It is also noted that there is no car parking located within the street setback area, which aids in maintaining the traditional streetscape.</p>
	<p>The proposed landscaping of the front setback area is typical of a residential development, with it complying with the Acceptable Development provisions of Clause 7.3.2 "Landscaping" of the R-Codes and Clause 4.2 "Landscaping" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. The applicant has provided a landscape plan which demonstrates that there is sufficient space provided for adequate vegetation to grow.</p> <p>The proposed overshadowing complies with the Performance Criteria provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; as the shadow cast by the building is clear of outdoor living areas, major openings, solar collectors and verandahs on the adjoining properties.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.2</p> <p><u>Northern boundary</u> Ground Floor: 4 metres First Floor: 4 metres Second Floor: 4 metres Third Floor: 4 metres</p> <p><u>Eastern boundary</u> Ground Floor: 4 metres</p>
Applicants Proposal:	<p><u>Northern boundary</u> Ground Floor: 0.9 metres – 4.09 metres First Floor: 2.51 metres – 4.48 metres Second Floor: 2.51 metres – 11 metres</p>

Issue/Design Element:	Building Setbacks
	<p>Third Floor: 2.56 metres – 4.48 metres</p> <p><u>Eastern boundary</u> Ground Floor: 2.2 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>“Table 2 above outlines a number of variations to the acceptable developments of clause 6.3.1 and Table 5 of the R-Codes. Despite the very minor nature of the proposed setback variation, a performance-based assessment has been undertaken.</i></p>
	<p><i>The objective of Clause 7.1 of the R-Codes is “to ensure that development of multiple dwellings occurs with due regard to the existing development context and/or the desired future built form for the locality as defined by the local government planning framework.”</i></p> <p><i>The performance criteria of Clause 7.1.4 states as follows:</i></p> <ul style="list-style-type: none"> • <i>“Buildings setback from boundaries other than street boundaries so as to:</i> • <i>Ensure adequate daylight, direct sun and ventilation for buildings and the open spaces associated with them;</i> • <i>Moderate the visual impact of building bulk on a neighbouring property;</i> • <i>Ensure access to daylight and direct sun for adjoining properties; and</i> • <i>Assist with the protection of privacy between adjoining properties.”</i> <p><i>The emphasis of clause 7.1.4 is to maintain direct sun and ventilation for adjoining properties, privacy and minimising building bulk. The proposed building is set back from every other boundary greater than what is required so as to minimise the impact on the adjoining residential properties. The proposal also complies with the overshadowing and privacy requirements of the R-Codes in that no habitable areas directly overlook adjoining properties and the proposed development will not overshadow greater than 50% of the adjoining property’s outdoor living area in the middle of winter.</i></p> <p><i>The bulk and scale of the building and its impact on the streetscape and adjoining properties is minimised through the use of large setbacks, no boundary walls and restricting the four storey component to within the</i></p>

Issue/Design Element:	Building Setbacks
	<i>site, as previously mentioned.</i>
	<i>In light of the above, the proposed dwelling is considered to comply with the performance criteria of the R-Codes and in-turn, complies with the objective of clause 7.1”</i>
Officer technical comment:	<p>The proposed ground floor setback to the eastern boundary and ground, first, second and third floor setbacks to the northern boundary comply with the Performance Criteria in this instance.</p> <p>The proposed setbacks provide for adequate daylight, direct sun and ventilation to the adjoining property, where they have a minimal impact on the building bulk to the adjoining properties. The portion of the wall which sits forward of the required 4 metre setback to the northern boundary is 3.9 metres in length, which comprises a store and a pedestrian accessway. The portion of the wall which sits forward of the required 4 metre setback to the eastern boundary is 4.8 metres in aggregate length, which comprises two gazebo’s.</p>
	<p>The proposed overshadowing complies with the Performance Criteria provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; as the shadow cast by the building is clear of outdoor living areas, major openings, solar collectors and verandahs on the adjoining properties.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 “Visual Privacy” A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Building Height/Building Storeys
Requirement:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Clause 2.2.3 The height limit is three-storey (plus loft).</p>
Applicants Proposal:	4 storeys (rear portion)
Performance Criteria:	Not Applicable
Applicant justification summary:	<p><i>“The proposed development presents as two and three storeys from the street, with the fourth storey element significantly setback at the rear of the site.</i></p> <p><i>Given that the site is in excess of 1000m2 and zoned Residential R80, the Multiple Dwellings Policy provides the subject site with a height limit of three storeys (plus loft). The development proposes a two and three-storey frontage to Smith Street and a fourth storey to the rear of the site, setback 17 metres from the street.</i></p> <p><i>The Multiple Dwellings Policy permits the City to grant an additional storey where it can be demonstrated that the variation will have no detrimental impact on the amenity of the locality or result in any adverse impact to a heritage place.</i></p>

Issue/Design Element:	Building Height/Building Storeys
	<p><i>The proposed developments meets EC 1.1 given that it will result in no adverse impacts on the basis that:</i></p> <ul style="list-style-type: none"> • <i>The shadow cast by the proposal predominantly falls on the driveway of the adjoining property, with it encroaching only 1,1 square metres into the 7.3m² veranda, which is less of the shadow cast by the dividing fence;</i> • <i>The proposed building does not overshadow any major openings or the outdoor living areas on the adjoining property;</i> • <i>The privacy of the adjoining residents is protected via the use of screening and large setbacks;</i> • <i>The four storey element has been located to the rear of the site which abuts a driveway; and</i> • <i>The development incorporates large setbacks to the places of heritage significance to the north.</i> <p><i>The subject site meets EC 1.2 given that it is zoned Residential R80.</i></p>
	<p><i>This development is intended for the Department of Housing to provide affordable aged care dwellings, satisfying additional requirement 2.5 (AR 2.5). The additional height maximises the provision of affordable housing within the City of Vincent as advocated by the Multiple Dwellings Policy, the City's Affordable Housing Strategy (2011) and the City's Aged and Dependent Person's Dwellings Policy. The development proposal will allow residents to age in place."</i></p>
<p>Officer technical comment:</p>	<p>Exercise of discretion for Development Variations Clause 3.2 All Applications must demonstrate the Essential Criteria, in addition to at least one Additional Requirement for the Council to consider an application with respect to a variation to the number of storeys.</p> <p><u>Prescribed Height Limit:</u> 3 storeys <u>Permitted Variation:</u> 1 additional storey</p> <p>Essential Criteria EC1.1 and EC 1.2 The variation will not be detrimental to the amenity of the locality, nor will it result in development that would adversely affect the significance of any heritage place or area; and</p> <p>The site is zoned Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial.</p> <p>Additional requirements AR1.1, AR 1.2, AR 1.3 and AR1.4 The development must meet one (1) or more of the following additional requirements:</p> <p>The natural ground level of the site is sloping downwards from the primary street and the proposed development has the appearance of a two-storey development from the primary street; or</p>

Issue/Design Element:	Building Height/Building Storeys
	<p>The proposed development conserves, enhances or adaptive re-uses an existing building worthy of retention, including, but not limited to any place on the City's Municipal Heritage List; or</p> <p>The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee; or</p> <p>The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council.</p> <p>The proposal complies with the intent and objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations in this instance.</p>
	<p>The proposal does not result in a detrimental impact on the amenity of the locality, with the subject site having a zoning of R80, being greater than R60, therefore meeting the relevant Essential Criteria provisions.</p> <p>The proposal presents a three-storey building height to Smith Street, whereby the third floor comprises three dwellings located to the rear of the site, which are not visible from Smith Street. It is also noted that the proposal comprises aged and dependent persons dwellings therefore providing affordable housing; which is consistent with objective 4 of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations which states: <i>"Encourage development that provides a range of housing typologies that address the demographic and growing needs of the community."</i></p> <p>It is noted that this criteria has been inadvertently omitted from the amended policy and in this respect a further amendment to the policy is to be commenced with respect to the table relating to the additional requirements for two or three storey height limits.</p>

Issue/Design Element:	Access and Parking
Requirement:	<p>Residential Design Codes Clause 7.3.3 A3.2 1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3.</p> <p>Residents: six (6) spaces Visitors: two (2) spaces</p> <p>Total: eight (8) spaces</p>
Applicants Proposal:	Seven (7) spaces
Performance Criteria:	<p>Residential Design Codes Clause 7.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> the type, number and size of dwellings;

Issue/Design Element:	Access and Parking
	<ul style="list-style-type: none"> • the availability of on-street and other offsite parking; and • the location of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	No justification provided.
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes in this instance; therefore it is recommended that it be a condition of approval that eight (8) bicycle spaces are to be provided on-site.

Issue/Design Element:	Solar Access
Requirement:	Residential Design Codes Clause 7.4.2 A2 Not Applicable
Applicants Proposal:	Not Applicable
Performance Criteria:	Residential Design Codes Clause 7.4.2 P2 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow: <ul style="list-style-type: none"> • outdoor living areas; • major openings to habitable rooms; • solar collectors; or • balconies or verandahs.
Applicant justification summary:	<i>"The shadow cast predominantly falls over the driveway of the adjoining property. The proposed building does not overshadow any major openings or the outdoor living areas on the adjoin property."</i>
Officer technical comment:	The proposal complies with the Performance Criteria as the building does not adversely overshadow the adjoining properties. The shadow cast by the proposal predominantly falls over the driveway of the adjoining property, with it encroaching 1.1 square metres into the 7.3 square metre verandah, being 15.07 per cent of the area. It is considered that the extent of the shadow cast over the verandah is not significant as it is less than the shadow cast by the dividing fence. The proposed building does not overshadow any major openings or the outdoor living areas on the adjoining property, with there also being potential for solar collectors to be located without being overshadowed.

Issue/Design Element:	Essential Facilities
Requirement:	Residential Design Codes Clause 7.4.7 A7.2 Developments are provided with: <ul style="list-style-type: none"> • an adequate communal area set aside for clothes-drying, screened from the primary or secondary street; or • clothes drying facilities excluding electric clothes dryers screened, from public view, provided for each multiple dwelling. Development Guidelines for Multiple Dwellings in Residential Zones Clause 5.2 A7.3 Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows:

Issue/Design Element:	Essential Facilities
	16-30 dwellings = 2.5 lineal metres of clothes line per dwelling.
Applicants Proposal:	No clothes-drying area provided.
Performance Criteria:	<p>Residential Design Codes Clause 7.4.7 P7 Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are:</p> <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of the locality.
Applicant justification summary:	<i>"Each dwelling is provided with a balcony that can be used as a clothes-drying facility."</i>
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes in this instance; therefore it is recommended that it be a condition of approval that a clothes-drying area is provided.

Issue/Design Element:	Dwelling Size
Requirement:	<p>Residential Design Codes Clause 7.4.3 A3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows: -</p> <ul style="list-style-type: none"> • minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and • minimum of 40 per cent 2 bedroom dwellings. <p>Minimum four (4) 1 bedroom dwellings and a maximum nine (9) 1 bedroom dwellings Minimum eight (8) 2 bedroom dwellings</p>
Applicants Proposal:	100 per cent two bedroom dwellings (19 dwellings)
Performance Criteria:	<p>Residential Design Codes Clause 7.4.3 P3 Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.</p>
Applicant justification summary:	<i>"Each of the dwellings provided are considered to be of a sufficient size to meet the needs of the elderly residents. A 2 bedroom dwelling is necessary to allow for the provision of in-house care, whether it be on a permanent or semi-permanent basis. Furthermore, the internal configuration of the building will not affect the impact on the adjoining properties or the streetscape."</i>
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as it caters for the needs of aged or dependent persons.</p> <p>As the proposed building is developed for aged or dependent person dwellings, it provides diversity in the dwelling types available within the locality; however it does not provide a diversity of dwelling sizes within the building. It is considered supportable as the proposal allows for residents to age in place and receive in-house care, if it is required in the future.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Clause 4.2 A2</p> <p>A minimum of 30 percent of the total site area is to be provided as <i>landscaping</i>.</p> <p>30 percent: 450 square metres</p> <p>A minimum of 5 percent of the total site area, shall be provided as <i>soft landscaping</i> within the private outdoor living areas of the dwellings.</p> <p>5 percent: 75 square metres</p>
Applicants Proposal:	<p>25.34 percent (380.04 square metres) of the total site area is landscaped.</p> <p>3.62 percent (54.27 square metres) soft landscaping provided within the private outdoor living areas of the dwellings.</p>
Performance Criteria:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Clause 4.2 P2</p> <ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. • Assists in increasing tree and vegetation coverage.
Applicant justification summary:	<p><i>“The proposed development provides a landscaping component of 25.81%, in lieu of the 30% requirement outlined in the Multiple Dwellings Policy. Of this approximately 349.8m² (23.3%) is provided as landscaping within the common property area of the development. In accordance with the City’s requirements please find attached a Landscape Context Plan.</i></p> <p><i>A variation on the landscaping requirement is sought given development is surrounded by a landscaping to the sides and rear of the site. A three metre wide landscaping area is provided to the Smith Street frontage, which will greatly enhance the appearance of the development from the public realm. Communal open space is also provided in the form of gazebos and an open lawn area, further enhancing the amenity for residents and increasing opportunities for social interaction, as advocated in the City’s Aged and Dependent Person’s Dwellings Policy.</i></p> <p><i>In addition to the above each dwelling is provided with a private courtyard and balcony/porch, in excess of the statutory requirements.”</i></p>
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the City’s policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in this instance; therefore it is recommended that it be a condition of approval that landscaping is to be provided in accordance with the Acceptable Development</p>

Issue/Design Element:	Landscaping
	provisions.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	12 September 2012 to 3 October 2012
Comments Received:	Two (2) support, five (5) objections and one (1) neither support or object.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Solar Access</p> <ul style="list-style-type: none"> Adjoining properties stand to lose all solar access from March to September due to the four storey portion of the development. North facing living areas and windows on the adjoining properties will lose access to sunlight/daylight. Solar access to adjoining properties will be significantly reduced during winter, which will result in a much greater consumption of electricity and will compromise household budgets. 	<p>Dismissed. The proposal complies with the Performance Criteria of Clause 7.4.2 "Solar access for Adjoining Sites" of the R-Codes as the shadow is clear of major openings, outdoor living areas and solar collectors on the adjoining properties. It is noted that 1.1 square metres of a verandah is overshadowed, however this is significantly less than the shadow cast by the dividing fence.</p>
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> Adjoining properties living areas and courtyards will be overlooked by the development. Windows and outdoor living areas of the adjoining properties will be overlooked by the balconies of the development. 	<p>Dismissed. The proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, with all major openings complying with their respective cone of vision setback requirements.</p>
<p>Issue: Side and Rear Setbacks</p> <ul style="list-style-type: none"> The proposed setbacks will result in adjoining properties having no direct sun during the winter months. Windows and outdoor living areas of the adjoining properties will be overlooked by the balconies of the development. The setbacks are not consistent with the character and integrity of the existing streetscape. 	<p>Dismissed. The proposal complies with the Performance Criteria of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes as the setback of the building from the northern boundary is predominantly 4 metres, with a 3.9 metre length of wall being setback a minimum of 2.5 metres, which provides for adequate light and ventilation to the adjoining properties.</p> <p>There are no overlooking concerns as the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>
<p>Issue: Building Height/Number of Storeys</p> <ul style="list-style-type: none"> The proposed development will overshadow and be a visual intrusion on the adjoining properties. The proposed development is four storeys which is double the Acceptable 	<p>Dismissed. The proposed four-storey building complies with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones and is consistent with the intent and objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Standard of two storeys.</p> <ul style="list-style-type: none"> • Four storeys in not consistent with the streetscape. • The height is not consistent with the character and integrity of the existing streetscape. • The development will dominate the streetscape. 	

Design Advisory Committee:

Referred to Design Advisory Committee: 2 May 2012

Summary of Design Advisory Committee Comments:

1. *Lack of design.*
2. *Face brick and render with colourbond roof.*
3. *Introduce red face brick.*
4. *Lift over on height.*
5. *Vertical element in façade is superfluous.*
6. *Unit 1 wall to be continued across front elevation.*
7. *Functional courtyard use.*
8. *Inadequate provision of landscaping.*
9. *Solar orientation and amenity of rear units is compromised. Re-orientate development for northern light.*
10. *Provision of 1 and 3 bedroom dwellings as per R Codes.*
11. *Providing natural light to bedrooms and courtyard.*
12. *Courtyards can be flipped for better orientation.*
13. *Floor to ceiling height to be increased from current 2.4 metres, as considered inappropriate.*
14. *Can stores be located on ground floor?*
15. *Size of car bays to be compliant with Australian standards, as the location of columns may impede car parking accessibility.*
16. *Disable car parking non-compliant.*
17. *Remove Blind corners and provide a clear path of vision. Provision of security gate for the development.*
18. *Provision of one of the units for disable persons.*

19. *All non-compliance of R Codes and City's Policies to be addressed.*
20. *Strong objection to proposal on design and amenity of residents.*

Applicant's Response to Design Advisory Committee Comments:

1. *This is a subjective comment and is not considered relevant in this instance.*
2. *This comment is superfluous.*
3. *Noted. Red face brick has been introduced to the external walls.*
4. *Noted. The lift shaft has been lowered from what was previously proposed, however the architectural style has been maintained.*
5. *This is a subjective comment and is not considered relevant in this instance.*
6. *Noted. This has been incorporated into the proposal.*
7. *Each unit is provided with two courtyards. The larger courtyard is located to the rear so as to provide an appropriate clothes-drying area without being visible from the street.*
8. *Whilst landscaping is not a requirement for residential development within the City, landscaping has been shown on the plans to soften the street elevation.*
9. *The setback constraints associated with the site and the intent to protect the amenity of the adjoining properties means that it would be unfeasible to reorientate the building. The comment relating to amenity in unwarranted.*
10. *The proposal involves the provision of two bedroom dwellings only as they are intended for aged people, which often require a carer. The introduction of single bedroom dwellings will remove the option for in-house care, and three-bedroom dwellings are considered surplus to the needs of the future residents. This is further addressed in the report associated with the development application.*
11. *Bedrooms and courtyards have the ability for northern light to enter where possible. Given the setback constraints identified by the City and the need to protect the amenity of the adjoining properties, the amount of northern light entering some dwellings will differ.*
12. *The larger courtyard is located to the rear so as to provide an appropriate clothes-drying area without being visible from the street.*
13. *The proposed ceiling heights comply with the requirements of the Building Codes of Australia (BCA) and therefore is considered acceptable. Furthermore, the increase in ceiling height unnecessarily increase the overall height of the building.*
14. *The stores have been located at each level to provide practical and easy access to residents. If all stores were located on the ground floor, it would be inconvenient for residents on the upper floors and limit the types of goods stored in them.*
15. *The car bays comply with AS2890.1.*
16. *The proposed disabled car bay comply with AS2890.1.*
17. *The car parking and vehicle access points are located/designed so as to provide clear sightlines in accordance with the City's Visual Truncations Policy.*

18. *Noted. Unit two has been identified as being universally acceptable. This is to be further assessed and modified, where required, prior to application for a Building Approval Certificate.*
19. *Noted. A report addressing the proposed variations has been submitted as part of the development application.*
20. *This is a subjective comment and is not considered relevant in this instance.*

The Design Advisory Committee has reviewed the amended plans and notes the following:

1. *The revised design fails to meet any of the core 10 Design Advisory Committee design objectives.*
2. *The proposal will not improve the amenity of both occupants and adjoining residents and the broader community.*
3. *The site offers more potential to meet the Design Advisory Committee design objectives than the current design proposes.*
4. *The Design Advisory Committee cannot support this project.*

The Design Advisory Committee also provided the following additional comments:

1. *Previous two-storey frontage across the whole of the Smith Street Elevation was more desirable and consistent with the adjacent heights than the stepping up in the middle which is now proposed.*
2. *Little has been done to access north light as can be seen on the 'Left Side Elevation'. Suggest larger openings directly off Living room, frosted below 1600 and clear/openable above.*
3. *Concern that material selection has been noted as being left to be decided later when we believe this is important to be indicating now and demonstrating how this will fit in with the local context/surrounding buildings.*
4. *Unit 1 and Unit 2 ground floor courtyards obtain very little direct sunlight, and will be very quite dark/unpleasant. Poor outcome for these two units.*
5. *Stores and stairs block out all the light in the central area, perhaps stores could be moved to ground floor?*
6. *Balconies to the rear facing east require screening, if stores/stairs could be re-configured so that the balconies ended up 7.5m from boundary then wouldn't need screening.*
7. *Seems to be very little change from previous design except the redistribution of some of the units at the rear to the front to address overshadowing?*
8. *All outdoor terraces include privacy screening creating a sense of entrapment and eliminating any positive outlook from apartments.*

The City's Officers met with the applicant on Thursday, 14 February 2013, to discuss the development application. The following Officer comments are provided in light of the above Design Advisory Committee comments:

1. The applicant has submitted amended plans which addresses the officers concerns, with the proposed four-storey building complying with the Acceptable Development and Performance Criteria provisions of the R-Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements and Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

The proposed changes include a significant increase in the amount of landscaping provided on-site, and removing the building bulk off Smith Street.

The proposed stepping up of the building height along the Smith Street frontage does not result in any undue impact on the streetscape. The three-storey building height presenting to Smith Street is in accordance with the permitted building height under the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

There is adequate light and ventilation provided to each of the dwellings. Further to this, it is noted that the proposal is required to comply with the Building Code of Australia with regards to the amount of light and ventilation for each dwelling.

As each of the courtyards and visual privacy comply with the Acceptable Development provisions of Clauses 7.3.1 "Outdoor Living Areas" and 7.4.1 "Visual Privacy" of the R-Codes, the City is unable to enforce additional requirements. Clause 2.5.4 of the R-Codes states that "a council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council's planning scheme or a local planning policy."

In respect of the Design Advisory Committee comments 2, 3 and 4, the applicant has submitted amended plans which addresses the officers concerns, with the proposed four-storey building complying with the Acceptable Development and Performance Criteria provisions of the R-Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements and Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

It is considered that the amended plans demonstrate that the amenity of both occupants and adjoining properties is adequate.

LEGAL/POLICY:

The following legislation and policies apply to the four-storey building comprising nineteen (19) two bedroom multiple dwellings (aged or dependent persons dwellings) at No. 12 Smith Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14;
- Residential Design Elements Policy No. 3.2.1;
- Aged or Dependent Persons Dwellings;
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8;
- and
- Exercise of Discretion for Development Variations Policy No. 3.5.11.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The plans propose landscaping to the front setback area and along the side and rear boundaries, therefore providing adequate permeable surfaces for the development.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for aged or dependent persons within the City. The proposal also provides for affordable housing within the City.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the proposed four-storey mixed use development is not considered to have an undue impact on the amenity of the locality. This is due to the building being within the permitted building height under the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations and the proposed plot ratio complying with the Acceptable Development Provisions of Clause 7.1.1 "Building Size" of the R-Codes; therefore it is consistent with the desired future built form of the locality.

The proposal does not result in undue building bulk on Smith Street or the adjoining residential properties. The proposed building height and setbacks have taken into consideration the requirements of the City's Policies, the R-Codes and the adjoining properties and it has been designed accordingly.

The proposal has been amended since it was originally presented to the City's Design Advisory Committee to accommodate their comments; therefore satisfying the Design Advisory Committees requirements.

The proposed setback variation to the northern and eastern boundaries comprises a portion of the wall which is 3.9 metres in length to the northern boundary, and two gazebo's which are 4.8 metres in aggregate length, therefore not resulting in any undue building bulk. It is also noted that the proposed four-storey building complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, demonstrating that the proposal does not result in any undue overlooking of the adjoining properties.

CONCLUSION:

In view of the above, the application is supportable as it complies with the R-Codes, City of Vincent Town Planning Scheme No. 1, the City's Policy No. 3.2.1 relating to Residential Design Elements, the City's Policy No. 3.4.8 Development Guidelines for Multiple Dwellings in Residential Zones and with the intent and objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. Accordingly, it is recommended that the Council recommend to the Western Australian Planning Commission that the application be approved subject to standard and appropriate conditions and advice notes.

9.1.2 No. 38 (Lot 145; D/P 3002) Mabel Street, corner of Norham Street, North Perth – Proposed Alterations and Additions to Existing Single House Including Ancillary Accommodation

Ward:	North	Date:	15 March 2013
Precinct:	North Perth; P8	File Ref:	PRO4875; 5.2011.488.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 4 February 2013 003 – Applicant’s Justification dated 25 March 2012 004 – Applicant’s Justification dated 15 September 2011		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by M Tamburri on behalf of the owners, M & T Tamburri for Proposed Alterations and Additions to Existing Single House Including Ancillary Accommodation at No. 38 (Lot 145; D/P 3002) Mabel Street, corner of Norham Street, North Perth, and as shown on plans stamp-dated 5 March 2013, for the following reasons:

1. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the City’s Policy No 3.2.1 relating to Residential Design Elements, with regard to the following Clauses:**
 - 1.1 **SADC 10 and SPC 10 “Dual Street Frontages and Corner Sites” relating to the ground and upper floor setbacks of the ancillary accommodation from Norham Street;**
 - 1.2 **SADC 13 and SPC 13 “Street Walls and Fences” relating to the visual truncation where the fence adjoins the vehicle access point;**
 - 1.3 **SADC 15 and SPC 15 “Driveways and Crossovers” relating to the total aggregate width of the driveways being 6.2 metres;**
 - 1.4 **BDADC 3 and BDPC 3 “Roof Forms” relating to the roof pitch of the ancillary accommodation; and**
 - 1.5 **BDADC 11 and BDPC 11 “Energy Efficient Design” relating to the ancillary accommodation not incorporating energy efficient design principles;**
2. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, with regards to the following Clauses:**
 - 2.1 **Clause 6.3.1 “Buildings Setback from the Boundary” relating to the northern and western, ground and upper floor setbacks, of the ancillary accommodation;**
 - 2.2 **Clause 6.3.2 “Buildings on Boundary” relating to the northern and western boundary walls; and**
 - 2.3 **Clause 6.4.1 “Open Space Provision” relating to the amount of open space provided on-site;**

3. **Non-compliance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 "Variations to Standards or Requirements Prescribed Under a Local Planning Policy" for the following reasons:**
 - 3.1 The proposed development is detrimental to the amenity of the locality;
 - 3.2 The proposed development is not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and
 - 3.3 The proposed development is not consistent with the City's Policy No. 3.2.1 relating to Residential Design Elements;
4. **The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:**
 - 4.1 To protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment;
 - 4.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 4.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
 - 4.2.2 Can respond readily to change; and
 - 4.3 To co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –
 - 4.3.1 Makes optimum use of the City's growing infrastructure and resources;
 - 4.3.2 Promotes an energy efficient environment; and
 - 4.3.3 Respects the natural environment; and
5. **The proposed alterations and additions to the existing single house including two-storey ancillary accommodation would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

COUNCIL DECISION ITEM 9.1.2

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-7)

For: Cr Buckels

Against: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION

That it substantially satisfies the requirements for ancillary housing.

Debate ensued.

COUNCIL DECISION ALTERNATIVE RECOMMENDATION ITEM 9.1.2

ALTERNATIVE RECOMMENDATION:

Moved Cr Maier, Seconded Cr Topelberg

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Tamburri on behalf of the owner, M & T Tamburri for Proposed Alterations and Additions to Existing Single House Including Ancillary Accommodation at No. 38 (Lot 145; D/P 3002) Mabel Street, corner of Norham Street, Perth, and as shown on plans stamp dated 5 March 2013, subject to the following conditions:

- 1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 40 Mabel Street and No. 1 Elizabeth Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;**
- 2. The carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the main building;**
- 3. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
 - 3.1 Ancillary Accommodation**

The owner(s) shall lodge a notification under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of that the sole occupant or occupants of the ancillary accommodation are members of the family of the occupiers of the main dwelling;
 - 3.2 Driveways and Crossovers**

The proposed crossover being reduced to a maximum of 6 metres at the lot frontage; and
 - 3.3 Truncations**

A truncation of 1.5 metres by 1.5 metres shall be provided at the intersection of the driveway and the boundary to Norham Street;
- 4. The Ancillary Accommodation structure is not to be occupied by any more than two (2) occupiers; and**
- 5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.**

ADVICE NOTES:

1. **With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
2. **All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Mabel and Norham Streets;**
3. **Any new street/front wall, fence and gate within the Mabel Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and**
4. **No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.**

ALTERNATIVE MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona and Cr Topelberg
Against: Cr Buckels

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The development application is referred to Council for determination at the request of the applicant, as the administration has a recommendation to refuse the application.

BACKGROUND:

Nil.

DETAILS:

The application is for alterations and additions to the existing single house including ancillary accommodation at No. 38 Mabel Street, corner of Norham Street, North Perth.

The proposal was to be presented to the Council at its Ordinary Meeting held on 26 February 2013; whereby it was resolved:

"That the item be DEFERRED at the request of the Applicant, in order that concerns raised concerning the development application can be addressed."

The proposed alterations to the existing single house comprise bricking up an existing window on the western elevation and the addition of an ensuite along the western side of the dwelling, at the rear. The proposed ancillary accommodation is located to the rear of the lot, above the existing garage, facing Norham Street.

The City's Officers met with the applicant in February to discuss the areas of non-compliance. It is noted that the ground floor plan of the garage matches the layout of the superseded plans; however the plans have labelled the rooms differently (i.e. the amended plans comprise an existing store and work area, which was previously noted as a bedroom). The amended plans result in bringing the proposed visual privacy into compliance with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes and the ancillary accommodation into compliance with the Performance Criteria of Clause 6.11.1

“Ancillary Accommodation” of the R-Codes; nonetheless there are still a number of significant variations proposed. The design of the ground floor has not changed and could easily function as a separate apartment to the ancillary accommodation. On-site it was discussed that the total ancillary accommodation needed to be reduced to sixty (60) square metres, with a possibility of seventy (70) square metres being considered, the entire ground floor was to remain unchanged in design and structure, and the ancillary accommodation was to be reduced and contained on one floor.

The subject site has a zoning of Residential R30/R40, with it falling within the North Perth Precinct. Clause 20 of the City of Vincent Town Planning Scheme No. 1 states:

“Within the area coded R30/40, development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.”

As the proposal comprises alterations and additions to the existing single house including ancillary accommodation, the Residential R30 density coding is applicable in this instance. As such, the site can only accommodate one single house with a compliant ancillary accommodation.

Landowner:	M & T Tamburri
Applicant:	M Tamburri
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30/R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	“P”
Lot Area:	490 square metres
Right of Way:	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element’s Initial Assessment

Design Element	Complies ‘Acceptable Development’ or TPS Clause	OR	‘Performance Criteria’ Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Dual Street Frontages			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		
Open Space			✓
Bicycles	N/A		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		
Energy Efficient Design			✓
Ancillary Accommodation			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	Concealed roof
Performance Criteria:	Residential Design Elements BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed concealed roof of the ancillary accommodation does not comply with Clause BDADC 3 and BDPC 3 "Roof Forms" of the City's Policy No. 3.2.1 relating to Residential Design Elements in this instance.</p> <p>The proposed ancillary accommodation fronts Norham Street which comprises dwellings with pitched roofs within the immediate locality; therefore it is considered that the proposed concealed roof does not complement or contribute to the existing streetscape.</p> <p>Due to the number of variations proposed, the proposed concealed roof does not assist in reducing the building bulk that results from the ancillary accommodation.</p>
Issue/Design Element:	Dual Street Frontages
Requirement:	Residential Design Elements SADC 10 As measured from the secondary street. Ground Floor: 1.5 metres Upper Floor: 0.5 metres behind each portion of the ground floor setback
Applicants Proposal:	As measured from Norham Street. Ground Floor: Nil – 1.2 metres Upper Floor: In-line with the carport to 1.2 metres behind the garage.
Performance Criteria:	Residential Design Elements SPC 10 Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
Applicant justification summary:	No justification received.

Issue/Design Element:	Dual Street Frontages
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements as it does not present an attractive or interactive elevation to Norham Street.</p> <p>The entrance to the ancillary accommodation is located behind the store which fronts Norham Street, therefore limiting interaction at a pedestrian level, between the ground floor of the ancillary accommodation and the street frontage. It is noted that a balcony has been provided to the upper floor of the ancillary accommodation which aids in increasing the interaction between the dwelling and ancillary accommodation and the streetscape; however this results in a greater bulk on Norham Street without providing sufficient articulation to the dwelling.</p> <p>The combination of the existing dwelling and proposed ancillary accommodation being built up to the eastern boundary, with a carport located between the two buildings results in the portion of the setback area between the buildings being hardstand, with there being no landscaping proposed within the Norham Street setback. As there is no landscaping proposed to the Norham Street, it results in an adverse impact on the streetscape.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.3.1 A1 <u>Western boundary</u> Main dwelling: 4.1 metres Ancillary accommodation upper floor: 1.6 metres</p> <p><u>Northern boundary</u> Ancillary accommodation upper floor: 1.5 metres</p>
Applicants Proposal:	<p><u>Western boundary</u> Main dwelling: 1.3 metres Ancillary accommodation upper floor: 1.5 metres – 3.1 metres</p> <p><u>Northern boundary</u> Ancillary accommodation upper floor: 1 – 2 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • Provide adequate direct sun and ventilation to the building; • Ensure adequate direct sun and ventilation being available to adjoining properties; • Provide adequate direct sun to the building and appurtenant open spaces; • Assist with protection of access to direct sun for adjoining properties; • Assist in ameliorating the impacts of building bulk on adjoining properties; and • Assist in protecting privacy between adjoining properties.

Issue/Design Element:	Building Setbacks
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed side and rear setbacks do not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.3.1 "Buildings Setback from the Boundary" of the R-Codes in this instance.</p> <p>The proposal does not provide adequate direct sun to the ancillary accommodation. Although the ground floor comprises a major opening to the utility room on the ground floor; the upper floor northern wall of the ancillary accommodation comprises a boundary wall and a wall setback 1 metre to 2 metres with no major openings. Therefore the proposal does not take advantage of the northern orientation of the site and access to winter sun.</p> <p>It is also considered that due to the extent of the variations relating to the boundary setbacks and boundary walls, the proposal does not ameliorate the impacts of building bulk on the adjoining properties.</p> <p>The proposed setbacks do not result in any impact on privacy between the subject site and adjoining properties, as the proposed ancillary accommodation complies with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 6.3.2 A2 Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.</p>
Applicants Proposal:	<p>Boundary walls to four (4) side boundaries.</p> <p><u>Southern boundary</u> Existing boundary wall to the main dwelling.</p> <p><u>Western boundary</u> Maximum Height: 3.8 metres Average Height: 3.5 metres Length: 9 metres</p>
	<p><u>Northern boundary</u> Maximum Height: 5.5 metres Average Height: 3.44 metres Length: 9 metres</p> <p>It is noted that the length of the northern wall is proposed to be reduced from 12.15 metres; however the height is proposed to be increased with the ancillary accommodation addition.</p> <p><u>Eastern boundary</u> Existing boundary walls to the main dwelling and garage.</p>

Issue/Design Element:	Boundary Wall
Performance Criteria:	<p>Residential Design Codes Clause 6.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • Make effective use of space; or • Enhance privacy; or • Otherwise enhance the amenity of the development; • Not have any significant adverse effect on the amenity of the adjoining property; and • Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	<p><i>“Proposed development should be permitted with variations to required setbacks to existing boundary walls which have been reduced in length; and minor variation to required open space which has been increased from the existing by reducing the site coverage.”</i></p>
Officer technical comment:	<p>The proposed boundary walls do not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.3.2 “Buildings on Boundary” of the R-Codes in this instance.</p>
	<p>It considered that the boundary walls do not make effective use of space or enhance the amenity of the development, as the proposed alterations and additions to the existing single house, including ancillary accommodation, does not comply with the Acceptable Development or Performance Criteria provisions of Clauses 6.3.1 “Buildings Setback from the Boundary” and 6.4.1 “Open Space Provision” of the R-Codes, therefore resulting in a development that is too large for the site area, where alternative dwelling types are more suited to lots of this size.</p> <p>The proposed boundary walls do not result in any impact on privacy between the subject site and adjoining properties, as the proposed ancillary accommodation complies with the Acceptable Development provisions of Clause 6.8.1 “Visual Privacy” of the R-Codes.</p> <p>It is also considered that the proposed ancillary accommodation results in an adverse impact on the amenity of the adjoining properties, with regards to building bulk.</p>

Issue/Design Element:	Building Height
Requirement:	<p>Residential Design Elements BDADC 5 Top of external wall (concealed roof): 7 metres</p>
Applicants Proposal:	<p>Top of external wall (concealed roof): 7.1 metres</p>
Performance Criteria:	<p>Residential Design Elements BDPC 5 Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on private space of neighbouring properties; and • Maintain the character and integrity of the existing

Issue/Design Element:	Building Height
	streetscape.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposed development is considered to comply with the Performance Criteria of the City's Residential Design Elements in this instance, as the maximum building height of 7.1 metres results from the slope of the natural ground level.

Issue/Design Element:	Open Space
Requirement:	Residential Design Codes Clause 6.4.1 A1 45 per cent (220.5 square metres)
Applicants Proposal:	34.14 per cent (167.31 square metres)
Performance Criteria:	Residential Design Codes Clause 6.8.1 P1 Sufficient open space around buildings: <ul style="list-style-type: none"> • To complement the building; • To allow attractive streetscapes; • To suit the future needs of residents, having regard to the type and density of the dwelling.
Applicant justification summary:	<p><i>"Proposed development should be permitted with variations to required setbacks to existing boundary walls which have been reduced in length; and minor variation to required open space which has been increased from the existing by reducing the site coverage."</i></p> <p><i>"Designed to harmonise with nearby existing and new housing in terms of building bulk and scale, built form and use of materials and finishes, the proposal has reduced site coverage from existing 313.52 square metres (63.85 per cent) to 277.76 square metres (56.55 per cent) to increase open space from 177.48 square metres (36.15 per cent) to 213.33 square metres (43.45 per cent). As this is much less than the 5 per cent variation permitted at City's discretion, we request you exercise your discretion, and permit a mere 1.55 per cent variation."</i></p>
Officer technical comment:	The proposed alterations and additions to the existing single house including ancillary accommodation, does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.4.1 "Open Space Provision" of the R-Codes in this instance.
	<p>The proposed amount of open space is not considered to complement the dwelling, as the majority of the site is developed.</p> <p>The proposed amount of open space does not provide for an attractive streetscape, as the street setbacks do not comply with the Acceptable Development or Performance Criteria provisions of SADC 10 "Dual Street Frontages and Corner Sites" of the City's Policy No. 3.2.1 relating to Residential Design Elements. It is also noted that the proposal comprises existing boundary walls to all four lot boundaries, with changes proposed to the western and northern boundary walls.</p> <p>With regards to the type of dwelling and the density of</p>

Issue/Design Element:	Open Space
	the site, it is considered that the open space proposed does not suit the future needs of residents. The existing dwelling and proposed ancillary accommodation is too large for the site area, with alternative dwelling types being more suited to lots of this size.
Issue/Design Element:	Access & Parking
Requirement:	<p>Residential Design Elements SADC 13 Street walls and fences to incorporate visual truncations that comply with the City's Policy relating to Truncations. Walls and fences truncated or no higher than 0.65 metres within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.</p> <p>Residential Design Elements SADC 15 Subject to the minimum width of 3 metres, the total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of the lot or 6 metres, whichever is the lesser.</p>
Applicants Proposal:	Aggregate width of the driveways is 6.2 metres.
Performance Criteria:	<p>Residential Design Elements SPC 13 Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points. <p>Residential Design Elements SPC 15 Minimise the number and widths of vehicular access points to frontage streets.</p> <p>Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following:</p> <ul style="list-style-type: none"> • The size of the car parking area; and • The amount and type of vehicle traffic travelling along the related road. <p>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and retention of street trees.</p>
Applicant justification summary:	<i>"To create a 1.5 metre visual truncation, part of the existing front boundary screen wall and front Garage boundary wall are to be re-built setback 1.5 metres, as is the Proposed Carport. We removed proposed new meters from Garage/Store wall facing Norham Street. Will Supply Authority approval, we proposed to upgrade existing gas meter in existing Dwelling wall and add lockable electrical service cabinet with meter view glass."</i>
Officer technical comment:	The proposed aggregated driveway width does not comply with the Acceptable Development or Performance Criteria provisions of Clauses SADC 15 and SPC 15 "Driveways and Crossovers" and SADC 13 and SPC 13 "Street Walls and Fences" of the City's

Issue/Design Element:	Access & Parking
	Policy No. 3.2.1 relating to Residential Design Elements in this instance.
	<p>The proposal does not attempt to minimise the width of the proposed driveways along the Norham Street lot frontage.</p> <p>Further to this, the proposed crossover and driveway to the carport do not match in width. The proposed crossover is 3.6 metres wide, whereas the carport entry is 5.3 metres wide. As the carport is setback 1.2 metres from the Norham Street boundary, it does not provide adequate room for vehicles to manoeuvre.</p> <p>The proposal does not comprise adequate sightlines at vehicle access points, as a 1.5 metre by 1.5 visual truncation has not been provided.</p>

Issue/Design Element:	Energy Efficient Design
Requirement:	<p>Residential Design Elements BDADC 11 Development proposals should incorporate the following energy efficient design principles where practical:</p> <ul style="list-style-type: none"> • A northerly orientation; and • Access to winter sun and summer shade by appropriate location of windows and shading elements, such as trees.
Applicants Proposal:	Proposed ancillary accommodation does not have a northerly orientation, resulting in minimal access to winter sun.
Performance Criteria:	<p>Residential Design Elements BDPC 11 Development should incorporate energy efficient design principles.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of Clause BDADC 11 and BDPC 11 “Energy Efficient Design” of the City’s Policy No. 3.2.1 relating to Residential Design Elements in this instance.
	The proposal does not incorporate energy efficient design principles in the design of the proposed ancillary accommodation. The ancillary accommodation comprises large portions of blank solid walls along the northern boundary, with there being minimal major openings provided. The design does not take into consideration the north-south orientation of the site, therefore limiting the ancillary accommodation’s access to winter sun.

Issue/Design Element:	Ancillary Accommodation
Requirement:	<p>Residential Design Codes Clause 6.11.1 A1 An additional dwelling or independent accommodation associated with a single house and on the same lot where:</p> <ul style="list-style-type: none"> • 45 per cent (220.5 square metres) open space provided; and • There is a maximum floor area of 60 square metres.

Issue/Design Element:	Ancillary Accommodation
Applicants Proposal:	34.14 per cent (167.31 square metres) open space. Floor area of 74.6 square metres
Performance Criteria:	Residential Design Codes Clause 6.11.1 P1 Ancillary dwellings that accommodate the needs of large or extended families without compromising the amenity of adjoining properties.
Applicant justification summary:	<i>“Our Clients confirm they are not seeking approval for Ancillary Accommodation; nor a second Dwelling; they have no intention of renting the home; but simply to provide accommodation for their mother, when she wishes to move in with her son, while maintaining a degree of independence and privacy for both mother and son.”</i>
	<i>“Essentially, all we are seeking to do is provide Ancillary Accommodation for our aging mother, with this accommodation being on an existing footprint at the rear of the residence (formally a cool room, storage room and garage). The City defines Ancillary Accommodation as “self –contained living accommodation on the same lot as a single house that may be attached or detached from the single house however cannot be the subject of a separate green title or survey strata lot”.</i> <i>The total area of our proposed Ancillary Accommodation exceeds the City’s guidelines that state that “the ancillary accommodation structure is not to exceed 70 square metres”.</i> <i>There is currently an existing order for the garage to be repaired, but as the garage is part of the footprint of the proposed two-level ancillary structure, these repairs have not been undertaken as we had anticipated that we would have had approval for our Ancillary Accommodation.</i>
	<i>We fully understand that if we were to subdivide the property, the issue of the total area of the floor space would not be an issue. However, we are not wishing to subdivide. All we are seeking is to establish a second independent living space for our aged mother without sacrificing the quality of either of our lifestyles. In particular, we do not wish to lose the existing rear courtyard and its mature macadamia tree, as this will be an essential ‘shared’ outdoor living space”</i>
Officer technical comment:	The proposal complies with the Performance Criteria provisions of Clause 6.11.1 “Ancillary Accommodation” of the R-Codes in this instance. Appendix 1 “Definitions” of the R-Codes defines ancillary accommodation as: <i>“Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling.”</i>

Issue/Design Element:	Ancillary Accommodation
	<p>As outlined in both the Performance Criteria of Clause 6.11.1 and the Explanatory Guidelines, ancillary accommodation is intended to provide a means for large or extended families to live in proximity but with autonomy, without compromising the amenity of adjoining properties. Ancillary accommodation is limited to 60 square metres, as it is not intended to be an additional dwelling on the site.</p> <p>The proposal comprises a floor area of 74.6 square metres, being 14.6 square metres greater than the Acceptable Development provisions, which provided for a self-contained living accommodation.</p>
	<p>Further to the above, there are some concerns with regards to the layout of the ground floor as the layout remains the same as the superseded plans, whereby the labelling of the rooms has changed. The superseded plans proposed a bedroom, walk-in-robe and computer nook, which are now an existing store and work area, store and utility room. It is noted that the bathroom which was accessed from the bedroom on the superseded plans, remain and is access from the existing store and work area.</p> <p>In the instance that this area is to be used as ancillary accommodation the proposal would no longer comprise the characteristics of an ancillary accommodation, as intended by the R-Codes. It is noted that if the ground floor were to form part of the ancillary accommodation the floor area would increase to 111.22 square metres.</p> <p>Further to the above, it is also noted that the proposed subject site cannot be subdivided in accordance with the R40 density coding, which requires a minimum site area of 200 square metres, without requiring significant changes to the existing dwelling.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	10 January 2012 to 23 January 2012
Comments Received:	Nil

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed alterations and additions to the existing single house including two-storey ancillary accommodation at No. 38 Mabel Street, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;

- North Perth Precinct Policy No. 3.1.8;
- Residential Design Elements Policy No. 3.2.1; and
- Exercise of Discretion for Development Variations Policy No. 3.5.11.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Policy No. 3.2.1 relating to Residential Design Elements, the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, the City of Vincent Town Planning Scheme No. 1 and the Residential Design Codes; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The subject site predominantly comprises a non-permeable surface, which has the potential to result in issues with regards to the retention of storm water on-site.	

SOCIAL	
Issue	Comment
The proposed alterations and additions to the existing single house including two-storey ancillary accommodation will assist in providing a greater housing diversity within the City.	

ECONOMIC	
Issue	Comment
The construction of the alterations and additions will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

The proposed alterations and additions to the existing single house, including ancillary accommodation, would create an undesirable precedent and have a significant impact on the amenity of surrounding lots. The proposal is not in the interest of orderly and proper planning for the locality; which is evident by the significant departure from both the City's Policy No. 3.2.1 relating to Residential Design Elements and the R-Codes.

CONCLUSION:

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, the City's Residential Design Elements Policy No. 3.2.1 and City of Vincent Town Planning Scheme No. 1; it is recommended that the application be refused for the reasons outlined above.

9.1.3 Nos. 31A & 33 (Lots 1 & 2; D/P 6898) Windsor Street, Perth – Proposed Construction of Two-Storey Building Comprising Twelve (12) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	15 March 2013
Precinct:	Banks; P15	File Ref:	PRO2621; 5.2012.566.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 6 March 2013 003 – Development Assessment Report		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by GDD Design Group Pty Ltd on behalf of the owners, Citybird Holdings Pty Ltd, for Proposed Construction of Two-Storey Building Comprising Twelve (12) Multiple Dwellings and Associated Car Parking at Nos. 31A & 33 (Lots 1 & 2; D/P 6898) Windsor Street, Perth, and as shown on plans stamp-dated 27 December 2012 and amended plans stamp-dated 6 March 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 31 & 35 Windsor Street and No. 118A-D Summers Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

2.1 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City’s Policy No. 3.5.23 relating to Construction Management Plans, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

2.2 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City’s Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City’s Parks and Property Services Section.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 2.2.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.2.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.2.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.2.4 The location and type of existing and proposed trees and plants;
- 2.2.5 All vegetation including lawns;
- 2.2.6 Areas to be irrigated or reticulated;
- 2.2.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.2.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.2.9 Planting to the eastern, southern and western boundaries for all common and private outdoor living areas to include 200L trees planted at 3 metre spacing's for the full width of the boundary.

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

2.3 Refuse Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

Residential:

- 1 x mobile garbage bin per unit; and
- 1 x paper recycle bin per unit; and

2.4 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted;

3. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

3.1 Car Parking

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

3.2 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;

3.3 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

3.4 Residential Car Bays

A minimum of nine (9) and three (3) car bays shall be provided for the residents and visitors respectively. The twelve (12) car parking spaces shall be clearly marked and signposted accordingly;

3.5 Visitor Bays

The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property; and

3.6 Bicycle Parking

Four (4) and one (1) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Windsor Street;
4. Any new street/front wall, fence and gate within the Windsor Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning.

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 8.10pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.11pm.

Debate ensued.

Cr Carey departed the Chamber at 8.11pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

“That a new Clause 5 be inserted to read as follows:

5. The southern upper floor garden beds to the rear of units 11 and 12 shall not be accessible for active use, except for the periodic maintenance of the landscaping.”

Debate ensued.

AMENDMENT PUT AND LOST (2-5)

For: Cr Buckels and Cr Maier

Against: Mayor Hon. MacTiernan, Cr Harley, Cr McGrath, Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

(Cr Carey was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 9.1.3

That the Recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Wilcox was on approved leave of absence.)

(Cr Carey was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises twelve (12) dwellings.

BACKGROUND:

History:

Date	Comment
2 February 2004	A development application was approved under delegated authority for the demolition of an existing single house at No. 31A (Lot 2) Windsor Street, Perth.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the construction of a two-storey building comprising ten (10) two bedroom multiple dwellings, two (2) single bedroom multiple dwellings and associated car parking at Nos. 31A & 33 Windsor Street, Perth.

Landowner:	Citybird Holdings Pty Ltd
Applicant:	GDD Design Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	1112 square metres
Right of Way:	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape			✓
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space			✓
Bicycles	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		
Dwelling Size	✓		
Landscaping			✓

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Streetscape
Requirement:	Residential Design Elements SADC 6 A porch, verandah, chimney or the equivalent may project not more than 1 metre into the street setback area, provided that the maximum total width of such projections does not exceed 20 per cent (4.02 metres) of the lot frontage at any level.
Applicants Proposal:	Apartments 1 and 2: Verandah project 1.8 metres into the street setback area, occupying 61.63 per cent (12.4 metres) of the lot frontage.
Performance Criteria:	Residential Design Elements SPC 6 Minor incursions and projections may be permitted where it will not detract from the character of the streetscape or dominate the appearance of the existing dwelling.
Applicant justification summary:	<i>"The increased verandah projection is to help provide amenity to the ground floor apartment's main outdoor and internal living area. These areas are north facing and subjective to harsh mid-summer light penetration and by increasing its depth will assist in providing better living conditions to the resident. The selected construction material is in keeping with the existing streetscape and provides no detriment to the surrounding neighbours."</i>
Officer technical comment:	The proposed verandahs to apartments 1 and 2 comply with the Performance Criteria in this instance. As the proposed appear open in nature, they do not result in any undue building bulk on the streetscape. It is considered they will not detract from the character of the existing streetscape or dominate the appearance of the proposed two-storey building, given they are a traditional aspect of a dwelling.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	Flat roof and 35 degree roof pitch proposed.
Performance Criteria:	Residential Design Elements BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>"A pitched roof of 35 degrees is proposed throughout the development in keeping with the Residential Design Elements BDPC 3, except for flat roofs to the perimeter of the upper level. This has been designed in this manner as such to reduce the impact of bulk on adjoining neighbours and minimise overshadowing."</i>

Issue/Design Element:	Roof Forms
Officer technical comment:	<p>The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the Residential Design Elements.</p> <p>As the overall building height complies with the Acceptable Development provisions of Clause BDADC 5 “Building Height” of the City’s Policy No. 3.2.1 relating to Residential Design Elements and the City’s Policy No. 3.4.8 relating to Multiple Dwellings, it considered that the proposal will not have an undue impact on the existing and desired future streetscape.</p> <p>It is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 90.5 square metres (8.13 per cent), whereas 556.5 square metres (50 per cent) is permitted.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.1 <u>Ground Floor</u> Southern boundary: 3 metres</p> <p><u>First Floor</u> Eastern boundary: 2.8 metres Eastern boundary: 2.6 metres Southern boundary: 4.9 metres Western boundary: 2.6 metres Western boundary: 2.8 metres</p> <p>Residential Design Codes Clause 7.1.4 A4.4 <u>Boundary Walls</u> A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum height: 3.5 metres Average height: 3 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Southern boundary: 2.61 – 4.12 metres</p> <p><u>First Floor</u> Eastern boundary: 2.46 metres Eastern boundary: 2.46 metres Southern boundary: 1.8 – 2.61 metres Western boundary: 2.43 metres Western boundary: 2.43 metres</p> <p><u>Boundary Walls</u> Walls to three side boundaries.</p> <p><u>Eastern boundary</u> Length: 5.93 metres Maximum height: 4.2 metres Average height: 3.51 metres</p>

Issue/Design Element:	Building Setbacks
	<p><u>Southern boundary</u> Length: 4 metres Maximum height: 3 metres Average height: 3 metres</p> <p><u>Western boundary</u> Length: 5.93 metres Maximum height: 4.2 metres Average height: 3.51 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>“The reduced building setback is only minor and doesn’t impact on the adjoining neighbours. The reduction still ensures adequate daylight, direct sun and ventilation, whilst ensuring the visual bulk is reduced. This is also achieved in point 2 (roof forms).</i></p> <p><i>With regards to the additional walls on boundaries, these have been selective in their locations to be sympathetic to the adjoining neighbours and their adjacent land/building use. To the west, the boundary wall is adjoining the properties driveway causing no immediate impact on the adjoining neighbour. To the East, the boundary wall is located only at low level and not encroaching in height to affect the adjoining resident’s upper glazing, the step back in building also helps to reduce unwanted west heat load. To the south, the boundary wall is only 2.91 metres in height with no roof and setback further at upper levels to ensure no overshadowing as illustrated on drawing A1.01.</i></p> <p><i>The impact of walls on boundaries and reduction of setback is considered minor to which no objection was received from adjoining neighbours, thus ensure the protection of amenity.”</i></p>
Officer technical comment:	<p>The proposed setbacks from boundaries and boundary walls comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to the adjoining property, with it also moderating the impact of building bulk on the adjoining property.</p> <p>Due to the subject site’s north-south orientation, the proposal will have no impact on the northern aspect of the proposed building achieving access to winter sun. As the proposal steps down to the rear of the site, the adjoining southern property’s access to winter sun is not compromised.</p>

Issue/Design Element:	Building Setbacks
	<p>It is considered that the proposed setbacks and boundary walls do not result in an undue visual impact on building bulk on the adjoining property in this instance.</p> <p>As the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, the proposed setbacks and boundary walls do not result in any detrimental impact with regards to visual privacy.</p> <p>It is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 90.5 square metres (8.13 per cent), whereas 556.5 square metres (50 per cent) is permitted.</p> <p>In light of this, it is considered that the proposed building does not result in an adverse impact between the subject site and adjoining properties.</p>

Issue/Design Element:	Open Space
Requirement:	<p>Residential Design Codes Clause 7.1.5 A5 45 per cent (500.4 square metres)</p>
Applicants Proposal:	<p>39.8 per cent (442.58 square metres)</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.5 P5 Open space respects existing or preferred neighbourhood character and responds to the features of the site.</p>
Applicant justification summary:	<p><i>"The proposal has a true building cover of 714 square metres equally 36% open space as opposed to the 45% required. However, of the open space consumed the proposal does include upper level landscaping which is included in the consumed space. The inclusion of landscaping on the upper levels is to help the amenity of the development and reduce the impact of bulk to adjoining neighbours and consider as a necessary inclusion. The upper level landscaping equates to an additional 2.8% reduction (32 square metres). Further to this, the mid section of roof at upper level have been reduced to allow sun penetration into adjacent living areas and greater amenity to the occupants, the roof reduction means only the balcony slab is occupying open space which isn't considered significant, especially considering their locations are over the car park below. This is also typical to the upper south facing balconies. The deduction of these portions equate to an additional 3.2% reductions (32 square metres). With the given justified open space reductions he total equates to 42% open space, still 3% shy of the 45% required. As the proposal was advertised with no objections raised, that even with the slight reduction of open space the proposal is considered non obtrusive to the surrounding neighbours and will adapt to the existing streetscape without causing any detriment to the adjoining neighbours ensuring the protection of amenity."</i></p>

Issue/Design Element:	Open Space
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as the proposed open space provides a setting for the building, access to car parking spaces, opportunities for a range of domestic activities and space for utilitarian purposes.</p> <p>It is considered that the proposal provides space that complements the building and allows for attractive streetscapes, as the street setbacks comply with the Acceptable Development provisions of SADC 5 “Street Setbacks” of the City’s Policy No. 3.2.1 relating to Residential Design Elements and the side and rear setbacks comply with the Performance Criteria provisions of Clause 7.1.4 “Side and Rear Boundary Setback” of the R-Codes.</p> <p>It is also noted that the portions of the upper floor that sits over the car bays is included in the building footprint. The proposal is 57.82 square metres short of the Acceptable Development provisions; however the proposal comprises landscaping on-site in accordance with the Acceptable Development provisions of Clause 4.2 “Landscaping” of the City’s Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p> <p>It is considered that the proposed amount of open space provides for the future need of residents, as it allows for the functions of open space as outlined in the Explanatory Guidelines of the R-Codes. The proposed open space provides sufficient room for domestic activities including gardening, outdoor entertaining and leisure.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Residential Design Codes Clause 7.3.2 A2 The street setback areas developed without car parking, except for visitors’ bays, and with a maximum of 50 per cent (51.3 square metres) hard surface.</p>
Applicants Proposal:	The street setback area comprises 69.38 per cent (71.18 square metres) of hard surface.
Performance Criteria:	<p>Residential Design Codes Clause 7.3.2 P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape.
Applicant justification summary:	<p><i>“The street setback incorporates a mixture of both soft and hard landscaping. The hard landscaping extent has been kept to a minimum, but to ensure a clear line of sight which enhances security and safety to the residents of the development and its visitors. The selected construction material will be sympathetic to its locality and ensure it’s in keeping with the streetscape.”</i></p>

Issue/Design Element:	Landscaping
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance. When considering the Performance Criteria the following aspects should be taken into consideration:</p> <ul style="list-style-type: none"> • Maximise areas for natural planting by only hard surfacing areas of necessity. • Provide planting types in appropriate locations that allow for solar access in the winter and shading in the summer. • Plan landscaping to avoid obstructing pedestrian and vehicle sightlines. • Design landscaping along the streetscape to reflect the existing or future desired character of the area. <p>The proposal maximises the areas of landscaping, as it complies with Clause 4.2 "Landscaping" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. It is considered that the subject site comprises sufficient room for trees to grow as there are adequate areas of permeable surfaces, whereby the location of trees will allow for solar access in winter and shading in summer.</p> <p>The extent of landscaping provided within the street setback area ensures that passive surveillance and pedestrian and vehicle sightlines are not compromised. It is also considered that the proposed landscaping is in keeping with the existing and desired future streetscape character.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	30 January 2013 to 19 February 2013
Comments Received:	One (1) support.

Design Advisory Committee:

Referred to Design Advisory Committee: 5 December 2012

Summary of Design Advisory Committee Comments:

1. *Relocate the storerooms adjacent to apartment 3 and 4 to allow apartment spaces to look south in to a larger courtyard. Re-plan apartments to capitalise on this opportunity.*
2. *Apartments 5 and 6 - relocate bedrooms to outside walls for improved outlook, access to natural light and ventilation. A simple solution may be to swap the bedrooms with the bathrooms.*
3. *Apartments 5 and 6 - Alternatively flip the plan to relocate the living spaces to the middle with balconies in the middle of the building. The balconies should be relocated to the middle to reduce impact on adjacent properties.*
4. *Demonstrate natural north light penetration in to apartments 9 and 10. Adjust the roof design as required to achieve good winter sun penetration.*

5. *Develop the design of the access driveway and demonstrate this does not appear as a street (as indicated in the perspective drawing). This should appear as a carefully designed private space with appropriate selection and patterning of the ground surface.*
6. *Identify a separate walkway for pedestrians to access the rear apartments. This may be achieved with contrasting paving. The current design stops at the rear of apartment 2.*
7. *Increase en-suite window sizes.*
8. *Windows requiring obscure glass for privacy cannot be sliding.*

The following Officer comments are provided in light of the above Design Advisory Committee comments:

1. The location of the proposed comply with the Acceptable Development provisions of Clauses 7.4.7 "Essential Facilities" A7.1 and 7.1.4 "Side and Rear Boundary Setback" of the R-Codes and the City is unable to enforce additional requirements. Clause 2.5.4 of the R-Codes states that "a council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council's planning scheme or a local planning policy."
2. The location of the bedrooms regarding the outlook is not governed under planning legislation.
3. The location of the balconies has been relocated to the middle and accessed via the living room.
4. Apartments 9 and 10 have been redesigned to provide for access to winter sun.
5. The driveway complies with the Acceptable Development provisions of Clause 7.3.5 "Vehicle Access" of the R-Codes and SADC 15 "Driveways and Crossovers" of the City's Policy No. 3.2.1 relating to Residential Design Elements.
6. Pedestrian access has been provided to access the rear apartments.
7. The ensuite windows have been increased in size.
8. All windows comply with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.

LEGAL/POLICY:

The following legislation and policies apply to the two-storey building comprising twelve (12) multiple dwellings at Nos. 31A & 33 Windsor Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Banks Precinct Policy No. 3.1.15;
- Residential Design Elements Policy No. 3.2.1; and
- Multiple Dwellings in Residential Zones Policy No. 3.4.8.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The application proposes a significant amount of landscaping on-site, therefore providing adequate permeable surfaces for the development. It's also noted that the design of the two-storey building provides for adequate light and cross ventilation.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity within the City.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the subject proposal is not considered to have an undue impact on the amenity of the locality as it is within the plot ratio and building height.

The design of the building, with regards to the side and rear building setbacks, roof forms, open space and landscaping of the setback area will not have an undue impact on the surrounding properties or the locality in terms of bulk and amenity. The proposal provides for the required landscaping and it is conditioned for mature (200L) trees along the eastern, southern and western boundaries.

CONCLUSION

In view of the above, the application is supportable as it is considered that the proposal complies with the City's Town Planning Scheme No. 1 and the Acceptable Development and Performance Criteria of the Residential Design Codes, the City's Residential Design Elements Policy No. 3.2.1 and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.1.4 No. 180 (Lot 505; D/P 72209) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Shop to Eating House

Ward:	North	Date:	15 March 2013
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO3777; 5.2013.32.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	B Sandri, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Ilpastro Pty Ltd on behalf of the owner, Western Network Pty Ltd for Proposed Change of Use from Shop to Eating House at No. 180 (Lot 505; D/P 72209) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp dated 31 January 2013, subject to the following conditions:

1. The public floor area shall be limited to 126 square metres for the eating house. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
2. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements;

2.1 Cash in Lieu

pay a cash-in-lieu contribution of \$21,206.50 for the equivalent value of 6.059 car parking spaces, based on the cost of \$3,500 per bay as set out in the City’s 2012/2013 Budget; OR

lodge an appropriate assurance bond/bank guarantee of a value of \$21,206.50 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- 2.1.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- 2.1.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or
- 2.1.3 to the owner(s)/applicant where the subject ‘Approval to Commence Development’ did not commence and subsequently expired;

3. Prior to the submission of an Occupancy Permit, the following shall be completed to the satisfaction of the City;

3.1 Bicycle Bays

One (1) Class 3 bicycle bay is required for the eating house in addition to the eight (8) class 1/2 and two (2) class 3 bicycle bays required as per previous approval 5.2011.306.1 shall be provided. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development and bicycle bays for the residents and employees must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

4. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Cr Carey returned to the Chamber at 8.13pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The application is referred to the Council for determination given the proposal has a combined car parking shortfall in excess of ten (10) car bays.

BACKGROUND:

13 September 2011 The Council at its Ordinary Meeting conditionally approved Demolition of Existing Building and Construction of a Four-Storey Mixed-Use Development Comprising of Three (3) Shops, Two (2) Offices, Two (2) Single Bedroom Multiple Dwellings, Four (4) Multiple Dwellings and Associated Car Parking. The Council approved a car parking shortfall of 4.989 car bays.

DETAILS:

The application is for a change of use from shop to eating house at No. 180 Scarborough Beach Road, Mount Hawthorn. The proposed eating house will utilise shops 2 and 3 on the ground floor of the subject development, which is currently under construction. The proposed eating house will be operating for dinner only commencing at 5.30pm.

Landowner:	Western Network Pty Ltd
Applicant:	Ilpasto Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
Existing Land Use:	Retail, Office and Multiple Dwellings
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	1128 square metres
Right of Way:	Northern side, 5.0 metres wide, sealed.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Roof Forms	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles			✓
Access & Parking			✓
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	✓		
Economic Development	✓		
Non-Residential Development Interface	NA		
Consulting Rooms	NA		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Car Parking	
Car parking requirement (nearest whole number). <ul style="list-style-type: none"> Proposed Eating House (1 car bay per 4.5sqm if seating area) <ul style="list-style-type: none"> Floor area – 126m² = 28 car bays required Office (1 car bay per 50sqm of gross floor area) <ul style="list-style-type: none"> Floor area – 1303m² = 26.06 car bays required Shop (1 car bay per 15sqm of gross floor area) <ul style="list-style-type: none"> Floor area – 89m² = 5.933 car bays required 	= 60 car bays
Total car bays required = 59.993	
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 the proposed development is within 400 metres of a bus stop/station 0.80 within 50 metres of a public car park in excess of a total of 50 car parking spaces 0.9 development provides end of trip facilities 0.9 district centre (as per OMC 13/09/2011) 	(0.5508) 33.048 car bays
Minus the car parking provided on-site	22 car bays
Minus the most recently approved on-site car parking shortfall (OMC 13 September 2011)	4.989 car bays
Shortfall	6.059 shortfall

Commercial Bicycle Parking	
<p>Proposed Eating House (Restaurant)</p> <ul style="list-style-type: none"> • One (1) space per 100 square metres public area (proposed 126.415sqm) (class 1 or 2) = 1.26 bicycle bays = 1 bay • Two (2) spaces plus one (1) space per 100 square metres of public area (proposed 126.415sqm) = 3.26 bicycle bays = 3 bays <p>Shop</p> <ul style="list-style-type: none"> • One (1) space per 300 square metres gross floor area (89 square metres) (class 1 or 2) = 0.296 = nil • One (1) space per 200 square metres (89 square metres) (class) 3 = 0.445 = nil <p>Office</p> <ul style="list-style-type: none"> • One (1) space per 200 (proposed 1303 square metres) square metres (class 1 or 2) = 6.52 bicycle bays = 7 bays • One (1) space per 750 square metres over 1000 square metres (proposed 1303 square metres) (class 3) = 0.4 = nil <p><u>Previously Conditioned (OMC 13/09/2011)</u> Eight (8) class 1 or 2 and two (2) class 3 bicycle bays</p> <p><u>Required</u> Eight (8) class 1 or 2 and three (3) class 3 bicycle bays</p>	<p>Requires an additional one (1) class 3 bicycle bay</p>

The applicant has provided the following justification:

"Ilpasto Pty Ltd. is seeking to open a second restaurant at the proposed new premises located at shop 2 and 3, 180 Scarborough Beach Road, Mount Hawthorn, 6016 WA. Our market predominately ranges to a five kilometre radium. We will trade from Monday to Sunday from 5.30pm to approximately 12am. We will close public holidays and for the festive seasons.

Out average customer age is 30 year and above. Most customers will bring wine and beer as opposed to spirits.

We wish to obtain a restaurant liquor licence for the purpose of offering a basic selection of white wines, red wines and a small range of beer. This would offer our customer a complete dining experience, foot, beverage and service. We would continue to offer a BYO service if customers preferred to bring their own."

"In relation to public interest including local business and residential areas, a restaurant licence I believe will have minimal impact. Ilpasto Italian Trattoria being located in the suburb of Mount Hawthorn will mostly appeal to locals. Ilpasto Italian Trattoria is unlikely to attract a young market with the intention to consume large amounts of alcohol. If this establishment was to successfully be granted a restaurant licence this would serve as a convenience to locals that will frequently dine at our establishment on a regular basis.

Ilpasto Mount Hawthorn could potentially employ 6-10 employees and seat up to 105 guests."

The applicant has addressed the car parking shortfall, as follows:

1. *This will result in street parking being free from normal business trading hour allowing customer have access to street parking.*
2. *Directly across the road will be an empty council car park, again free of business hour car parking.*
3. *the location of this site is on a popular cafe strip which runs in a heavy populated residential area, this mean many of our customers be will local in walking distance from this venue.*
4. *and I stress again that our trading hours being from 5.30pm onwards seven night per week will be a crucial park in having ample parking surrounding this venue."*

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	14 February 2013 – 27 February 2013
Comments Received:	One (1) support and one (1) neither support or object

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> The subject owner believes the restaurant is consistent with the multi-storey mixed use development and consistent with the activity centre, envisaged under the City's Town Planning Scheme for the Scarborough Beach Road precinct. Concerns regarding the bulk and scale of the existing approved development. 	<p>Noted.</p> <p>Dismissed. The Council considered and approved the building at its Ordinary Meeting held on 13 September 2011.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the eating house at No. 180 Scarborough Beach Road, Mount Hawthorn:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Centre Policy No. 3.1.2;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

Nil.

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
The proposal provides for an increased range of services to the local community and facilitates social interaction.	

ECONOMIC	
Issue	Comment
The proposed land use will encourage local economic development through generating pedestrian movement along Scarborough Beach Road. Furthermore, it would produce employment through serving and kitchen staff.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The applicant is seeking two (2) variations for the proposed change of use from shop to eating house. Firstly the car parking shortfall is an additional 6.059 car bays to the existing approved shortfall of 4.989 car bays, resulting in a combined shortfall of 11.048 (11) car bays.

The City's Policy No. 3.7.1 relating to *Parking and Access* states "22) ii) if the total requirement (after adjustment factors have been taken into account) is between 11-40 bays, a minimum of 15 per cent of the required bays is to be provided." As such, the overall development requires 4.9572 car bays, however 22 car bays are provided on site for the mixture of uses and is therefore compliant with this clause.

The subject property directly abuts the land use zone of 'district centre' and is located within a 'commercial' zone. The City's Town Planning Scheme No. 1 Zone Table states an eating house is a preferred use within a 'district centre' and 'commercial' zone. Therefore eating houses should be facilitated within these zones, the eating house will further encourage local economic development and activate the area outside of normal business hours.

The City's Precinct Policy No. 3.1.2 *Mount Hawthorn Centre Precinct* encourages uses that have a "principle role of serving retail, general commercial and community needs of the residents and workers in surrounding suburbs with the shopping area forming its focus". In light of the precinct policy, an eating house is fitting with providing the community with an alternative focus than retail; it also meets community needs as the use will facilitate a social aspect to the surrounding community.

The proposed shortfall of one (1) class 3 bicycle bay is conditioned to ensure adequate bicycle parking is available to commuters.

CONCLUSION:

In light of the above comments the proposed car parking shortfall should be supported in this instance. Given the car parking shortfall is taken for the overall development and there is a mixture of uses within the development (currently under construction) it is anticipated that twenty-two (22) parking bays will be sufficient in this instance. It should be further noted that Clause 22(ii) of the City's Policy No. 3.7.1 *Parking and Access* allows for variations between 11-40 car bay shortfalls, provided fifteen (15) percent of parking bay are provided onsite; in this instance fifteen (15) percent of car parking is provided.

The proposed shortfall of one (1) class 3 bicycle bay is conditioned to ensure adequate bicycle parking is available to commuters.

Accordingly, the proposal is supported subject to the aforementioned conditions.

9.1.6 No. 50 (Lot 63; D/P 2334) Sydney Street, North Perth – Proposed Survey Strata Subdivision

Ward:	North	Date:	15 March 2013
Precinct:	North Perth, P8	File Ref:	WAPC/150-13, 7.2013.10.1
Attachments:	001 – Property Information Report and Subdivision Application Plan 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS REFUSAL** of the application to the Western Australian Planning Commission (WAPC) submitted by L Yu on behalf of the owner L Yu & TS Lim for the proposed Survey Strata Subdivision, at No. 50 (Lot 63; D/P:2334) Sydney Street, North Perth, and as shown on plans stamp-dated 15 February 2013, for the following reasons:

1. The subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and
2. The non compliance with the City's Policy No. 3.4.6 relating to Residential Subdivisions, which requires that subdivisions comply with the minimum site area requirements of the Residential Design Codes for properties coded Residential R20.

COUNCIL DECISION ITEM 9.1.6

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona and Cr Topelberg

Against: Cr Maier

(Cr Wilcox was on approved leave of absence.)

ADDITIONAL INFORMATION:

It is noted the City has received advice from the Western Australian Planning Commission (WAPC) regarding Scheme Amendment No. 34 which affects the subject property. Therefore the following is noted and added to the comments provided in the report:

City of Vincent Town Planning Scheme No. 1

The City is currently undertaking a Scheme Amendment to amend clause 20(4)(c)(ii) and 20(4)(h)(i) of the City's Town Planning Scheme No. 1, to maintain the R20 zoning in parts of the North Perth Precinct and Mount Hawthorn Precinct. Based on the consultation, approximately 82% of respondents was supportive of the R20 zoning for the area. It is noted that in the Draft Town Planning Scheme No. 2 the City will be recommending maintaining the existing R20 zoning within parts of this locality, with the exception of London Street which is considered capable of zonings greater than R20.

The amendment was adopted for final approval by the Council on 12 February 2013 and forwarded to the Western Australian Planning Commission (WAPC) to request the Minister for Planning to adopt the amendment for final approval.

Scheme Amendment No. 34 is currently being considered by the WAPC in order to modify the dates from '29 March 2013' to '29 March 2015' to the following clauses:

- (a) Clause 20(4)(c)(ii) - 'After 29 March 2015 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.'
- (b) Clause 20(4)(h)(i) - 'After 29 March 2015 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.'

Based on the above the current application for subdivision is to be assessed as per the current coding of Residential R20.

PURPOSE OF REPORT:

The report is referred to a meeting of Council as previous applications for subdivision of the site were referred to Council and given its location within the Eton Locality/North Perth Precinct.

BACKGROUND:**History:**

Date	Comment
3 April 2003	Proposed Application for Subdivision - Recommendation of Approval to WAPC under Delegated Authority
26 August 2003	Proposed Survey Strata Subdivision (Ordinary Meeting of Council – Recommendation of Refusal to WAPC)
24 February 2009	Proposed Survey Strata Subdivision (Ordinary Meeting of Council – Recommendation of Approval to Western Australian Planning Commission (WAPC).

Previous Reports to Council:

Prior to the subject application for subdivision the property as noted above was subject to three previous applications for subdivision, with two going before Council for recommendation to the WAPC. In the first application to Council, refusal was recommended as the proposed lot area did not comply with the general site area requirements of the Residential Design Codes and support of the proposal would be contrary to the Scheme Amendment to rezone the area to Residential R20, which was going through at the time. The second application for consideration for the site in 2009 was supported by Council as the zoning at the time was Residential R30/40 and given the lot areas proposed would conditionally comply with the general site area requirements of that code, was supported.

Following the second application referred to the Ordinary Meeting of Council with a recommendation of approval for the site, the WAPC refused the application. The applicant appealed the refusal to the State Administrative Tribunal and following mediation received conditional approval.

DETAILS:

Landowner:	L Yu & TS Lim
Applicant:	L Yu
Zoning:	Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	679 square metres
Right of Way:	N/A

The proposal involves the subdivision of the existing lot into two (2) survey strata residential lots with associated common property. The two (2) proposed lots are 257m² and 317m² in area respectively with a common property area of 106m², which is not compliant with the minimum and average site area requirements of Residential R20, of the Residential Design Codes.

It is noted as the property is located within the Scheme Amendment No. 34 area, the application is to be assessed using the requirements of the current density code, that is, R20 for land formerly coded R30 within the Mount Hawthorn Precinct, and R20, for land formerly coded R30/40 within the North Perth Precinct.

It is also considered that the most recent subdivision application for the property, consisting of two lots and associated common property, received approval from the Western Australian Planning Commission in 2009.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Minimum Site Area	N/A		✓

Issue/Design Element:	Minimum Site Area
Requirement:	ADC 3: Minimum Site Area Proposed lots must comply with Table 1 of the Residential Design Codes (R Codes) in relation to the minimum site area requirement for the relevant density. Residential R20 – Minimum - 440m ² Average – 500m ²
Applicant's Proposal:	Lot 1 – 257m ² Lot 2 – 317m ² Common Property Area – 106m ²
Performance Criteria:	PC 2. Minimum Site Area (i) The subdivision of land is to create lots of a sufficient size and configuration to accommodate future desired development at a density consistent with the R Coding of the area. <i>(a) Survey Strata Lots</i> <i>Where a subdivision results in the creation of a survey strata lot with a pedestrian or vehicular access way, the area of the pedestrian or vehicular access way is not to be included in the calculation of the minimum site area.</i>

Issue/Design Element:	Minimum Site Area
<p>Applicant and owner justification summary:</p>	<p><i>“The subject land has previously been granted approval for subdivision on two occasions, with the most recent approval granted in 2009. Both of these approvals expired before the commencement of development and/or the completion of the subdivision works.”</i></p> <p><i>Previous Applications</i> <i>“...The Western Australian Planning Commission (WAPC) granted approval for the subdivision of the subject land into 2 lots, with each lot measuring an area of 340m². At the time the subject land was zoned R30/40 under TPS1.</i></p>
	<p><i>Unfortunately, due to personal circumstances, the approval granted by the WAPC in 2003 expired prior to the commencement of the development. Furthermore, the applicant was unaware that during this period a series of Town Planning Scheme Amendments had commenced which down-coded the locality to R20 for a set period via a ‘sunset’ clause.</i></p> <p><i>DR231 OF 2009 (WAPC Ref – 66-09)</i> <i>A new survey strata subdivision application was lodged 19 January 2009. The applicant felt that a battle-axe configuration via a survey-strata arrangement would result in a development that was more sympathetic with the streetscape. Notwithstanding the above, this application would also require the demolition of the existing single residential dwelling to allow for the subdivision. At the time the application was lodged and considered by the City the subject land was assessed as “R30/40 under TPS1, qualifying for “R30 code under the dual coding criteria outlined in TPS1.</i></p> <p><i>The City considered the application and recommended approval of the plan, subject to conditions, at the City’s Ordinary Council Meeting held 24 February 2009.</i></p> <p><i>It was noted that the subject land had previously had similar (the original) survey-strata and freehold subdivision approvals permitted at higher “R30” code which has since expired before commencement of development.</i></p> <p><i>The subject application was then refused by the Respondent considered the subject application under the “R20” zoning following and amendment (No. 11) to TPS1 (gazettal date 3 March 2009).</i></p> <p><i>The Applicant subsequently lodged an application for review at the State Administrative Tribunal (the “Tribunal”) on 10 June 2009. Following several mediation sessions the matter was resolved by the Respondent reconsidering their decision and approving the survey-strata application on 12 August 2009 (see WAPC approval Attachment 1). The case was withdrawn from the Tribunal on 18 August 2009.</i></p>

Issue/Design Element:	Minimum Site Area
	<p><i>"We argue that there is fundamentally discretion to approve the subject application with regard to section 138 of the Planning and Development Act 2005 ('the Act') whereby;</i></p> <p><i>"(1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.</i></p>
	<p><i>(2) Subject to conditions (3), in giving its approval under section 135 or 136, the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and its not to give any approval that conflicts with the provision of the local scheme.</i></p> <p><i>(3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if-</i></p> <p><i>(a) The local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter;</i></p> <p><i>(b) The approval is consistent with a region planning scheme that deals with substantially the same matter;</i></p> <p><i>(c) In the opinion of the Commission –</i> <i>(i) The conflict is of a minor nature, or</i> <i>(ii) The approval is consistent with the general intent of the local planning scheme;</i></p> <p><i>(d) The local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict...</i></p> <p><i>We contend that the WAPC has the discretion to approve the subject application should it deem that any of the conditions sought in section 138(3) of the Act apply to the subject application."</i></p>
Officer technical comment:	Not Supported. The subdivision proposes a variation to the minimum site area requirements of the current coding of the site (Residential R20) and is not supported.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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No community consultation is required for subdivision applications.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and City's Policy No. 3.4.6 relating to Residential Subdivisions.

RISK MANAGEMENT IMPLICATIONS:

Should the Council recommend refusal of the subdivision application, the Western Australian Planning Commission (WAPC), as the determining authority will make the decision on the application. Should the applicant wish to have the decision reviewed, in the event of a refusal by the WAPC, they are able to do so in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The proposal for lots of a smaller size is consistent with urban consolidation principles.	

SOCIAL	
Issue	Comment
This proposal will provide for smaller households within the City which are anticipated to grow in the future but may result in a detrimental impact to the streetscape and local amenity.	

ECONOMIC	
Issue	Comment
The construction of any future buildings on site and demolition of the existing dwellings will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

The construction of any future buildings on site and demolition of the existing dwellings will provide short term employment opportunities.

COMMENTS & CONCLUSION:

City of Vincent Town Planning Scheme No. 1

The City is currently undertaking a Scheme Amendment to amend clause 20(4)(c)(ii) and 20(4)(h)(i) of the City's Town Planning Scheme No. 1, to maintain the R20 zoning in parts of the North Perth Precinct and Mount Hawthorn Precinct. Based on the consultation, the majority of the community is supportive of the R20 zoning.

The amendment was adopted for final approval by the Council on 12 February 2013 and forwarded to the Western Australian Planning Commission (WAPC) to request the Minister for Planning to adopt the amendment for final approval. The City had previously proposed to delete the clauses from the TPS but was required by the Minister for Planning to amend the clauses.

City of Vincent Policy 3.4.6 relating to Residential Subdivisions

Under the provisions of the above policy, the new lot configurations are to comply with the Minimum Site Area requirements of the Residential Design Codes. In this particular case, the proposed lot areas do not comply with the minimum or average lot area requirements and are not supported.

In light of the variations to Lot Area, the proposed subdivision is recommended for refusal to the Western Australian Planning Commission.

9.1.8 Nos. 276-282 (Lot: W108 D/P: 223022) Beaufort Street, Perth - Proposed Demolition of Existing Buildings and Construction of Shops, Unlisted Use (Night Shelter) and Associated Offices and Car Parking

Ward:	South	Date:	15 March 2013
Precinct:	Beaufort Precinct (P13)	File Ref:	PRO5737; 5.2012.515.1
Attachments:	001 – Property Information Report, Development Application Plans 002 – Applicant’s Submissions dated 16 November 2012 003 – Applicant’s Submission dated 15 January 2013 004 – Applicant’s Submission dated 26 February 2013 005 – Applicant’s Submission dated 1 March 2013 006 – Public Consultation and Communication Report 007 – Applicant’s letter dated 25 March 2013		
Tabled Items	Heritage Assessment and Archive Record		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS APPROVAL** to the Western Australian Planning Commission for the application submitted by the owners Department of Housing, for Proposed Demolition of Buildings and Construction of shops, Unlisted Use (Night Shelter), Associated Offices and Car parking at Nos. 276-282 (Lot W108; D/P 223022) Beaufort Street, Perth, and as shown on amended plans stamp-dated 26 November 2012, 16 and 24 January 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 250 Beaufort Street, Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
2. The maximum gross floor area of the shop (retail) building shall be limited to 216 square metres gross floor area. Any increase in floor space or change of use of the shops shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City’s Policy No. 3.7.1 relating to Parking and Access;
3. Doors, windows and adjacent floor areas facing Beaufort Street shall maintain active and interactive relationships with this street;
4. **Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City’s Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 4.1 within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$24,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,400,000); and

in conjunction with the above chosen option;

Option 1 –

prior to the approval and subsequent issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 –

prior to the approval and subsequent issue of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

5. Awning

Design of the awning over the street shall address the new kerb alignment and streetscape design, including verge tree planting, to be implemented early in the 2013/14 financial year;

6. Cash-in-Lieu

6.1 within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

6.1.1 pay a cash-in-lieu contribution of \$10,902.50 for the equivalent value of 3.115 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

6.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$10,902.50 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

(a) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or

(b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

(c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

7. An interpretative plaque or another appropriate form of interpretation that recognises the historic value significance of the former boarding houses at Nos. 276-282 Beaufort Street, Perth, shall be submitted to and approved by the City prior to the issue of a Demolition Permit and/or Building Permit, in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage. The form of interpretation shall be installed along the Beaufort Street frontage, prior to the first occupation of the approved development on site, at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s). The interpretative plaque may be funded by the City's Heritage Plaques Program;
8. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
- 8.1 **Security Gate**
- The vehicular swing gate and the security gate to be a minimum 50 per cent visually permeable and a maximum 1.8 metres in height;
- 8.2 **Construction Management Plan**
- A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;
- 8.3 **Schedule of External Finishes**
- A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved by the City;
- 8.4 **Landscape and Reticulation Plan**
- A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval by the City.
- For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:
- 8.4.1 The location and type of existing and proposed trees and plants;
- 8.4.2 All vegetation including lawns;
- 8.4.3 Areas to be irrigated or reticulated;
- 8.4.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 8.4.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 8.4.6 Planting to the eastern boundary to include 200L trees planted at 3 metre spacing's respectively for the full width of the boundaries;
- The Council encourages landscaping methods and species selection which do not rely on reticulation.
- All such works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

- 8.5 Refuse and Recycling Management Plan**
- Bin numbers, collection and stores shall meet with the City's minimum service provision; and
- 8.6 Upper Floor Facade Treatments**
- 8.6.1** An additional architecturally designed facade treatment shall be incorporated into the northern and southern sides of the building over the ground floor ceiling level to a height of eight (8) metres from the natural ground level;
- 8.6.2** The proposed translucent polycarbonate, with rear illumination, shall be replaced with a more durable solid façade that integrates with the character buildings on Beaufort Street; and
- 8.6.3** The public art contribution may be used to achieve part of the above works required in clause 8.6.1, in liaison with the City's Community Development Section.
- 9. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 9.1 Car Parking**
- The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 9.2 Management Plan-Vehicular Entry Gates**
- Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available at all times for staff, people sleeping overnight, visitors to the night shelter and shops, shall be submitted to and approved by the City;
- 9.3 Bin store**
- A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
- 9.4 Bicycle Parking**
- One (1) Class 1 or 2, and one (1) bicycle bays Class 3 for the shop components, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and
- 10. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.**

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;
3. Any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
7. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
8. The City strongly recommends the applicant consider a 2 storey building facing Beaufort Street as previously advised by the City.

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation, together with the following change(s), be adopted:

"That Clauses 6.1.1, 6.1.2 and 8.6.1 be amended to read as follows:

6. **Cash-in-Lieu**

6.1 within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

6.1.1 pay a cash-in-lieu contribution of ~~\$10,902.50~~ 5,075 for the equivalent value of ~~3.115~~ 1.45 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget;
OR

6.1.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$10,902.50~~ 5,075 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances: ..."

"8.6 **Upper Floor Facade Treatments**

8.6.1 An additional architecturally designed facade treatment shall be incorporated into the northern and southern sides of the building over the ground floor ceiling level to a height of eight (8) metres from the natural ground level for a distance of 2 metres from the front boundary;"

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.8

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS APPROVAL** to the Western Australian Planning Commission for the application submitted by the owners Department of Housing, for Proposed Demolition of Buildings and Construction of shops, Unlisted Use (Night Shelter), Associated Offices and Car parking at Nos. 276-282 (Lot W108; D/P 223022) Beaufort Street, Perth, and as shown on amended plans stamp-dated 26 November 2012, 16 and 24 January 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 250 Beaufort Street, Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
2. The maximum gross floor area of the shop (retail) building shall be limited to 216 square metres gross floor area. Any increase in floor space or change of use of the shops shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;
3. Doors, windows and adjacent floor areas facing Beaufort Street shall maintain active and interactive relationships with this street;
4. **Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 4.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$24,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,400,000); and in conjunction with the above chosen option;

Option 1 –

prior to the approval and subsequent issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 –

prior to the approval and subsequent issue of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

5. **Awning**

Design of the awning over the street shall address the new kerb alignment and streetscape design, including verge tree planting, to be implemented early in the 2013/14 financial year;

6. **Cash-in-Lieu**

6.1 within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

6.1.1 pay a cash-in-lieu contribution of \$ 5,075 for the equivalent value of 1.45 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

6.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$5,075 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

(a) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or

(b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

(c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

7. An interpretative plaque or another appropriate form of interpretation that recognises the historic value significance of the former boarding houses at Nos. 276-282 Beaufort Street, Perth, shall be submitted to and approved by the City prior to the issue of a Demolition Permit and/or Building Permit, in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage. The form of interpretation shall be installed along the Beaufort Street frontage, prior to the first occupation of the approved development on site, at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s). The interpretative plaque may be funded by the City's Heritage Plaques Program;

8. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

8.1 **Security Gate**

The vehicular swing gate and the security gate to be a minimum 50 per cent visually permeable and a maximum 1.8 metres in height;

8.2 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

8.3 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved by the City;

8.4 Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval by the City.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 8.4.1 The location and type of existing and proposed trees and plants;
- 8.4.2 All vegetation including lawns;
- 8.4.3 Areas to be irrigated or reticulated;
- 8.4.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 8.4.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 8.4.6 Planting to the eastern boundary to include 200L trees planted at 3 metre spacing's respectively for the full width of the boundaries;

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

8.5 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision; and

8.6 Upper Floor Facade Treatments

- 8.6.1 An additional architecturally designed facade treatment shall be incorporated into the northern and southern sides of the building over the ground floor ceiling level to a height of eight (8) metres from the natural ground level for a distance of 2 metres from the front boundary;
- 8.6.2 The proposed translucent polycarbonate, with rear illumination, shall be replaced with a more durable solid façade that integrates with the character buildings on Beaufort Street; and
- 8.6.3 The public art contribution may be used to achieve part of the above works required in clause 8.6.1, in liaison with the City's Community Development Section.

9. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 9.1 **Car Parking**
The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 9.2 **Management Plan-Vehicular Entry Gates**
Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available at all times for staff, people sleeping overnight, visitors to the night shelter and shops, shall be submitted to and approved by the City;
- 9.3 **Bin store**
A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
- 9.4 **Bicycle Parking**
One (1) Class 1 or 2, and one (1) bicycle bays Class 3 for the shop components, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and
10. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;
3. Any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
7. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
8. The City strongly recommends the applicant consider a 2 storey building facing Beaufort Street as previously advised by the City.

ADDITIONAL INFORMATION:

The applicant has provided additional information in the attached letter for the Council's consideration (Attachment 007).

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposed Demolition of Buildings and Construction of Shops, "Unlisted Use" (Night shelter) and Associated Offices and the number of objections received during community consultation.

BACKGROUND:

The subject site was recently purchased by the Department of Housing. The proposed facility is a partnership between the State Government of WA and the St Vincent de Paul Society for a new homeless service. The night shelter will not operate on a 'drop-in' or 'first in, first served' basis, as consumers will be referred by other agencies and, for the most part, delivered to the shelter for immediate admission. A full account of how the facility operates is attached.

As the Department of Housing is a State Government Agency, the determining authority is the Western Australian Planning Commission (WAPC). The City is required to forward its recommendation to the WAPC by 29 March 2013.

There is no road widening affecting this section of Beaufort Street.

DETAILS:

Landowner:	Department of Housing
Applicant:	Department of Housing
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shops (Vacant)
Use Class:	Shop, Unlisted Use (Night Shelter) and Associated Offices
Use Classification:	"SA"
Lot Area:	761 square metres
Access to Right of Way	N/A

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Land Use Mix	✓		
Streetscape			✓
Roof Form	N/A		
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height			✓
Building Storeys			✓
Open Space	N/A		
Landscaping	N/A		
Bicycles	✓		
Access & Parking	✓		

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	✓		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment:

Issue/Design Element:	Front Setback
Requirement:	Beaufort Precinct Policy Front-West Elevation – Setback is generally consistent with the building setback on the adjoining land and in the immediate locality.
Applicants Proposal:	Front-West Elevation - Nil.
Performance Criteria:	Not applicable.
Applicant justification summary:	Not submitted.
Officer technical comment:	The proposed "Nil" front setback is considered to complement the emerging streetscape along this section of Beaufort Street.

Issue/Design Element:	Building Setbacks
Requirement:	Non-residential/Residential Development Interface Policy No. 3.4.3 Rear-East Elevation - 6 metres.
Applicants Proposal:	Rear-East Elevation - 3.606 metres.
Performance Criteria:	Non-residential/Residential Development Interface Policy No. 3.4.3 Variations to this setback requirement can be considered where it can be demonstrated that there will be no adverse impact on the amenity of the residential property to the rear.
Applicant justification summary:	<u><i>"Setback to the rear (east):</i></u> <i>In regards to the proposed setback, it can be demonstrated that the proposed 3.6 metre setback to the rear (east) of the property will have no adverse impact on the amenity of the neighbouring residential property. The neighbouring property, a multi-residential complex, has enclosed parking garages adjacent to the boundary that will not be affected by overshadowing (please refer to the attached submission for Figure 1)</i> <i>It is also noted that, as an existing 2-storey height warehouse on lot W108 is located in the same place (with roughly the same setbacks) as the proposed night shelter, there will be very little change to the amenity and overshadowing that currently exists.</i> <u><i>Setback to the side (south)</i></u> <i>As per the above comments, the limited area of nil setback to the side boundary (7.1m, 14% of boundary</i>

Issue/Design Element:	Building Setbacks
	<i>length) will have no adverse impact on the amenity of the neighbouring residential property. The apartment building and its common external areas are well removed from the area of nil setback."</i>
Officer technical comment:	The rear setback is unlikely to have an undue impact on the rear western setback, which adjoins a car parking area and the proposed building is single storey.

Issue/Design Element:	Building Height/Building Storeys
Requirement:	Beaufort Precinct Policy No. 3.1.13 Buildings with two storeys (including loft) are strongly encouraged.
Applicants Proposal:	Single storey with extended 8 metres high vertical fascia, clad in translucent polycarbonate, and will be illuminated from behind at night.
Performance Criteria:	Not applicable.
Applicant justification summary:	<i>"In response to the comments received (from DAC and neighbours submissions) regarding the height of the building to the street we note that the acceptable development standard strongly encourages two storey buildings along Beaufort Street. To this end, we reject the assertion that the single storey does not meet the current acceptable development standards.</i> <i>Whilst operational imperatives have necessitated a single storey rather than a multi-storey building the design attempts to meet the intent of the City's encouragement for two-storeys through an extended vertical fascia that is clad in translucent polycarbonate and will be illuminated from behind at night. The facade reaches a height of 8 metres and is equivalent in height to a generous 2-level building.</i> <i>Finally, we also note that the structural design of the commercial building adjacent Beaufort Street does not preclude future alterations to create a second storey."</i>
Officer technical comment:	Not supported. Refer to comments below. The City Officers are recommending additional features to be incorporated in the upper floor facade to strengthen and create a two storey appearance and an advice note regarding the City's strong preference for a 2 storey building.

Town Planning Scheme Detailed Assessment

Car Bay Requirement	
<ul style="list-style-type: none"> Shop (retail) based on 1 car bay per 15 square metres (proposed 216 square metres)=14.4 car bays or 14 car bays. Six (6) staff - No adjustment factors used for the staff component. 	
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of public car park with 75 car bays) 0.85 the proposed development is within 400 metres of a bus stop/station 	(0.7225) 14 x 0.7225 = 10.115 (shops) plus 6 staff car bays =16.115
Minus the car parking provided on-site	13 car bays

Car Bay Requirement	
Minus the previously approved on-site car parking shortfall	N/A
Resultant Shortfall	3.115 car bays

Bicycle Parking

Bicycle Parking	
<p>Shops</p> <ul style="list-style-type: none"> • 1 space per 300 (proposed 216) square metres gross floor area (class 1 or 2) – 0.72 or 1 bicycle space. • 1 space per 200 (proposed 216) square metres over for visitors (class 3) – 1.08 or 1 bicycle space. • No bike facilities required for service apartment. 	Applicant has stated that they are prepared to provide 1 class 3 and 1 class 2 bicycle facility.

The applicant has provided justification which states the following:

“Car Parking

In response to the comments received on the development standards for parking we re-iterate that the hours of operation for the commercial building and the night shelter are for the most part distinct. As noted in our DA submission, the night shelter operates after 4:00pm and closes before 10:00am whilst the commercial tenancies will follow standard business hours. The practical effect of this difference in operation hours is that the 13 bays provided will be sufficient for the 5 night shelter staff and the limited number of staff in the commercial premises.

Furthermore, we note that the primary consumer of the night shelter (the acutely homeless) do not, for the most part, have cars and are thus highly unlikely to increase parking congestion in the area. As is noted in our DA submission, consumers will, for the most part, be delivered to the building by bus. Whilst daytime consumers of the laundry facilities may have vehicles their small number will preclude any significant or regular strain on local parking.

Finally, we note that the central location of the night shelter, and the adjacency of public transport options, makes the proposed site well suited to alternate transport options.

Bicycles Spaces:

The nature and operation of the night shelter mean that, despite the applicant’s support for the City’s “TravelSmart” program, bicycle spaces will be of limited use to the consumers. As is discussed in the original DA submission, clients will not access the building on a ‘drop-in’ basis but instead will be collected and delivered to the building by vehicle/mini-bus following referral.

We note that the night shelter does not meet any of the use classes indicated in the City’s Bicycle Parking Requirements Table (Policy No. 3.7.1) and, as the staff’s role is similar to a night shift health care professional, it is likely that staff will make very limited use of bicycle commuting.

At less than 200sqm, the commercial/retail building does not require a bicycle facility under Policy No. 3.7.1.

However, with this in mind, the applicants are willing to amend the plans as part of a condition of approval to include a class 3 bicycle facility on the street (to City of Vincent specifications) adjacent to the commercial building. Further, if it is deemed necessary, a class 2 bicycle parking facility (for one a single bike) could also be provided to the night shelter through the slight alteration of the area currently shown as “Covered External Storage” on plan A1.02.”

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	30 January 2013 to 19 February 2013
Comments Received:	Eight (8) objections and two (2) late objections.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Car Parking</u></p> <ul style="list-style-type: none"> The Acceptable Development Standard should be met. Will lead to more unfair parking congestions within the area. Beaufort Street is proposed to be two-way traffic, limiting on street parking during peak times in the morning and evening, as such consumers using the laundry facility would require a mode of transport to transport their laundry. 	<p>Dismiss. The shortfall in car parking is not likely to have an adverse impact on the amenity of the area. There is sufficient public car parking available during business hours at the Brisbane Street car park.</p> <p>It is very unlikely that the persons sleeping over at the night facility will have cars to park after hours.</p>
<p><u>Issue: Height of Building</u></p> <ul style="list-style-type: none"> The Acceptable Development Standard should be met. 	<p>Noted. A condition has been imposed to reflect a two storey building structure for the site.</p>
<p><u>Issue: Bicycle Spaces</u></p> <ul style="list-style-type: none"> The Acceptable Development Standard should be met. Not complying with this requirement works against the initiatives the City is attempting to implement through the TravelSmart programme, and therefore not consistent with creating a sustainable City. 	<p>Supported. A condition requiring bicycle facilities to be provided. The Department of Housing has agreed to provide the required bicycle facilities.</p>
<p><u>Issue: Setbacks to Buildings</u></p> <ul style="list-style-type: none"> The Acceptable Development Standard should be met. 	<p>Dismiss. The proposed "nil" street setback is considered appropriate and is considered will contribute positively to the Beaufort Street streetscape.</p>
<p><u>Issue: Change of Use</u></p> <ul style="list-style-type: none"> The subject location on Beaufort Street between Newcastle and Bulwer Street for the proposed night shelter is renowned for anti social behaviour. Beaufort Central already exists which is a half-way house-come-shelter immediately to the south of the proposed development and creates anti social behaviour, this proposal will exacerbate the issue. The proposed accommodation is limited to ten (10) homeless people which has the potential to create overcrowding on the streets, once people are turned away. Further details are requested to identify a management plan for those who are unable to seek shelter once the 	<p>Dismiss. The use is considered acceptable within the Commercial zone.</p> <p>Dismiss. The night shelter is not considered unsuitable for the area. The applicant has advised that the facility will be appropriately managed with proper supervision in place.</p> <p>Noted. This is a matter that is to be managed by the St Vincent de Paul, as stated in their submission.</p> <p>As above.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>accommodation is full.</p> <ul style="list-style-type: none"> • It is expressed that the adjoining neighbours will be affected by noise. • This change of use will have a detrimental impact on economic stimulation for the existing businesses within the area. • Residents have expressed that crime rates are significant within the area and the adjoining residents fear this will increase due to the homeless shelter. • The homeless shelter is not a compatible use with existing uses within the area, for example restaurants and the like. • The position of the proposed homeless shelter is not consistent with the Beaufort Street Precinct policy which aims to encourage compatible commercial uses and amenity. 	<p>Dismiss. The occupants will have to comply with the Noise Regulations.</p> <p>Dismiss. This is a speculative statement, which has not been supported with any recognised studies/reports.</p> <p>Dismiss. This is a speculative comment.</p> <p>Dismiss. The land is zoned Commercial; the use is considered acceptable.</p> <p>Dismiss. The proposed land use can be considered on the site and is considered acceptable.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

The applicant has provided the following justification regarding the proposed use of the premises:

“A majority of the submissions spoke to the perceived inappropriateness of the change of use to a night shelter, and it is recognised by the applicants that it is an issue of concern to some people. The applicants believe, however, that a thorough explanation of the night shelter’s operation, consumers, and management, will ameliorate these concerns.

As was stated in the original DA submission, and as is noted above, the night shelter will not operate on a ‘drop-in’ or ‘first in, first served’ basis. As consumers will be referred by other agencies and, for the most part, delivered to the shelter for immediate admission there will not be, as was claimed, “overcrowding on the streets once people are turned away”.

The comments stating that a homeless shelter will attract homeless people (and thus heighten crime, anti-social behaviour and vagrancy) ignores that a significant number of homeless people currently reside in the City of Vincent, moreover, that TFH will cater to a very limited number of clients.”

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee (DAC) on 6 February 2013, which resulted in the following DAC recommendation:

Recommendation:

“The DAC supports the program of this project but believes a higher density solution is more appropriate to accommodate future shelter growth to meet community demand. Such sites in inner city areas are difficult to obtain, they are important sites for such programs and must meet local and state community and context requirements.

Mandatory:

Redesign to 2 storey to Beaufort Street.

Ensure natural light and air to all bedrooms and living areas is demonstrated.

Design Considerations:

Move all bulk to front of site as two or three storeys, leaving rear area for future development.

Technical:

Screen all air conditioners from street view by relocating”

Response from the applicant in relation to the above DAC recommendations dated 1 March 2013:

“In response we note firstly that the Town Planning Scheme and Beaufort Precinct Policy (No 3.1.13) do not make mention of minimum density and size of developments on the site. The precinct policy states only that, in regards to height, “Buildings with two storeys are strongly encouraged”. Whilst the DAC is correct to point out that there will be future community demand it does not follow that the proposed Acute Night Shelter should therefore be made larger (or designed to allow for future expansion). The Acute Homeless Night Shelter, to be known as Tom Fisher House (TFH), has been specifically designed for a limited intake of individuals already working with one of four agencies (Uniting Care, Ruah Community Services, St Patricks Community Support Centre, and the Mental Health Mobile Clinical Outreach Team); TFH is not designed as a general crisis accommodation response for rough sleepers. A higher density proposal would neither be practical nor have the available staffing/funding.

Height of Building:

In response to the comments received (from the DAC and neighbours submissions) regarding the height of the building to the street we note that the acceptable development standard strongly encourages two storey buildings along Beaufort Street. To this end, we reject the assertion that the single storey does not meet the current acceptable development standards. Whilst operational imperatives have necessitated a single storey rather than a multi-storey building the design attempts to meet the intent of the City’s encouragement for two-storeys through an extended vertical fascia that is clad in translucent polycarbonate and will be illuminated from behind at night. The façade reaches a height of 8 metres and is equivalent in height to a generous 2-level building.

Finally, we also note that the structural design of the commercial building adjacent Beaufort Street does not preclude future alterations to create a second storey.”

The applicant has provided a response to the matters raised in the public submission in their letter dated 1 March 2013 (attached), which also includes a letter from St Vincent de Paul Society dated 26 February 2013 (attached) that details the management plan and also a “Q and A Fact Sheet.”

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Should the Council not support the application for development approval, the final determining Authority is the WAPC, as this application involves the Department of Housing, which is a State Government Agency. Should the WAPC also not support the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*, which the WAPC would have to defend.

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
More efficient use of land, while not to its full potential, including provision of infrastructure and services.	

SOCIAL	
Issue	Comment
Provide a social service in the immediate area for homeless people to find safe shelter for the night.	

ECONOMIC	
Issue	Comment
Short term employment opportunities related to the building and related industries, and employment of staff to manage the facility.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition:

"The place at Nos. 276-282 Beaufort Street, Perth comprises a house and a TAB at present. The house, which is located to the south of the shop, was used as a boarding house in the late 19th century and has been adapted into a shop in the 1950s. The site of the TAB originally accommodated a pair of semi-detached duplex, which was used as boarding houses in the late 19th century and had later been demolished in the early 1970s. Nos. 276-282 Beaufort Street is currently not listed on the City's Municipal Heritage Inventory.

The State Heritage Office has undertaken a Heritage Assessment for the subject place, which was completed by Philip Griffiths of Griffiths Architects and Historian Eddie Marcus on 30 November 2012.

The above-mentioned Heritage Assessment indicates that the subject place has some historic value, as the remains of the house at Nos. 276-278 Beaufort Street are an indication of the Gold Boom stage of the development of the area and the role played by boarding houses during the population influx, while the other stages of development reflect the changes brought about in the post World War II period and of the development of the TAB system throughout the State. The Statement of Significance in the Heritage Assessment of the place at Nos. 276-282 Beaufort Street states,

“the remaining sections of the house provide evidence of boarding house use, while later shop front at 276-278 demonstrates an adaption of the building to the changing commercial nature of Beaufort Street and the TAB outlet at 280-282 is representative of the changing nature of bookmaking in the late 1970s and early 1980s in response to changes in legislation.”

The Heritage Assessment further illustrates that whilst the subject place has some historic value, there are no aesthetic, scientific and social values identified. It is therefore considered that the place does not meet the threshold for entry on the City’s Municipal Heritage Inventory, in accordance with the City’s Policy No. 3.6.2 relating to Heritage Management – Assessment. As such, the Heritage Services have no objection to the proposed demolition of Nos. 276-282 Beaufort Street.

Notwithstanding the above, it is considered that an interpretative signage is to be installed at Nos. 276-282 Beaufort Street to recognise the subject buildings, which are considered to hold historic cultural heritage value that is not reflected directly in the building’s structure, style or physical appearance. In light of the above, it is considered that approval should be granted for demolition subject to the following conditions:

- 1. a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and*
- 2. an interpretative plaque or another appropriate form of interpretation that recognises the historic value significance of the former boarding houses at Nos. 276-282 Beaufort Street, Perth, shall be submitted to and approved by the City prior to the issue of a Demolition Permit and/or Building Permit, in accordance with the City’s Heritage Management Policy No. 3.6.4 relating to Interpretive Signage. The form of interpretation shall be installed along the Beaufort Street frontage, prior to the first occupation of the approved development on site, at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s). The interpretative plaque may be funded by the City’s Heritage Plaques Program.”*

Strategic Planning

The Council at its Ordinary Meeting held on 20 November 2012 approved advertising of Policy Amendment No. 106 which proposed amendments to heights in Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14. Draft amended Policy No. 3.1.13 relating to Beaufort Precinct Scheme Map 13 proposes a minimum height requirement of 2 storeys in areas zoned Commercial within the precinct.

Statutory Planning:

The Council at its Ordinary Meetings held on 14 June 2010 and 25 August 2009 refused the McDonalds Development at Nos. 208-212 Beaufort Street, Perth, and the Caltex Service Station at No 317 Vincent Street, Leederville which were similarly considered as under-developments of their respective sites. Both applicants (McDonalds and Caltex) successfully appealed to the State Administrative Tribunal (SAT) the Council’s decisions to refuse both developments being less than 2 storey in height, and including underdevelopment of the sites.

The City has since prepared Policy Amendment No. 106 to ensure that minimum height is stipulated in the relevant Precinct Policies for the respective areas, as a means of addressing minimum heights.

The proposed extended vertical fascia clad in translucent polycarbonate and illuminated from behind at night is viewed as an unsatisfactory attempt by the owners to create a two storey facade. In the event the facade is accepted and supported as proposed, this would create a negative precedent for other developments in this Precinct. The City’s Officers are of the view that additional features are required to be incorporated in the upper floor facade to strengthen and create a two storey appearance.

The following is recommended in this respect, which is considered reasonable and appropriate:

- Additional architecturally designed facade treatment being incorporated to the northern and southern side of the building over the ground floor ceiling level to a height of 8 metres from the natural ground level.
- The proposed translucent polycarbonate, with illumination from behind at night, to be replaced with a more durable solid facade, as the applicant has stated that the building has to be structurally designed to accommodate another floor level.
- The public art contribution may be utilised as part of the above works, and should be further discussed with the City's Community Development Section.

CONCLUSION:

The development site is in close proximity to the Central Business District and serviced by good public transport. While the building is not 2 storeys in height, it is considered that the recommended conditions would address the height aspect which would in some way create a two storey building along the Beaufort Street streetscape. The proposed "night shelter" facility use is supportable, as it provides a social service for a section of the community in need of a safe place to sleep at night.

Accordingly, it is recommended the application be recommended for approval subject to standard and appropriate conditions as discussed.

9.1.9 No. 55 (Lot: 62 D/P: 1106) Chatsworth Road, Highgate - Proposed Alterations and Additions to Existing Three (3) Storey Single House

Ward:	South	Date:	15 March 2013
Precinct:	Hyde Park Precinct – P12	File Ref:	PRO5835; 5.2012.383.3
Attachments:	001 – Property Information Report & Development Application Plans 002 – Applicants Justification of the Proposed Variations 003 – Applicants Response to Comments from Consultation		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by W Gomes for the proposed Alterations and Additions to Existing Three (3) Storey Single House at No. 55 (Lot 62; D/P 1106) Chatsworth Road, Highgate, and as shown on amended plans stamp-dated 23 January 2013, subject to the following conditions:

1. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
 - 1.1 **Ground Floor Deck**
The ground floor deck to a minimum height of 1.6 metres above finished floor level shall be screened an additional 1.3 metres from the eastern boarder along the southern side of the deck.
 - 1.2 **Upper Floor Balcony**
All major openings from the upper floor balcony, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 7.5 metres from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2010.
2. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Chatsworth Road.
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
3. Any new street/front wall, fence and gate within the Chatsworth Road setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.
4. Should the upper floor balcony not be constructed, all major openings to the upper floor bedroom are to meet the privacy requirements of the Residential Design Codes.

Cr Maier departed the Chamber at 8.40pm.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

“That a new Advice Note No. 5 be inserted to read as follows:

5. The R codes in respect to Condition 1.1 and 1.2 allow for alternative treatments including vertical screening that may provide similar visual protection and this is to be submitted at the Building Licence stage.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Wilcox was on approved leave of absence.)

(Cr Maier was absent from the Chamber and did not vote.)

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Wilcox was on approved leave of absence.)

(Cr Maier was absent from the Chamber and did not vote.)

Cr Maier returned to the Chamber at 8.45 pm.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Cr Maier that a new Advice Note No.5 would be inserted.

COUNCIL DECISION ITEM 9.1.9

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by W Gomes for the proposed Alterations and Additions to Existing Three (3) Storey Single House at No. 55 (Lot 62; D/P 1106) Chatsworth Road, Highgate, and as shown on amended plans stamp-dated 23 January 2013, subject to the following conditions:

1. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

- 1.1 **Ground Floor Deck**

The ground floor deck to a minimum height of 1.6 metres above finished floor level shall be screened an additional 1.3 metres from the eastern boarder along the southern side of the deck.

1.2 Upper Floor Balcony

All major openings from the upper floor balcony, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 7.5 metres from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2010.

2. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Chatsworth Road.
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
3. Any new street/front wall, fence and gate within the Chatsworth Road setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.
4. Should the upper floor balcony not be constructed, all major openings to the upper floor bedroom are to meet the privacy requirements of the Residential Design Codes.
5. The R codes in respect to Condition 1.1 and 1.2 allow for alternative treatments including vertical screening that may provide similar visual protection and this is to be submitted at the Building Licence stage."

PURPOSE OF REPORT:

The application is referred to Council for determination as the proposal relates to an extension greater than two storeys.

BACKGROUND:

History:

Nil.

DETAILS:

Landowner:	W Gomes
Applicant:	W Gomes
Zoning:	Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	314 square metres
Right of Way:	3 metres wide, not sealed

ASSESSMENT:

Town Planning Scheme/Residential Design Codes/Residential Design Elements Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Side Boundary Setbacks			✓
Garage/Carport Setbacks	✓		
Safety and Security	✓		
Street walls and Fences	✓		
On-site Parking	✓		
Vehicular Access	✓		
Driveways and Crossovers	✓		
Roof Forms	✓		
Building Height			✓
Building Articulation			✓
Cut or Fill	✓		
Visual Privacy			✓
Solar Access	✓		
Open Space	✓		
Outdoor Living	✓		

Town Planning Scheme/Residential Design Codes/Residential Design Elements Detailed Assessment

Issue/Design Element:	Side and Rear Setbacks
Requirement:	<p><u>Residential Design Codes Clause 6.3.1</u></p> <p>Under croft</p> <ul style="list-style-type: none"> - East – 1.5 metre setback - West – 1.5 metre setback <p>Ground floor</p> <ul style="list-style-type: none"> - East – 1.8 metre setback - West – 2.0 metre setback <p>Upper floor</p> <ul style="list-style-type: none"> - East – 2.8 metre setback - West – 2.8 metre setback
Applicants Proposal:	<p>Under croft</p> <ul style="list-style-type: none"> - East – 0.9 metre setback - West – 1.0 metre setback <p>Ground floor</p> <ul style="list-style-type: none"> - East – 0.9 metre setback - West – 1.0 metre setback <p>Upper floor</p> <ul style="list-style-type: none"> - East – 0.9 metre setback - West – 1.0 metre setback

Issue/Design Element:	Side and Rear Setbacks
Performance Criteria:	<p>Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> - provide adequate direct sun and ventilation to the building; - ensure adequate direct sun and ventilation being available to adjoining properties; - provide adequate direct sun to the building and appurtenant open spaces; - assist with protection of access to direct sun for adjoining properties; - assist in ameliorating the impacts of building bulk on adjoining properties; and - assist in protecting privacy.
Applicant justification summary:	<ul style="list-style-type: none"> - No change to direct sun and ventilation to 55 Chatsworth. - Increased direct sun and ventilation to 53 Chatsworth due to removal of existing staircase and reducing the length of the deck. No change to 57 Chatsworth as it lies north of the subject lot. - 53 Chatsworth is a two storey terrace with parapet wall for the extent of the building on the boundary as shown on drawing. Overshadowing to 53 Chatsworth is minimal and to the rear of the lot as shown on drawings. No change to 57 Chatsworth as it lies north of the subject lot. - Privacy is protected as all balconies are screened to a height of 1650mm. Tree-planting to be undertaken to enhance privacy, soften buildings and provide shade.
Officer technical comment:	<p>Supported – The extension continues on an existing reduced setback, with the extended length being mostly contained to the upper floor.</p> <p>Given that the extent of the walls do not significantly extend beyond that of the adjoining properties, the increased impact in regards to overshadowing, ventilation and visual impact will be limited when viewed from the adjoining outdoor living areas. Further, as the property to the east is built to the boundary, no major openings will be impacted to that dwelling.</p> <p>Due to the north-south orientation of the property, the proposal is in full compliance with over shadowing requirements (19.9% coverage (30.4m²), 50% permitted in land zoned R80).</p>

Issue/Design Element:	Building Height
Requirement:	<p><u>Residential Design Elements BDPC 5</u></p> <ul style="list-style-type: none"> - Maximum wall height – 6.0 metres above natural ground level. - Maximum roof height – 9.0 metres above natural ground level.
Applicants Proposal:	<ul style="list-style-type: none"> - 8.8 metres wall height - 10.9 metres roof height
Performance Criteria:	<p>Building height is to be considered to:</p> <ul style="list-style-type: none"> - Limit the height of dwellings so that no individual dwelling dominates the streetscape; - Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and

Issue/Design Element:	Building Height
	<ul style="list-style-type: none"> - Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<ul style="list-style-type: none"> - No change to the existing height of building. - Extension overshadows only the rear portion of 53 Chatsworth Road and is significantly reduced by removal of existing external stairs and reducing the length of the deck. All balconies are screened to a height of 1650mm on each side. - Cones of vision intrude on rear parts of adjacent block only, as shown on drawings. - No change to Chatsworth Road, character elevation.
Officer technical comment:	Supported – Building roof line does not change from the existing dwelling, rather the natural ground level decreases towards the rear of the site. Given that the additions are to the rear of the dwelling, the streetscape will remain unchanged. Overshadowing is also compliant to the R-Codes requirements given the north-south orientation of the lot.

Issue/Design Element:	Building Articulation
Requirement:	<u>Residential Design Elements SPC 7</u> Any length of wall greater than 9.0 metres in length posing a setback variation is required to incorporate vertical or horizontal articulation.
Applicants Proposal:	Walls on the east and west sides of the property greater than 9.0 metres with no vertical or horizontal articulation
Performance Criteria:	Side setbacks are to: <ul style="list-style-type: none"> - Allow for significant landscaping between buildings, particularly for two storey structures to soften the visual appearance when viewed from the street and neighbouring properties; - Ensure adequate daylight, direct sun and ventilation for buildings; - Moderate the visual impact of building bulk and scale on neighbouring properties; - Assist with the protection of reasonable privacy between adjoining properties; - Complement the rhythm of the streetscape; and - Respect the setbacks of dwellings of heritage significance.
Applicant justification summary:	<ul style="list-style-type: none"> - Landscaping through tree planting between 53 and 55 Chatsworth has been included in plans and will be undertaken to increase privacy and shade from western sun, and soften appearance. - Removal of external deck and staircase will increase daylight, direct sun and ventilation to 53 Chatsworth. No change to 57 Chatsworth as it lies north of the subject lot. - Building bulk and scale is moderated by use of different surface treatments between the upper and lower floors, including different texture and colours. - All balconies are screened to a height of 1650mm. - No change to Chatsworth Road, character elevation. - Current setbacks are retained to integrate the new extension with the existing house and maintain the character of the existing residence.
Officer technical comment:	Supported – While no vertical or horizontal articulation has been provided, the applicant has provided

Issue/Design Element:	Building Articulation
	<p>articulation in the form of varied materials and colour between the ground and upper floors of the proposal.</p> <p>The ground cover of the proposal for the most part has remained the same, so there is no reduction in vegetation, and the extension contained to the rear of the site so the streetscape is unaffected.</p> <p>As the extent of the extension (with exception to the balcony and deck) does not protrude much past the dwellings on adjoining properties (0.9 to 1.5 metres) the visual impact from outdoor living areas will be minimised.</p> <p>The setbacks provided are also considered to respect the setbacks of adjoining heritage listed properties, as the heritage listed properties are built to the boundary, while the proposed walls will be 0.9 metres.</p>

Issue/Design Element:	Visual Privacy
Requirement:	<p><u>Residential Design Elements Clause 6.8.1</u></p> <ul style="list-style-type: none"> - Decked areas setback or screened to 1.6 metres above finished floor level, and point within the cone of vision 7.5 metres from a neighbouring boundary. - Dining room windows setback or screened to 1.6 metres above finished floor level, any point within 6.0 metres of a neighbouring boundary. - Bedroom windows setback or screened to 1.6 metres above finished floor level, any points within 4.5 metres of a neighbouring boundary.
Applicants Proposal:	<p>Ground floor deck</p> <ul style="list-style-type: none"> - East – 1.4 metres - South – 7.4 metres - West – 3.2 metres <p>Ground floor south facing dining room window</p> <ul style="list-style-type: none"> - West – 3.6 metres <p>Upper Floor deck</p> <ul style="list-style-type: none"> - East – 3.4 metres - West – 3.5 metres <p>Upper floor south facing bedroom windows</p> <ul style="list-style-type: none"> - East – 3.3 metres - West – 3.6 metres
Performance Criteria:	<p>Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</p> <p>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</p> <p>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</p>

Issue/Design Element:	Visual Privacy
	Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.
Applicant justification summary:	<ul style="list-style-type: none"> - All decked areas are screened to a height of 1650mm. - Dining room windows are screened to 1650mm. - Bedroom windows are screened to 1650mm. - Cones of vision demonstrate minimal overlooking to rear portion of adjacent lots as shown on drawings.
Officer technical comment:	Supported in Part – The proposed ground floor deck will provide a much higher level of privacy than that of the existing deck which currently is screened to the east by means of existing vegetation. Areas which will be impacted from the proposed cone of vision include the east, south, and west properties.
	<p>The extent of overlooking to the south and west is to non habitable areas, and of a minimum, if any impact, so therefore supported, however the overlooking to the east is to a larger extent and over a smaller rear yard/outdoor living area. As such it is recommended that an additional 1.3 metres screening from the eastern boarder along the southern side of the deck be added to reduce overlooking to an acceptable level.</p> <p>Views from the ground floor dining room window have been screened to an extent through the use of a privacy screen. Given the thin nature of the window and the acute angle at which it will be able to overlook the adjoining lot, it is not considered that it will be intrusive or result in any privacy concerns to the adjoining property.</p> <p>The upper floor balcony poses a more significant impact of privacy. It is considered to overlook habitable areas to both adjoining lots and as such the upper floor balcony is required to meet the setback/screening requirements of the R-Codes.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 15 February 2013 to 28 February 2013

Comments received: One (1) objection and one (1) general comment was received during the consultation period.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Side Boundary Setbacks</u> The increase in size and scale of an already very large dwelling is not considered to “respect the setbacks of dwellings of heritage significance” as per the City’s performance criteria for side boundary setbacks. The subject site adjoins a number of heritage properties.</p> <p>The building setbacks have already been compromised from the acceptable</p>	<p>Not Supported – Articulation has been provided to the walls in the form of differing material and colour which breaks up the extended wall into smaller sections reducing its visual impact.</p> <p>Given that the proposed setbacks continues on from the existing setback it creates consistency through the development. This does result in additional bulk to the building,</p>

Summary of Comments Received:	Officers Technical Comment:
<p>development in prior approvals and as the current proposal seeks to continue this reduced setback it is furthering the impact on adjoining properties.</p>	<p>however this bulk is not considered to cause undue impact on the neighbours or streetscape due to its location relative to the street and adjoining dwellings.</p> <p>Given that the extent of the walls do not significantly extend beyond that of the adjoining properties (0.9 to 1.5 metres), the impact in regards to overshadowing, ventilation and visual impact will be limited when viewed from the adjoining outdoor living areas. Further as the heritage property to the east is built to the boundary no major openings will be impacted and the setback is greater than that provided by the neighbour.</p>
<p><u>Building Height</u> The front of the property already dominates the streetscape in height, and as the site slopes to the rear, an extension of the existing roofline becomes significantly higher than the maximum permitted of 9.0 metres. This will impact nearby adjoining outdoor living areas both visually and reduce access to direct sunlight.</p> <p>Further the extension and increase of the proposed roof pitch to that existing at the rear of the dwelling increases the developments bulk. A reduced pitch similar to that existing would help alleviate this matter.</p>	<p>Not Supported - The building roof line does not change from the existing dwelling, rather the natural ground level decreases towards the rear of the site.</p> <p>Given that the additions are to the rear of the dwelling, the streetscape will remain unchanged. Overshadowing is also compliant to the R-Codes requirements given the north-south orientation of the lot.</p> <p>The current proposed pitch is supported as it is in keeping with the pitch of the existing dwelling, and a reduction would not be in keeping with the existing character.</p>
<p><u>Building Articulation</u> The third floor extension contributes to an increase in the bulk and scale of the proposed addition and has a negative visual impact on surrounding neighbours.</p>	<p>Not Supported – Articulation has been provided in the form of varied materials and colour between the ground and upper floors of the proposal.</p> <p>As the extent of the extension (with exception to the balcony and deck) does not extend much past the dwellings on adjoining properties (0.9 to 1.5 metres) the visual impact from outdoor living areas will be minimised.</p>
<p><u>Visual Privacy</u> Currently both decks have cone of visions which overlook adjoining properties, an impact which is reduced by existing vegetation, however the upper floor balcony is considered to be significantly more intrusive even just from its presence due to the height and scale of it.</p>	<p>Supported in Part - The proposed ground floor deck will provide a much higher level of privacy than that of the existing deck which currently is screened to the east by means of existing vegetation. Areas currently impacted from the cone of vision include the east, south, and west properties.</p> <p>The extent of overlooking to the south and west is to non habitable areas, and of a minimum, if any impact, so therefore supported, however the overlooking to the east is to a larger extent and over a smaller rear yard/outdoor living area. As such it is recommended that an additional 1.3 metres screening from the eastern boarder along the southern side of the deck be added to reduce overlooking to an acceptable level.</p>

Summary of Comments Received:	Officers Technical Comment:
	Views from the ground floor dining room window have been screened to an extent through the use of a privacy screen. Given the thin nature of the window and the acute angle at which it will be able to overlook the adjoining lot, it is not considered that it will be intrusive or result in any privacy concerns to the adjoining property.
	The upper floor balcony poses a more significant impact of privacy. It is considered to overlook habitable areas to both adjoining lots and as such the upper floor balcony is required to meet the setback/screening requirements of the R-Codes.

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity. For applicants response to the comments received listed above please see attachment 003.

LEGAL/POLICY:

The following legislation and policies apply to the proposed application for Alterations and Additions to Existing Three (3) Storey Single Dwelling:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes; and
- Residential Design Elements 3.2.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Only minor changes to the ground floor footprint so the rear yards potential for landscaping is essentially the same. Some vegetation has been proposed for the purposes of additional screening.	

SOCIAL	
Issue	Comment
The proposed additions will enhance the dwellings capacity to accommodate social events and enhance the liveability of the dwelling.	

ECONOMIC	
Issue	Comment
Short term employment opportunities related to the building and related industries.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed alterations and additions to the existing dwelling essentially extend the floor area of the house to the rear, while also replacing the existing rear balconies. While the dwelling presents as a two storey development from the streetscape, given the significant slope of the land, it presents as a three storey development from the rear. As the proposed additions maintain the existing roof line, the streetscape is not impacted, however the height is increased relative to the natural ground level to the rear, making the dwelling exceed height requirements.

The areas of main concern relate to privacy from the proposed balconies, and visual impact when viewed from the rear as a result of variations to building height, side setbacks, and articulation. Articulation has been provided in the form of varying material and finish along the eastern and western elevations, however the applicant has proposed a flush surface without any vertical or horizontal breaks from the ground to upper floors. Screening has also been provided to the balconies which reduce much of the overlooking however due to the cone of vision the balconies are still not in full compliance with the requirements for privacy.

Privacy is an issue which can relatively easily be dealt with through the use of screening, however visual impacts resultant from large dwellings are generally dealt with through the use of compliant setbacks, building heights, and/or articulation to the elevations. As the proposed extension to the dwelling is in keeping with the style/setbacks/heights of the existing dwelling, requesting changes to building heights or setbacks would impact the continuity of the design. Given this, it is considered that the area in which the bulk of the building could most effectively be addressed, is through articulation provided in the means of varying material types/colours/finishes.

The ground floor balcony is not significantly obtrusive and only poses minor privacy variations, which if need be, can easily be addressed through some additional screening, as has been recommended to the eastern side of the deck. The upper floor balcony however poses more significant privacy issues, of which could only be addressed through the complete screening of the balcony.

In light of the above it is considered that the application be supported subject to the appropriate conditions recommended.

9.1.10 FURTHER REPORT: Amendment No. 85 to Planning and Building Policy Manual – Rescission of Existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4 and proposed Draft Policy relating to Parking and Access

Ward:	Both Wards	Date:	15 March 2013
Precinct:	All Precincts	File Ref:	PLA0199
Attachments:	001 – Existing Policy No. 3.7.1 002 – Existing Policy No. 3.7.2 003 – Existing Policy No. 3.7.3 004 – Existing Policy No. 3.4.4 005 – Draft New Policy No. 3.7.1 - Parking and Access		
Tabled Items:	Nil		
Reporting Officer:	C Roberts, Senior Strategic Planning Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **INITIATES Amendment No. 85 to the Planning and Building Policy Manual as shown in Appendices 001, 002, 003, 004 and 005, relating to:**
 - 1.1 **Rescission of the following existing Policies:**
 - 1.1.1 **No. 3.7.1 relating to Parking and Access;**
 - 1.1.2 **No. 3.7.2 relating to Loading and Unloading;**
 - 1.1.3 **No. 3.7.3 relating to Car Stacking Systems; and**
 - 1.1.4 **No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way; and**
 - 1.2 **Adoption of a new draft Policy No. 3.7.1 (Attachment 5) relating to Parking and Access, which has been amended following consideration at the Ordinary Meeting of Council held on 26 February 2013;**
2. **AUTHORISES the Chief Executive Officer to advertise proposed Amendment No. 85 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and**
3. **After the expiry period for submissions:**
 - 3.1 **REVIEWS the new draft Policy No. 3.7.1 – Parking and Access having regard to any submissions received; and**
 - 3.2 **DETERMINES the new draft Policy No. 3.7.1 – Parking and Access having regard to any submissions with or without amendments, or to not proceed with the draft Policy.**
4. **NOTES that the following Notices of Motion have been addressed in the new policy No. 3.7.1 relating to Parking & Access:**
 - 4.1 **OMC 4 December 2012 – raised by the Mayor Hon. Alannah MacTiernan in relation to car stackers; and**
 - 4.2 **OMC 18 December 2012 – raised by Councillor Topelberg in relation to cash-in-lieu of parking.**

Moved Cr Pintabona, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Maier

“That clause 2 be amended to read as follows:

2. **AUTHORISES** the Chief Executive Officer to advertise proposed Amendment No. 85 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the draft Policy shown in attachment 005 being amended as follows: and

2.1 Amend clause 2.1 of the Policy as follows:

“2.1 Refusal of applications

The Council shall, in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate or excessive on-site parking has been provided. However, in the event that the City decides to approve an application with a parking shortfall the additional shortfall will be required to be met using the cash in lieu contribution provision.

~~Satisfying the provisions 2.1.1 – 2.1.4 does not guarantee that an application will be approved with a car parking shortfall. Sites differ on a case-by-case basis and the City will consider proposals on their merit in considering the objectives of this policy.~~

~~Notwithstanding, in determining whether the proposed development should be refused on car parking grounds, the following guide shall be used:~~

Proposed developments that fail to provide a minimum of 15 per cent of the required car parking will be recommended for refusal’.

~~2.1.1 If the total parking requirement for a development (after adjustment factors have been taken into account) is 10 car bays or less, cash in lieu may be provided for the entire shortfall.~~

~~2.1.2 If the total requirement (after adjustment factors have been taken into account) is between 11 – 40 bays, a minimum of 15 per cent of the required bays is to be provided.~~

~~2.1.3 If the total requirement (after adjustment factors have been taken into account) is between 41 – 70 bays, a minimum of 25 per cent of the required bays is to be provided.~~

~~2.1.4 If the total requirement (after adjustment factors have been taken into account) is above 71 bays, a minimum of 40 per cent of the required bays is to be provided.~~

“The parking requirement shall be calculated by rounding to the nearest whole number two decimal points.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2.2.5 of the Policy be amended as follows:

~~“2.2.5 Any car parking shortfalls proposed for new building developments with an estimated value over \$3 million, are required to pay double the prescribed fee adopted in the City of Vincent Fees and Charges for cash-in-lieu; and~~

2.2.5 For developments over \$3 million where it cannot be demonstrated that adequate car parking cannot be provided on site (e.g. through the provision of a car stacking device), the City may impose the fee equal to twice the value of the cash-in-lieu contribution rate*

*The \$3 million threshold is equal to the opt-in value for proposals to be assessed by a Development Assessment Panel and is therefore considered a significant development.”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2.1 of the Policy be amended by adding a new clause 2.2.7 follows:

2.2.7 Where a proposed development is able to reasonably meet the car parking requirements on site but elects not to provide this parking, the application will be recommended for refusal”

The Presiding Member Mayor Hon. Alannah MacTiernan advised, the Mover Cr Topelberg that *she* wished to *change his* amendment and *reword it*. The Mover, Cr Topelberg and The Seconder, Cr Maier agreed.

2.2.7 Where a proposed development is able to reasonably meet the car parking requirements on site but elects not to provide this parking, the application cannot be approved under Delegated Authority”.

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

AMENDMENT 4

Moved Cr Maier, Seconded Cr Buckels

“That Clause 2 be amended to read as follows:

2. **AUTHORISES the Chief Executive Officer to advertise proposed Amendment No. 85 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the draft Policy shown in attachment 005 being amended as follows: and**

2.1 Amend clause 2.3 of the Policy as follows:

“2.3 *Historical Parking Shortfalls and Surpluses*

To determine whether an existing previously approved parking shortfall or surplus is considered in a parking assessment under Clause 1.2 of this policy, the following may apply:

2.3.1 any existing approved parking shortfall/surplus will not be considered relevant where the proposed development is located on a vacant lot or where more than 75% redevelopment (~~change of use or~~ of building work) is proposed. The 75% is calculated on the existing area of use of the building. I.e. if a building is 100m² and if 75m² is proposed as a ~~change of use or~~ rebuild or new construction, then the existing parking shortfall/surplus will not be considered.

2.3.2 for developments proposing a change of use ~~and/or~~ additions which propose less than 75% redevelopment of the building work, in determining whether any existing approved parking surplus/shortfall is eligible to be applied to the parking requirement:

- the current Non-Residential Parking Requirement shown in Figure 1 and relevant Adjustment Factors shown in Table 2 will be applied to the pre-existing development rather than the use of historical values; and
- the parking requirement in respect of the new development shall be calculated on the basis of the development changes that ~~is~~ are proposed by the subject application only.

Example Calculation

This example is based on a change of use from a ‘Shop’ to an ‘Eating House’.

<u>Requirement</u>	<u>Number of Bays</u>
<u>Required Number of Bays After Adjustment Factors ('Shop')</u>	<u>15 bays</u>
<u>Existing Number of Bays on Site</u>	<u>10 bays</u>
<u>Existing Shortfall</u>	<u>5 bays</u>
<u>Required Number of Bays After Adjustment Factors ('Eating House')</u>	<u>25 bays</u>
<u>Change in the Number of Bays on Site</u>	<u>0 Bays</u>

The following formula is used to calculate the resultant total shortfall for a change of use application.

Required Number of Bays After Adjustment Factors for new proposed use – (Existing Number of Bays on Site + Existing Approved Shortfall) + or - (Change in the Number of Bays on Site) = Resultant Total Shortfall for Proposed New Development.

Using the above example the Resultant Total Shortfall for the Change of Use from 'Shop' to 'Eating House', would be calculated as follows:

$$25 - (10 + 5) + \text{or} - (0) = 10 \text{ bays.}''$$

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 5

Moved Cr Maier, Seconded Cr Buckels

“That clause 2 be amended to read as follows:

2. **AUTHORISES** the Chief Executive Officer to advertise proposed Amendment No. 85 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the draft Policy shown in attachment 005 being amended as follows; and

2.1 Amend Note 1 in Table 1 of the Policy as follows:

“The parking requirement shall be calculated by rounding to the nearest whole number two decimal points.”

2.2 Amend Table 2 of the Policy by deleting Factor 6B as follows:

6A	0.90 (10%)	The development provides on-site End of Trip Facilities exceeding the minimum requirements of this policy⁽⁴⁾; or
or	or	
6B	0.85 (15%)	

~~The development provides on-street bicycle facilities.~~

Debate ensued.

AMENDMENT 5 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 6

Moved Cr Maier, Seconded Cr Buckels

“That Table 2 of the Policy be amended by amending Factor 2 as follows:

2	0.80 (20%)	The development is located within 400m ⁽³⁾ of a bus route or Primary or District Distributor Road.
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Debate ensued.

AMENDMENT 6 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 7

Moved Cr Maier, Seconded Cr Topelberg

“That a new Note 5 in Table 2 of the Policy be inserted to read as follows:

5. Adjustment factors will be separately calculated and applied to each use on a property. For example: where a development contains an office which provides extra end of trip facilities for its employees, and an eating house that does not have access to those facilities Adjustment Factor 5 will only be applied to the office component.”

Debate ensued.

AMENDMENT 7 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 8

Moved Cr Maier, Seconded Cr Buckels

“That paragraph one of clause 1.5 of the Policy be amended to read as follows:

1.5 End of Trip Facilities

All developments that are required to provide 5 or more bicycle parking bays in accordance with ~~provisions 1.1 and clause~~ 1.2 of this policy are required to provide End-of-Trip Facilities designed in accordance with the following criteria:”

Debate ensued.

AMENDMENT 8 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 9

Moved Cr Maier, Seconded Cr Buckels

“That Clause 2.2.4 of the Policy be amended to read as follows:

2.2.4 the contribution is to be held in a Reserve Account for the purpose of providing and/or upgrading existing and proposed Transport Infrastructure in the vicinity of the development as defined in this policy. Confirmation of the agreement of the contribution is to be made within 28 days of the date of development approval;”

Debate ensued.

Cr Pintabona departed the Chamber at 9.09pm.

Debate ensued.

AMENDMENT 9 PUT AND LOST (1-6)

For: Cr Maier

Against: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

(Cr Pintabona was absent from the Chamber and did not vote.)

Debate ensued.

Cr Pintabona returned to the Chamber at 9.11pm.

Debate ensued.

AMENDMENT 10

Moved Cr Maier, Seconded Cr Buckels

“That table 1 of the Policy be amended to read as follows:

Small Bar ₍₂₎	1 space per 7 5 persons	1 space per 14 persons
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Debate ensued.

AMENDMENT 10 PUT AND CARRIED (6-2)

For: Mayor Hon. MacTiernan Cr Buckels, Cr Carey, Cr Maier, and Cr Topelberg and Cr Pintabona

Against: Cr Harley and Cr McGrath

(Cr Wilcox was on approved leave of absence.)

AMENDMENT 11

Moved Cr Maier, Seconded Cr Topelberg

“That table 1 of the Policy be amended to read as follows:

Office, Showroom, Bank, Amusement Centre, Funeral Parlour	1 space per 50m² NLA	1 space per 100m² NLA
<u>Office</u>	<u>1 space per 40m² NLA</u>	<u>1 space per 100m² NLA</u>

Debate ensued.

AMENDMENT 11 PUT AND LOST (1-7)

For: Cr Maier

Against: Mayor Hon. MacTiernan Cr Buckels, Cr Carey, Cr Harley, Cr McGrath
Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.10

That the Council;

1. **INITIATES** Amendment No. 85 to the Planning and Building Policy Manual as shown in Appendices 001, 002, 003, 004 and 005, relating to:

1.1 **Rescission of the following existing Policies:**

1.1.1 **No. 3.7.1 relating to Parking and Access;**

1.1.2 **No. 3.7.2 relating to Loading and Unloading;**

1.1.3 **No. 3.7.3 relating to Car Stacking Systems; and**

1.1.4 **No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way; and**

1.2 **Adoption of a new draft Policy No. 3.7.1 (Attachment 5) relating to Parking and Access, which has been amended following consideration at the Ordinary Meeting of Council held on 26 February 2013;**

2. **AUTHORISES** the Chief Executive Officer to advertise proposed Amendment No. 85 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the draft Policy shown in attachment 005 being amended as follows:

2.1 **Amend clause 2.1 of the Policy as follows:**

2.1 **Refusal of applications**

The Council shall, in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate or excessive on-site parking has been provided. However, in the event that the City decides to approve an application with a parking shortfall the additional shortfall will be required to be met using the cash in lieu contribution provision.

Sites differ on a case-by-case basis and the City will consider proposals on their merit in considering the objectives of this policy.

Proposed developments that fail to provide a minimum of 15 per cent of the required car parking will be recommended for refusal'.

The parking requirement shall be calculated by rounding to decimal points; and

2.2 Amend Clause 2.2.5 of the Policy as follows:

2.2.5 For developments over \$3 million where it cannot be demonstrated that adequate car parking cannot be provided on site (e.g. through the provision of a car stacking device), the City may impose the fee equal to twice the value of the cash-in-lieu contribution rate*; and

***The \$3 million threshold is equal to the opt-in value for proposals to be assessed by a Development Assessment Panel and is therefore considered a significant development; and**

2.3 Amend Clause 2.1 of the Policy by adding a new Clause 2.2.7 as follows:

2.2.7 Where a proposed development is able to reasonably meet the car parking requirements on site but elects not to provide this parking, the application cannot be approved under Delegated Authority; and

2.4 Amend Clause 2.3 of the Policy as follows:

2.3 Historical Parking Shortfalls and Surpluses

To determine whether an existing previously approved parking shortfall or surplus is considered in a parking assessment under Clause 1.2 of this policy, the following may apply:

2.3.1 any existing approved parking shortfall/surplus will not be considered relevant where the proposed development is located on a vacant lot or where more than 75% redevelopment (of building work) is proposed. The 75% is calculated on the existing area of use of the building. I.e. if a building is 100m² and if 75m² is proposed as a rebuild or new construction, then the existing parking shortfall/surplus will not be considered; and

2.3.2 for developments proposing a change of use or additions which propose less than 75% redevelopment of the building work, in determining whether any existing approved parking surplus/shortfall is eligible to be applied to the parking requirement:

the current Non-Residential Parking Requirement shown in Figure 1 and relevant Adjustment Factors shown in Table 2 will be applied to the pre-existing development rather than the use of historical values; and

the parking requirement in respect of the new development shall be calculated on the basis of the development changes that are proposed by the subject application only;

Example Calculation

This example is based on a change of use from a 'Shop' to an 'Eating House'.

<u>Requirement</u>	<u>Number of Bays</u>
<u>Required Number of Bays After Adjustment Factors ('Shop')</u>	<u>15 bays</u>
<u>Existing Number of Bays on Site</u>	<u>10 bays</u>
<u>Existing Shortfall</u>	<u>5 bays</u>
<u>Required Number of Bays After Adjustment Factors ('Eating House')</u>	<u>25 bays</u>
<u>Change in the Number of Bays on Site</u>	<u>0 Bays</u>

The following formula is used to calculate the resultant total shortfall for a change of use application.

Required Number of Bays After Adjustment Factors for new proposed use – (Existing Number of Bays on Site + Existing Approved Shortfall) + or - (Change in the Number of Bays on Site) = Resultant Total Shortfall for Proposed New Development.

Using the above example the Resultant Total Shortfall for the Change of Use from 'Shop' to 'Eating House', would be calculated as follows:

25 – (10 + 5) + or – (0) = 10 bays; and

- 2.5 Amend Note 1 in Table 1 of the Policy as follows:

The parking requirement shall be calculated by rounding to two decimal points; and

- 2.6 Amend Table 2 of the Policy by deleting Factor 6B as follows:

6A or 6B	0.90 (10%) or 0.85 (15%)	The development provides on-site End of Trip Facilities exceeding the minimum requirements of this policy⁽⁴⁾; or The development provides on-street bicycle facilities.
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- 2.7 Amend Table 2 of the Policy by amending Factor 2 as follows:

2	0.80 (20%)	The development is located within 400m⁽³⁾ of a bus route or Primary or District Distributor Road.
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- 2.8 A new Note 5 to be added in Table 2 of the Policy as follows:

5. Adjustment factors will be separately calculated and applied to each use on a property. For example: where a development contains an office which provides extra end of trip facilities for its employees, and an eating house that does not have access to those facilities Adjustment Factor 5 will only be applied to the office component; and

- 2.9 Paragraph one of Clause 1.5 in Table 2 of the Policy amended as follows:

- 1.5 End of Trip Facilities

All developments that are required to provide 5 or more bicycle parking bays in accordance with clause 1.2 of this policy are required to provide End-of-Trip Facilities designed in accordance with the following criteria; and

2.10 Amend Table 1 of the Policy to read as follows:

Small Bar⁽²⁾	1 space per 7 5 persons	1 space per 14 persons
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3. After the expiry period for submissions:

3.1 REVIEWS the new draft Policy No. 3.7.1 – Parking and Access having regard to any submissions received; and

3.2 DETERMINES the new draft Policy No. 3.7.1 – Parking and Access having regard to any submissions with or without amendments, or to not proceed with the draft Policy; and

4. NOTES that the following Notices of Motion have been addressed in the new policy No. 3.7.1 relating to Parking & Access:

4.1 OMC 4 December 2012 – raised by the Mayor Hon. Alannah MacTiernan in relation to car stackers; and

4.2 OMC 18 December 2012 – raised by Councillor Topelberg in relation to cash-in-lieu of parking.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 February 2013 resolved to defer the initiation of Amendment No. 85 to the City’s Planning and Building Policy Manual as follows:

“That the item be DEFERRED for further consideration and to allow Council Members to submit comments concerning the Draft Policy, prior to reporting back to the Council.”

The Presiding Member Mayor Hon. Alannah MacTiernan requested that the amendments carried at the meeting be incorporated into the Draft Policy to be reported to the Council.

The Amendments carried at the meeting have been incorporated into an amended draft Policy No. 3.7.1 – Parking and Access (included as Attachment 5 to this report) in addition to amendments suggested by Councillor Topelberg and Councillor Maier in further submissions to the City’s Administration. The remaining Councillors did not submit further comments on the draft policy.

DETAILS:

The proposed new consolidated draft Policy No. 3.7.1 – Parking and Access included as Attachment 5 of this report, has been amended to address the following matters:

Amendments Carried at OMC 26 February 2013

Prior to deferring Amendment No. 85 at the Ordinary Meeting of Council held on 26 February 2013, the Council resolved to carry Amendment 2 of the draft policy which proposed the following modification:

Amendment Carried	Officer Comment/Recommendation
<i>“That Clause 2.3.4 on page 9 in the Parking and Access Policy No: 3.7.1 be amended to read as follows:</i>	Noted. This clause has been amended to reflect the Council Resolution. It is recommended however that that wording to be amended further to remove ‘small bar’, as this will always be a licenced premise and also to include after restaurant (up to 80sqm NLA).

Amendment Carried	Officer Comment/Recommendation
<p>2.3.4 <i>To encourage active ground floor uses (boutique retail cafés, small bars, restaurants) does not include licenced premises in the City's town centres (refer to Maps 1-5 in Appendix 1 of this policy), the City may consider a further 20% Adjustment Factor reduction in addition to those stated in Clause 1.4 and the Adjustment Factor Table, where it can be clearly demonstrated by the applicant that:"</i></p>	<p>Clause 2.3.4 has been reworded as above and included as Adjustment Factor 7 in Figure 2 of the new draft policy.</p>

The Officer Recommendation above has been incorporated into an amended new draft Policy No. 3.7.1 – Parking and Access (included as Attachment 5 of this report).

Councillor Topelberg's Comments

Following the Ordinary Meeting of Council held on 26 February 2013, Cr. Topelberg submitted the following comments on the draft Policy No. 3.7.1 – Parking and Access:

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p><i>Introduction</i> This policy consolidates the City of Vincent's onsite parking and access requirements, and outlines its approach to the provision of adequate parking facilities in developments.</p>	<p>Agreed the proposed wording reads more efficiently. Draft policy change proposed.</p>
<p><i>Objectives</i> 1. To ensure adequate vehicle and bicycle parking facilities are provided and maintained in developments.</p> <p>6. To provide a set of guidelines for the equitable acceptance <u>imposition</u> of cash-in-lieu contributions for onsite car parking spaces not provided for in a development.</p>	<p>Agreed the proposed wording reads more efficiently. However, Cr. Maier has proposed rewording the entire condition which is recommended to be endorsed. Refer to Officer Comment section in response to Cr. Maier's comments for recommended policy change to objective one (1).</p> <p>Cr. Maier has proposed rewording the entire condition which is recommended to be endorsed. Refer to Officer Comment section in response to Cr. Maier's comments for recommended policy change to objective six (6).</p>
<p><i>Definitions</i> Net Lettable Area (NLA) means the area of all floors within the internal finished surfaces of permanent walls of a building, but excludes all stairs, toilets, cleaner's cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, alfresco areas located off-site, lobbies between lifts</p>	<p>Administrative error. Draft policy change proposed as shown in left column.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>facing other lifts serving the same floor, and areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building. and areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.</p>	
<p>Reciprocal Parking means parking facilities serving separate uses or <u>in</u> a mixed use development <u>that</u> are shared, but not concurrently.</p>	<p>Administrative error. Draft policy change proposed as shown in left column.</p>
<p><i>Non-Residential Parking Requirement Table</i> In column one, row one, a re-ordering of alphabetically listed land uses is proposed in the order of most often proposed land uses (i.e. Office, Showroom, Bank, Amusement Centre, Funeral Parlour).</p>	<p>Agreed. Reordering land uses that are most often proposed in this column/row will allow more efficient use of the policy. Draft policy change proposed as recommended.</p>
<p>Proposed modification in car parking requirement for 'Hotel' and 'Private Hostel' from '1 space per lettable room' to '1 space per 4 lettable rooms' and bicycle parking requirement for 'Hotel' and 'Private Hostel' from '1 space per 2 lettable rooms' to '1 space per 8 lettable rooms'.</p>	<p>Agree in part. 'Private Hostel' has been changed to the same as Lodging House (i.e. 1 space per 4 beds.) Hotel has been changed to 1 space per 4 lettable rooms. Motel has been kept as 1 space per 1 lettable room. Historically by definition 'Motel' has the meaning of a place to 'drive to'. These amended requirements are seen as appropriate to balance the expectation of some parking being provided on site and recognising the patrons of these land uses in many cases not using a vehicle.</p>
<p><i>1.4 Adjustment factors</i> The car parking requirement for non-residential land uses may be partly reduced through the application of adjustment factors (outlined in the Adjustment Factor Table), reflecting particular site and design factors. Such factors are to be justified by the Applicant. Furthermore, the parking requirement for all car parking bays over 50 shall be reduced by 50%. Deletion of strikethrough section above and insertion of the same wording as a new clause titled "Mode Shift to Sustainable Transport" is recommended.</p>	<p>Agreed. Proposed Clause 1.4 relating to the Adjustment Factor Table should read independently of the 50% reduction statement. Draft policy change proposed to endorse the change recommended in the left column of this table and insertion of a new Clause 1.4 as follows: <i>"1.4 Mode Shift to Sustainable Transport</i> <i>Following the application of Adjustment Factors outlined in 1.4, the Non-Residential Parking Requirement for all non-residential car parking bays over 50 shall be reduced by 50%."</i> The existing Clause 1.4 relating to Adjustment Factors has been changed to Clause 1.3 due to the draft policy being re-ordered and reformatted according to the recommendations in this report.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p><i>Adjustment Factor Table</i> Adjustment Factor 2 The proposed development is within 400m of a Primary or District Distributor (A) or (B) Road or bus route.</p> <p>Adjustment Factors 5A/5B The proposed development provides 'end-of-trip' facilities*** for bicycle users, in addition to the facilities specified in the Non-Residential Parking Requirements Table; or Secure on-site and/or adjacent street bicycle parking (complying with the standards identified in <i>Austrroads Part 14 – Bicycles guidelines</i>***).</p> <p>Adjustment Factor 6 The proposed development is within a <u>Town Centre</u> as shown in Appendices 1-5 of this policy.</p>	<p>Agreed. Adjustment Factor 2 is proposed to be modified.</p> <p>Disagreed. The word "or" must stay in the policy to differentiate the requirements of Adjustment Factors 5A and 5B (shown as 6A and 6B in draft amended policy).</p> <p>Administrative error. Draft policy changed as per recommendation (Adjustment Factor 6 is now included as Adjustment Factor 4 of draft amended policy).</p>
<p>1.5 <i>Reciprocal parking</i> a <u>any</u> proposed change of use will comply with the reciprocal parking arrangements, or will satisfy the parking requirement by other means before approval is granted.</p>	<p>Refer to Officer Comment in response to Cr. Maier's submission. No change is proposed in response to Cr. Topelberg's suggestion. Reciprocal parking has been included as Clause 1.6 of the draft amended policy.</p>
<p>2.1 <i>Refusal of applications</i> The Council may shall, in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate or excessive on-site parking has been provided. This provision is to ensure consistency when determining whether <u>However, in the event that the City decides</u> to approve an application with a parking shortfall, the <u>the additional shortfall will be required to be met using the cash in lieu contribution provision.</u></p> <p>In determining whether the proposed development should be refused on car parking grounds, the following guide shall be used: <u>It should be noted that satisfying these criteria does not guarantee that an application will be approved with a car parking shortfall.</u></p>	<p>Agreed. The wording of this provision was relayed from the existing Policy No. 3.7.1 relating to Parking and Access. Agreed that the proposed wording is an improvement and the suggested modifications are proposed to be included in the draft amended policy.</p>
<p>2.2 <i>Cash-in-lieu of Car Parking</i> Cash-in-lieu of parking can be considered <u>at the discretion of the Council</u> where non-residential developments have a shortfall of parking according to the requirements outlined in the Non-residential Parking Requirement Table.</p> <p>This policy provision is not to be seen</p>	<p>Agreed that it's appropriate to note the discretionary nature of the Council's decision in relation to acceptance of cash-in-lieu for parking shortfalls. Suggestion has been incorporated into the draft amended policy.</p> <p>Agreed that this reads more clearly.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>to be replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments to proceed where the required parking cannot <u>can be proven to not be able to be</u> provided on site. The provision of an adequate supply of parking is the intent of this provision and, as such, the following matters apply:</p> <p><u>The purpose of a cash-in-lieu payment is for the City to provide adequate Transport Facilities to offset the impact of the car parking shortfall of the proposed development.</u></p>	<p>Suggestion has been incorporated into the draft amended policy.</p> <p>Agreed that this assists with clarification as this is not expressly stated in the proposed draft policy. To be consistent with defined expression for "Transport Facilities" in the policy, Cr. Topelberg's wording is proposed to be incorporated into the draft amended policy.</p>
<p>2.2.4 the contribution is to be held in a Reserve Account for the purpose of providing and/or upgrading existing and proposed Transport Infrastructure <u>in the vicinity of the development</u> as defined in this policy. Contributions are to be made within 28 days of the date of development approval;</p>	<p>Disagree. The addition of the words "in the vicinity of the development" unnecessarily adds procedural complexities when spending money on Transport Infrastructure from the cash-in-lieu reserve. The City is a small Council that is only marginally greater in land area than 1,000ha, therefore it could be argued that money spent anywhere in the City is "in the vicinity of the development". This concept was explored in researching the draft Policy No. 3.7.1 Parking and Access, where options of a radial distance, walking distance via footpath and proximity of expenditure location to each of the City's five (5) town centres were considered, amongst others. The City funds transport improvements through other TravelSmart initiatives such as the current bicycle rack installation program, and it is considered that the resource requirements associated with making proximity assessments for cash-in-lieu of car parking expenditure unnecessarily adds complexities to an already complicated infrastructure delivery process. The time of the City's Technical and Planning Services staff and potential legal expenses associated with administering this provision could be spent on more productive initiatives. The proposed change is not recommended to be included in the amended draft policy.</p>
	<p>Furthermore, it is strongly recommended that the City develops a "Transport Infrastructure Delivery Strategy" to explore the fairest and most effective use of funds received from cash-in-lieu payments for parking shortfalls rather than spending the funds received in an ad-hoc manner. Whether it is appropriate to include</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
	<p>expenditure of funds in the vicinity of the development that made the contribution should be considered as part of the strategy development in consultation with relevant stakeholders.</p>
<p>2.2.5 Any car parking shortfalls proposed for new building developments with an estimated value over \$3 million, are required to pay double the prescribed fee adopted in the City of Vincent Fees and Charges for cash-in-lieu; and</p> <p><u>2.2.5 For developments over \$4 million where it cannot be demonstrated that adequate car parking cannot be provided on site (e.g. through the provision of a car stacking device), the City reserves the right to refuse the development application or to impose a fee equal to twice the value of the cash-in-lieu contribution rate*</u></p> <p><i>* This clause recognises that the prescribed cash-in-lieu fee is approximately equal to the cost to the City of providing an on-street car bay, whilst the cost per bay of providing a car stacking device or the construction of a decked carpark is approximately double this amount."</i></p>	<p>The proposed deletion of Clause 2.2.5 and insertion of a new Clause 2.2.5 is not recommended. The new proposed \$3 million threshold is consistent with the 'opt-in' determination of a development application by a development assessment panel. The proposed \$4 million threshold is unsubstantiated.</p> <p>The intent of the proposed Clause 2.2.5 is to allow the City to require double the cash-in-lieu payment (which equates to approximately \$10,000 per bay) for new developments where compliance with parking requirements is achievable. This approximately correlates with the cost of a two-bay car stacker and will be reviewed on an annual basis. There is no need to expressly state or encourage the use of car stackers as they are not appropriate parking spaces for all users (i.e. customer and visitor bays). The market should determine their use giving due regard to the City's Parking and Access standards. The matter of cash-in-lieu cost per bay is not considered as part of this policy as this is an annual budgetary consideration for the City.</p>
<p>2.3 <i>'Change of use' or additions and alterations to an existing use</i></p> <p>2.3.4 To encourage active ground floor uses (boutique retail, cafés, small bars, restaurants) in the City's town centres (refer to Maps 1-5 in Appendix 1 of this policy), the City may consider a further 20% Adjustment Factor reduction in addition to those stated in Clause 1.4 and the Adjustment Factor Table, where it can be clearly demonstrated by the applicant that:</p> <p>...The City may still refuse a development on the basis of non compliance with car parking requirements, regardless of whether these provisions have been met. It should be noted that satisfying these criteria does not guarantee that an application will be approved with a car parking shortfall.</p>	<p>Agree in part. This clause has been amended as per the Council resolution at OMC 26 February 2013. Clause 2.3.4 has been reworded and included as Adjustment Factor 7 in Figure 2 of the new draft policy.</p>

The Officer Recommendations above have been incorporated into an amended new draft Policy No. 3.7.1 – Parking and Access (included as Attachment 5 of this report).

Councillor Maier’s Comments

Following the Ordinary Meeting of Council held on 26 February 2013, Councillor Maier submitted the following comments on the draft Policy No. 3.7.1 – Parking and Access:

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>The Draft Parking and Access Policy is an improvement over the existing policy but needs some further work to remove ambiguity and to align the policy with sound fundamentals. Of particular concern is the calculation of raw parking demands, the application of adjustments factors and the treatment of cash in lieu.</p>	<p>Noted. These elements have been addressed in the amended version of the policy shown in Attachment 5 of this report.</p>
<p><i>Objectives</i> A lot of the policy is structured to ensure that we don't have an excess of parking supply (e.g. application of adjustment factors). I think that this needs to be acknowledged. Also Objective 5 is not really an objective but rather a way of meeting an objective. This can be done by changing objective 1, 5, 6 and 7 to something along the lines of:</p> <ol style="list-style-type: none"> 1. To define parking requirements that will meet the needs of the users of developments without resulting in the oversupply of parking. 5. To promote alternate transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist. 6. To enable the payment of cash-in-lieu for parking shortfalls and to provide a set of guidelines to enable the calculation of cash-in-lieu to be determined in a consistent and transparent manner. 	<p>The objectives of the proposed Policy No. 3.7.1 relating to Parking and Access need to be considered in relation to their capability of outlining what the policy is trying to achieve whilst supporting City decisions if challenged at the State Administrative Tribunal. The proposed rewording of objectives suggested in the left hand column will support this purpose and will read more clearly than the existing drafted objectives.</p> <p>Agreed. Replacement of objective one (1) with proposed wording better reflects the intent of the objective. Change has been incorporated into an amended draft policy.</p> <p>Agreed. Replacement of objective five (5) with proposed wording better reflects the intent of the objective. Change has been incorporated into an amended draft policy.</p> <p>Agreed. Replacement of objective six (6) with proposed wording better reflects the intent of the objective. Change has been incorporated into an amended draft policy.</p>
<ol style="list-style-type: none"> 7. To ensure long term viability of parking proposals by defining the circumstances in which Parking Management Plans are required and providing guidelines for their content. 	<p>Agreed. Replacement of objective seven (7) with proposed wording reflects the intent of the objective in a more coherent manner. Change has been incorporated into an amended draft policy.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p><u>Non-Residential Parking Requirement Table</u> I don't have an issue with the reduction in the number of 'Activity' types however I do object to the reduction in the level of some requirements. The approach of the City is different to most local governments in that we have a two-step approach – the first identifies a raw requirement based on observations; the second step reduces the requirement based on site specific characteristics. Most local governments just have a single step. Most local governments use requirements tables that are supposedly based on empirical measurements but nobody can say where they came from.</p> <p><u>Small Bar and Taverns</u> The trouble with the reduced requirement, as recommended by the staff, is that they seem to be affected by the adjustment factors, which are subsequently (re)applied. For example: the staff are saying that the raw requirement for a small bar should change from 1 bay per 4.5 patrons to 1 bay per 7 patrons. The only reason is 'the nature of the use' whatever that means. Elsewhere the staff say that a car can hold 5 persons so the requirement for a club should be dropped to 1 bay per 5 persons. At the very least a small bar should require 1 bay per 5 persons. The fact that 7 people may only require one bay is because the small bar is subject to other, location related factors such as availability of public transport, readily accessible car parks, location in town centres with the resulting shared parking use (i.e. go to a café then go to a small bar). These are all taken into account when applying the Adjustment factors.</p> <p>The requirement for a small bar or tavern should be consistent with clubs and nightclubs etc. and should be 1 bay per 5</p>	<p>Noted. Parking requirements by their very nature discriminate by land use. Studies comparing local government parking requirements in both Australia and the United States clearly indicate that there is no clear scientific method for calculating parking demand generated by land use.</p> <p>It is important to note that for the City of Vincent's parking context, all land use parking rates outlined in the gross Non-Residential Parking Requirement Table included as Figure 1 to the draft amended policy, it is important to consider the step-by-step process that applies to a parking assessment that is outlined in the draft policy, which begins with a gross "Parking Requirement" that is able to be modified through the application of "Adjustment Factors" and other considerations such as "Reciprocal Parking" which can result in a reduction in the gross Non-Residential Parking Requirements. It's therefore important not to set the gross parking requirement too low as it may leave the City to bear the costs associated with approved developments that result in an overspill of parking onto the street. The proposed parking rates are reasonable as a 'gross requirement' and no change to the policy is proposed.</p> <p>The parking requirement for 'Small Bars' and 'Taverns' is not recommended be changed as per Cr. Maier's recommendation.</p> <p>The differential parking requirement between 'Small Bars' and 'Taverns' is to encourage their development in lieu of 'Taverns'. There is a prominent social issue of binge drinking in Australia and studies have recognised that 'Small Bars' are more conducive to social interaction than larger drinking establishments, by virtue of design, layout and management which gives reason to the recommended retention of the proposed parking ratios.</p> <p>Currently 'Small Bars' are differentiated from 'Taverns' by the City in the development process as they are considered as a "Use Not Listed" under Town Planning Scheme No. 1, whereas a tavern is considered as a 'Tavern' land use. Draft Town Planning Scheme No. 2 proposes the new land use of 'Small Bar' which recognises the differences between 'Tavern' and 'Small Bar' uses. Despite the fact that both land use types are eligible to obtain a liquor permit to sell liquor to patrons without</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>persons.</p> <p><u>Entertainment venues</u> There is no justification for dropping the raw requirement from 1 bay per 4.5 persons to 1 bay per 5 persons (i.e. 11% bonus). By comparison Subiaco requires 1 bay per 4m²; Fremantle requires 1 bay per 2.5m² public bar plus 1 bay per 5m² of lounge/garden area; Victoria Park requires 1 bay per 2m² of net drinking area plus 1 bay per 4.5 m² of net seating area. Club premises, commercial halls, nightclubs, places of worship, small bars and taverns: Should require 1 bay per 4.5 persons.</p>	<p>a substantial meal from the Department of Racing, Gaming, and Liquor, the social environment within the venues is considered to be substantially different, in a positive sense.</p> <p>Further, each of the City's five (5) town centres exhibit taverns, many of which have existed since settlement. Taverns act as anchor venues for other businesses such as fast food shops, similar to how supermarkets and department stores act as anchor venues for smaller format and boutique retail. Small bars are a spin-off to support anchor businesses mentioned above, and although liquor is available for purchase, small bars are generally less noisy than taverns and function more as a meeting place for social interaction than drinking, which supports a town centre function.</p>
<p><u>Offices</u> The requirement of 1 bay per 50m² is unrealistically low. The State Government has set a standard for its employees of one employee per 15m² of 'floor space' (i.e. equivalent to NLA). Even if every second employee car pooled this would still be a raw requirement of 1 bay per 30m². Subiaco and Victoria Park require 1 bay per 40m² NLA; Fremantle requires 1 bay per 30m² Gross Lettable Area with a minimum of 3 bays. Offices should be set at 1 bay per 40m² NLA.</p> <p><u>Eating Houses</u> Like licenced premises the parking requirement should be based on seats or persons rather than Public Floor Area. One only has to compare some 'family focussed' restaurants, which squeeze patrons in, with higher end restaurants to see the current inequity of basing requirements on floor area. Fremantle requires 1 bay per 5 seats or per 5m² of dining area, whichever is the greater. Eating houses should be based on seats and should be one space per 4.5 seats to be consistent with other similar uses.</p>	<p>The spatial requirements for 'Small Bars' also fit within the more traditional main street retail format floorspace that is currently available in the City's town centres. Attracting people to the City's town centres supports local business and adds to vibrancy and vitality and should be supported by the Council. No policy change is therefore recommended.</p> <p>Disagree. The current requirement of 1 bay per 50m² is consistent with the requirement in the City's existing Parking and Access Policy. This ratio was supported by the consultants who undertook the preparation of the City's Car Parking Strategy. In addition the current requirement aligns with the Council's vision for increased use of sustainable transport. Office workers due to standard business hours have the capacity to use alternative forms of transport readily available during the day time.</p> <p>Disagree. Unlike licenced premises the City does not place restrictions on Eating House patron capacity. As seats are not permanent features compared to floor area, it's considered inappropriate to use seats in a parking calculation as the number is easily modifiable. Ongoing monitoring of compliance would also be onerous and difficult and other Councils that use this method have found ongoing compliance issues. As such no policy change is proposed.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p><u>Lodging Houses</u> A requirement of 1 bay per 4 beds is totally unrealistic when applied to backpacker establishments and the like. Very few backpackers have cars. The staff have previously acknowledged this when assessing the 200 bed backpackers at 268 Newcastle Street. The problem is differentiating a very short term accommodation like a backpacker's from an 'affordable accommodation' type of lodging house. Identify 'backpackers' as a separate activity (may require adjustment of TPS2) and set the rate at 1 bay per 20 beds.</p> <p><u>B & B's and Short Term Dwellings</u> These usually do not have a high parking demand, particularly when located close to Town Centres or public transport routes. We should be encouraging these types of accommodation as there is a high demand for this type of accommodation and it does provide a greater than normal demand for local shops and eating houses. We should also be encouraging businesses that do not have a parking demand or can ensure that they do not have a parking demand.</p> <p>Contrary to other business types B & B's and Short Term Dwellings can control their customers by advertising that they do not have parking available. Applicants for these types of business (i.e. dwelling) should have the option of opting for a Section 70A Notification stating that they will not get residential parking permits. A new section should be added before 'Special Purpose Bays' along the lines of:</p> <p>"x.y <i>B & B and Short Term Dwellings</i> Where a Bed and Breakfast or Short Term Dwelling is located within 400 metres of a Town Centre or high frequency public transport route the applicant may choose to provide reduced parking in return for lodging a notification under Section 70A of the Transfer of Land Act notifying that the City of Vincent will not issue parking permits for the commercial component of the dwelling."</p>	<p>Disagree. The City can exercise discretion to grant policy variations under Town Planning Scheme No. 1, therefore there is no need to amend the Scheme or parking requirements for Lodging Houses. It is also noted that a backpackers is a lodging house, not a use in its own right either in the Town Planning Scheme No. 1 or the City's Policy No. 3.5.4 relating to Temporary Accommodation and therefore not appropriate to single out this land use with its own requirement. As such, no policy change is proposed.</p> <p>Disagree. It is not in the interests of orderly and proper planning to discriminate against similar natured temporary accommodation businesses by developing a new land use classification with different parking requirements. As the proposed parking rates in the draft policy are recommended in accordance with detailed consideration as part of the City's Car Parking Strategy, Cr. Maier's suggestions are considered unjustified and unnecessarily cater for anomaly development applications, which are able to be considered by the City under existing provisions considering objectives of the policy. Therefore no change is proposed.</p> <p>The parking rates for Bed and Breakfasts and available concessions cater adequately for Bed and Breakfasts and Short Term Dwelling demand in the existing draft policy, and have been relayed in a manner consistent with the parking rates for this type of land use that has been considered historically appropriate across the City.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p><u>Hotels and Serviced Apartments</u> The requirement for 1 bay per room/apartment is too high. We should be encouraging as little parking as possible. In reality these uses are likely to be in areas where we have timed restrictions. We could have a significantly reduced requirement and leave it up to the applicant to make a decision based on the business model they adopt. A new section should be added before 'Special Purpose Bays':</p> <p>x.y <i>Hotel and Serviced Apartments</i> Where a Hotel or Serviced Apartment is located within 400 metres of a Town Centre or high frequency public transport route the applicant may choose to provide reduced parking in return for lodging a notification under Section 70A of the Transfer of Land Act notifying that the public parking may not be available in the area and that the City of Vincent will not issue parking permits for the development.</p>	<p>Agree in part. The Policy has been amended that 'Hotel' is 1 bay per 4 lettable rooms, and 'Serviced Apartment' is as per the R Codes. policy is proposed.</p>
<p><i>Adjustment Factors</i> The section should clearly explain why adjustment factors are applied, not just say that they are applied. People do not understand that there is a rational basis underlying the use of adjustment factors. Something along the lines of "in reality, the demand for parking, as identified in the Non-Residential Parking Requirement Table, can be reduced because of factors such as the availability of public transport or access to public parking."</p> <p>Factor 2 – Main roads: There is no rational argument for discounting the parking requirement because of access to a main road. The reduction in demand is totally related to access to public transport, public parking etc. The staff argued that the adjustment factor for proximity to a bus stop should be dropped because it applied everywhere. It is the same for proximity of main roads. Being close to a main road just means that it is easy to get there, not that there is more public parking available. Public parking is dealt with in another factor. Drop factor 2.</p>	<p>Agreed. An amendment to the draft policy is proposed to include "Adjustment Factor" in the Definitions section as follows:</p> <p><i>"A location, site or design factor identified in Figure 2 that reduces the total gross parking demand for a development following a parking demand assessment under Figure 1 of this policy."</i></p> <p>Noted. Refer to 'Officer Comment' in response to Cr. Topelberg's proposed amendment to Adjustment Factor 2. No policy change proposed in response to Cr. Maier's comments.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>Factor 3 – Mixed Use: Expecting 20% of the patrons or employees of a mixed use development come from the residential component is unrealistic. Percentage Reduction of Factor 3 should be dropped to 10%.</p>	<p>Disagree. The 20% Adjustment Factor exists in the City's current Policy No. 3.7.1 relating to Parking and Access. The Adjustment Factor has been applied historically to development applications without issues being raised, therefore no change to the Adjustment Factor is proposed. Furthermore most mixed use developments are predominately residential and well over 20%.</p>
<p>Factor 4 – Public parking Places: While a reduction for being close to a parking area with spare capacity (e.g. Barlee St Car Park or Brisbane Street Car Park), this may not be relevant for parking areas with high occupancy figures. Add a Note that says this only applies where in the opinion of the City there is sufficient capacity in the identified parking areas.</p>	<p>Disagree. The proposed modification is vague and adds unnecessary complexity to the development assessment process. Since the introduction of Adjustment Factors to the City's existing Policy No. 3.7.1 relating Parking and Access, this provision has been applied consistently without complaint, therefore the suggested change is not considered warranted.</p>
<p>Factor 5 – Bike Facilities: This is a bit open ended because technically they would only need to provide a single extra bike rack, costing \$300 in order to get a 10% discount. Need to make it clearer what the threshold is for getting the discount.</p>	<p>Disagree. Adjustment Factor 5 aims to encourage provision of infrastructure to cater for and promote alternative modes. "A single extra bike rack" in this regard would achieve this and a 10% concession is therefore warranted, regardless of infrastructure cost.</p>
<p>Factor 7 – valued uses: I don't think that an eating house is a valued use in all of the Town Centres (e.g. Beaufort Street). If the intention is to discourage other uses (e.g. offices) some other mechanism should be sought. There is already a 10% discount for being in a Town Centre. This factor is not providing an incentive for shops over eating houses. This factor should only be limited to shops and local shops and should drop eating houses and fast food outlets. Note: having a factor that potentially applies to part of a mixed use development adds complexity to the parking requirement calculation. It would be foolish to apply this factor to the whole of a mixed use development. It could see a very large office development have a small, token shop component in order to get a large parking discount. Possibly consider dropping this factor completely - why should a shop in a Town Centre get an even bigger discount than a shop located elsewhere. It is proposed to add another adjustment factor to encourage active ground floor uses. For some reason this has been included as section 2.3.4. Section 2.3.4 should be moved to Section 1.4 as it is an Adjustment Factor.</p>	<p>Agreed that Adjustment Factor 7 needs to be more clearly linked with Clause 2.3.4. Proposed integration of Clause 2.3.4 into the Adjustment Factor 7 provisions included in the Adjustment Factor Table as Figure 2.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p><i>Reciprocal-Shared Parking</i></p> <p>The difference between reciprocal and shared is not clear in the policy. The report to council indicated that reciprocal parking is parking which is not used concurrently by two users, but shared parking is parking that is used concurrently by two users. This wording is reflected in the definitions but not the body of the policy. The concept of shared parking is implied in the example on page 7 by aggregating all parking demand for a development yet the text in clause 1.6 reflects a concept more akin to reciprocal parking.</p> <p>Section 1.6 (Shared parking) should be dropped however a new clause should be added that says:</p> <p>1.5.x Applicants seeking consideration of discounts for reciprocal parking are to demonstrate the periods of peak demand for each use by providing a "Peak Parking Demand Table" as shown below. The demands shown are to be the raw demands for the use as calculated using the Non-Residential Parking Requirement Table.</p> <p>The applicant may use different time periods other than those shown however the parking requirement for the listed uses will be the maximum total demand of the time periods that are shown.</p> <p>Clauses 1.5.4, 1.5.5 and 1.5.6 can be dropped as 1.5.4 basically repeats 1.5.1; 1.5.5 is a bit confusing and is more clearly explained by the proposed new clause (above); 1.5.6 is vague and really applies to any application not just one seeking a reciprocal parking discount.</p> <p>Rather than have a separate section for shared parking there should be statements at the end of 1.2 that say:</p> <ul style="list-style-type: none"> - the parking demand for mixed use developments is calculated based on the aggregated demand for all uses of the development; 	<p>Agreed that the expressed definitions for Shared and Reciprocal Parking provisions are unnecessarily confusing. Considerable additional thought has been applied to this element in response to Councillor Maier's comments and in the context of the outcomes of the Car Parking Strategy to simplify the City's planning framework relating to parking and access.</p> <p>The following modifications to the draft policy are proposed:</p> <ul style="list-style-type: none"> - Removal of 'Shared Parking' requirements from the policy. - Modification of the "Shared Parking Table" to be labelled "Figure 3 - Peak Demand Parking Table" whilst maintaining its content. - Modify the 'Reciprocal Parking' requirements previously outlined as Clause 1.5 to Clause 1.6 in the amended draft policy, as follows: <p><i>"1.6 Reciprocal Parking The City may consider Reciprocal Parking where:</i></p> <p><i>1.6.1 The Applicant submits a Peak Parking Demand Table (see Figure 3), and the City is satisfied that demand will not unreasonably coincide;</i></p> <p><i>1.6.2 the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, legal agreement, restrictive covenant or any other formal arrangement the City may require); and</i></p> <p><i>1.6.3 parking demand in the immediate and long term can be satisfied."</i></p> <p>The proposed policy change is significantly clearer and simplified than the previous version and eliminates the ambiguity of when the provisions are able to be applied.</p> <p>Agreed. Proposed addition of the statements as "Notes" associated with the Non-Residential Parking Requirement Table shown as Figure 1.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<ul style="list-style-type: none"> - this applies even if there is a change of use to just one of the uses; - total demand can be reduced where it can be shown that demands from different uses do not coincide in accordance with Clause 1.5 – Reciprocal Parking. 	
<p><i>Parking Shortfall</i> Having Section 2 headed ‘Parking Shortfall’ seems premature as the policy does not address how a shortfall is determined. The previous sections describe how you work out a raw requirement and apply adjustment factors but make no reference to comparing the adjusted requirement with the proposed provision.</p> <p>I’d question the statement in first paragraph about saying that we can refuse an application for providing “excessive on-site parking” – do we have the power given the current TPS? There is no further text that indicates what “excessive on-site Parking” is. If we do have the power to refuse applications with excessive parking provisions this must be defined.</p> <p>Section 2.2.5 (the doubling of the cash-in-lieu rate) is apparently a response to moves by developers to go down the (cheaper) cash-in-lieu path rather than providing more parking through the use of (more expensive) car stackers. If the intention is to force the use of car stackers, where appropriate, it should be defined in Section 2.1. At the least we should have a statement along the lines of:</p> <p><i>“Where the use of car stackers is consistent with the City’s requirements as shown in Section 3.6, the City is unlikely to approve a development where, in the City’s opinion, that shortfall could be reduced by the use of car stackers.”</i></p>	<p>Agree in part. The Policy has been re-worded to improve application in the assessment process.</p> <p>Yes the City can refuse excessive parking under the Town Planning Scheme No. 1 as it is deemed to not to comply with ‘orderly and proper planning’. In addition, the City can refuse developments based on non-compliance with a local planning policy adopted under the Town Planning Scheme. Excessive on-site parking is the provision of onsite parking that does not comply with the Non-Residential Parking Requirement Table. The Non-Residential Parking Requirement Table is to be read as <u>the</u> parking requirement, not the minimum or maximum parking requirement. This is consolidated by Clause 1.2 of the draft policy which states:</p> <p><i>“Car and bicycle parking for non-residential and temporary accommodation developments (and as per component use for mixed use developments) shall be provided onsite in accordance with Figure 1, unless otherwise approved by the Council.”</i></p> <p>Noted. These provisions adequately allow the City to approve or refuse a development application based on oversupply or undersupply of parking. Provisions 2.1.1 to 2.1.4 relating to determination of applications involving a shortfall are necessary as a guide to requiring cash-in-lieu payments relevant to parking shortfalls. As cash-in-lieu payments are not relevant to an oversupply of parking, provisions are not required to outline where the City may refuse the application. The provisions expressed above are considered adequate and no change is proposed.</p> <p>The intention of Clause 2.2.5 is not to force the use of car stackers, but to allow developers to consider providing adequate parking onsite in the design process rather than paying cash for the City to deal with any</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
	<p>future parking issues which may result. It is considered that the building designer should have the freedom to consider whether car stackers or other design is appropriate for a development in the context of achieving compliance with the City's planning framework. Therefore no change to the policy is proposed in response to the suggestion.</p>
<p>The sliding scales in sections 2.1.1 to 2.1.4 should be removed or replaced. Apart from anomalies at the boundary points (i.e. you only have to provide 17.5 bays if the requirement is 70 bays but you have to provide 28.4 bays if the requirement is one bay more at 71 bays), there is no rationale why a sliding scale is adopted rather than a consistent percentage. As it stands, it allows excessive (cheap) cash in lieu rather than providing an incentive to provide parking via car stackers – and it must be remembered that the adjustment factors have been structured so as not to require excessive parking, particularly the new 'over 50 rule'.</p>	<p>Disagree. Clauses 2.1.1 to 2.1.4, in addition to being a guide for the City to accept cash-in-lieu for parking shortfalls, is intended to ensure a minimum number of car bays are physically provided onsite, rather than the developer opting to pay cash-in-lieu for the entire shortfall. This is to ensure the City is not left with the burden of dealing with parking spill over issues from developers opting to pay 100% cash-in-lieu of providing onsite parking. Provisions 2.1.1 to 2.1.4 are a guide to assist the City with determining applications if this becomes a issue. No change to the policy is therefore proposed.</p>
<p><i>Cash in lieu</i> The wording of 2.2.3 and 2.2.4 are inconsistent. One says they can pay it off over 5 years but the other says that payment must be made within 28 days. The clauses need to be made consistent. Rather than requiring payment within 28 days of a DA why not say that they have 28 days from a building approval to nominate which option they want? There have been cases where an applicant has been required to make a payment at the time of a DA but the development did not progress.</p> <p>The requirement to spend the cash in lieu in the same area in which it was collected should be reinstated. The cash in lieu is not supposed to be a penalty for not providing sufficient parking, it is a way for the City to get funds to reduce the impact of the shortfall. In reality the City takes responsibility for providing the parking. If a shortfall is created in an area then the City's actions should be to ameliorate the negative impacts of that shortfall in that area. A new clause should be added to say:</p> <p><i>"The City shall only spend the cash-in-lieu received in the general area of the property for which it has been paid;</i></p>	<p>Agreed. The 28 day payment requirement is the time frame in which the forms must be received by the City from the Applicant to agree to the payment process. The Policy has been amended to clarify this.</p> <p>Disagreed. Refer to 'Officer Comment' in relation to Councillor Topelberg's suggested amendment to the Clause.</p> <p>Disagreed. Refer to 'Officer Comment' in relation to Councillor Topelberg's similar suggested amendment to the Clause.</p>

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<p>The City should be forced to spend the cash-in-lieu on reducing the impact of the parking shortfall within a reasonable time. The current policy say that the money must be spent within 10 years of receipt but that is too long a time frame. The applicant should be seeing some return in a shorter timeframe.</p> <p>The clause in the current policy can be improved slightly, apart from changing the time period. It uses the word 'utilise' but I think we should cater for the situation where we start put aside funds to pay for a large project such as a decked car park. The word 'allocate' would better cater for this situation.</p> <p>A new clause should be added to say:</p> <p><i>"In the event that the City does not allocate the cash-in-lieu funds within five years of receipt of the full amount any unallocated funds are to be refunded to the applicant."</i></p> <p>Clause 2.2.5 does not make sense. If the intention is to discourage applicants from going down the cash-in-lieu path rather than use car stackers the policy should be clear and be up front about that. As it is, the requirement to pay double the rate may still be cheaper than providing a car stacker. If a reasonable quality stacker costs about \$8,000 per bay but the stacker provides 3 bays for every at grade space it takes up, the cost is really \$12,000 for every extra bay provided. If an applicant is required to pay \$7,000 cash-in-lieu rather than the normal \$3,500 it is still cheaper to go down the cash-in-lieu path. The clause should be deleted and Clause 5 – Parking Shortfall beefed up to force the use of car stackers.</p>	<p>Disagreed. Clause 11 (xi) of the City's Car Parking Strategy strongly recommends this Clause be removed from the existing policy. The City is dedicated to spending monies received for parking shortfalls in an appropriate and orderly manner. It is not necessary to state that funds will be returned in the policy itself. No policy change recommended.</p> <p>Disagreed. It is recommended that the City develops a "Transport Infrastructure Delivery Strategy" to explore the fairest and most effective use of funds received from cash-in-lieu payments for parking shortfalls.</p> <p>Disagreed for reasons stated above. No policy change is recommended.</p> <p>Disagreed. The proposed Clause 2.2.5 is intended to encourage developers proposing new developments (not for changes of use to existing buildings) to reconsider cash-in-lieu payments and instead design more parking into their developments, utilising whichever method they choose. If car stackers are being considered by the developer, they are likely to choose this option over a cash-in-lieu payment as there is a potentially associated lease return, whereas a cash-in-lieu payment is one-off and does not guarantee any financial return to the developer. No policy change recommended.</p>
<p><i>Cash-in-lieu Calculation</i></p> <p>Section 2.3 essentially deals with the calculation of any shortfall or surplus; and talks about encouraging ground floor activation which is more appropriate in the Adjustment Factors section. It would be more logical to move this section between Section 1 and Section 2 and to name it something along the lines of 'Determining if Parking Requirements are met'. Section 2.3 is correct when it focuses on the increase in intensity rather than including historical shortfalls. However the wording is ambiguous in that it does not clearly say how existing surpluses are dealt with. I did not think about this possibility when I made my previous submission on the Parking Policy last year, and only just realised that it may be</p>	<p>For developments already approved in the City with a parking shortfall, the implication of the proposed new policy is to "accept the status quo" for the approved shortfall. Any subsequent change of use or addition of floor area to the site is to be assessed based on the development proposed only, not that which has previously been considered and determined. Visiting "previously approved shortfalls" in a parking assessment is revisiting previous development approvals for the site which is not appropriate, as those previous developments were determined at that particular time considering the circumstances of the time. No change to the policy is therefore proposed.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>an issue although it is rare to find current uses that provide surpluses. History has shown that the staff and applicants have had difficulty applying the existing algorithm for calculating shortfalls, and that changes in staff can lead to the algorithm being interpreted differently. It is important to make it clear and to think of all possibilities.</p> <p>A fundamental basis of the current algorithm has been that existing shortfalls are accepted and 'carried over' because to ignore the shortfall may be a form of retrospective application of a policy. One inconsistency with this approach is that we don't carry over any shortfall if there is a complete redevelopment of the site. While this may be a logical flaw I have not had anybody complain about it.</p>	<p>Further, a key objective of the City's Car Parking Strategy is to simplify the local planning framework relating to provision of parking and access facilities and reduce the inequity created by continuing to utilise pre-approved shortfalls. No proposed change is recommended.</p> <p>Notwithstanding, the provisions of Clause 2.3 presented to Council at its Ordinary Meeting held on 26 February 2013 have been re-evaluated in the context of Cr. Maier's comments and have been amended and included in the new draft policy.</p>
<p>The next issue is what should we use as the existing requirement. Should it be the historical requirement, calculated using parking requirements in use at the time that the previous DA was approved, or should it be the requirement calculated using the current parking requirements. There are valid arguments for either approach but for administrative simplicity the use of the existing parking requirements and adjustment factors is probably acceptable. In a way it is consistent with the 'no retrospectivity' approach in that if a parking requirement is changed we do not go back and reassess all existing approvals – we accept the status quo. The algorithm would be:</p> <ul style="list-style-type: none"> - For a change of intensity, either floor space or use, determine if there is an existing surplus or shortfall. - Calculate the 'existing requirement' using the requirement table in this policy and applying the relevant adjustment factors. - Determine the 'existing provision' (i.e. how many bays are provided prior to redevelopment). - Determine if there is an 'existing surplus' or 'existing shortfall' by subtracting the 'existing requirement' from the 'existing provision'. - If the requirement is greater than the provision (i.e. a negative answer) there is an existing shortfall. - If the requirement is less than the provision (i.e. a positive answer) there is an existing surplus. 	<p>Refer to 'Officer Comment' in next row for the recommended change to Clause 2.3.2 having considered the scenarios outlined in detail by Cr. Maier.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>If this is a completely new development or if there is an existing surplus or if the existing requirement is exactly met (from step -):</p> <ul style="list-style-type: none"> - Calculate the 'new requirement' using the requirement table in this policy and applying the relevant adjustment factors. <i>Note: the adjustment factors for the new proposal may be different to the adjustment factors applied to the existing development if a change is made to a factor that is development specific rather than location specific (e.g. they provide new end of trip facilities).</i> - Determine the 'proposed provision' (i.e. how many bays are proposed after redevelopment). - Determine the 'new surplus' or 'new shortfall' by subtracting the 'new requirement' from the 'proposed provision'. If the requirement is greater than the provision (i.e. a negative answer) there is a shortfall which can be considered for cash-in-lieu. <p>If there is a redevelopment and there is an existing shortfall (from step -):</p> <ul style="list-style-type: none"> - Determine the 'changed requirement' by subtracting the 'existing requirement' (from step -) from the 'new requirement' (as per step -). - Determine the 'changed provision' by subtracting the 'existing provision' (from step -) from the 'proposed provision' (as per step 0). - Determine the 'new surplus' or 'new shortfall' by subtracting the 'changed requirement' from the 'changed provision'. - If the changed requirement is greater than the changed provision (i.e. a negative answer) there is a shortfall which can be considered for cash-in-lieu. 	
<p>Including the algorithm in the body of the policy would add to the complexity of the policy and take focus from the 'policy' aspect. I would suggest adding the algorithm as an appendix and changing 2.3.1, 2.3.2 and 2.3.3 to:</p>	<p>An objective of the City's Car Parking Strategy is to amend the local planning framework relating to Parking and Access to be more simplified.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>2.3.1 Where totally new developments are proposed the determination of whether parking requirements have been met will be done by comparing the parking requirement after the application of any adjustment factors with the parking that is propose to be provided.</p> <p>2.3.2 Where a redevelopment is proposed, either through a change of use or a change in floor space, and there is an existing shortfall in parking this shortfall will be accepted as the status quo and will not increase any potential shortfall. The determination of any proposed surplus or shortfall will done by comparing the change in requirements with the change in the provision of parking.</p>	<p>It is agreed that this needs to be addressed. Cr. Maier's scenarios and proposed provisions have been considered in depth and it is proposed to amend the provisions of the new draft policy to read as follows:</p> <p><i>"2.3 Historical Parking Shortfalls and Surpluses</i></p> <p>To determine whether an existing previously approved parking shortfall or surplus is considered in a parking assessment under Clause 1.2 of this policy, the following may apply:</p> <p>2.3.1 any existing approved parking shortfall/surplus will not be considered relevant where the proposed development is located on a vacant lot or where more than 75% redevelopment (change of use or building work) is proposed. The 75% is calculated on the existing area of use of the building. I.e. if a building is 100m² and if 75m² or more is proposed as a change of use or rebuild or new construction, then the existing parking shortfall/surplus will not be considered</p> <p>2.3.2 for developments proposing a change of use and/or additions which propose less than 75% redevelopment, in determining whether any existing approved parking surplus/shortfall is eligible to be applied to the parking requirement:</p> <ul style="list-style-type: none"> ▪ the current Non-Residential Parking Requirement shown in Figure 1 and relevant Adjustment Factors shown in Figure 2 will be applied to the pre-existing development rather than the use of historical values; and ▪ the parking requirement in respect of the new development shall be calculated on the basis of the development that is proposed by the subject application only.

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>2.3.3 Where a redevelopment is proposed, either through a change of use or a change in floor space, and existing parking requirements are met or there is an existing surplus in parking, the determination of any proposed surplus or shortfall will be done by comparing the parking requirement after the application of any adjustment factors with the parking that is proposed to be provided.</p> <p>2.3.4 In determining whether any existing surplus or shortfall exists the latest Non-Residential Parking Requirements and Adjustment Factors will be applied to the pre-existing development rather than the use of historical values.</p> <p>As previously stated, Clause 2.3.4 is more appropriately included in the Adjustment factors section.</p> <p>The last sentence in 2.3 seems to be a contradiction of due process. It says "The City may still refuse a development on the basis of non-compliance with car parking requirements, regardless of whether these provisions have been met.". This provides no certainty and it is unclear if it is intended to apply to 2.3 or to Section 2. It should be removed.</p>	<p>Refer to below paragraph.</p> <p>It is considered appropriate to place the threshold of 75% in Clause 2.3.4 (expressed as Clause 2.3 in the draft amended policy) to clearly outline where previously approved shortfalls/surpluses may be considered in applications proposing a change of use or partial redevelopment. This is important to differentiate where it is appropriate to consider the history of incremental development approvals for a site with a mix of uses and/or a history of approved shortfall/surplus.</p> <p>Noted. This modification is proposed to be addressed through modifying the amended draft policy.</p>
<p><i>Design and Location</i></p> <p>While 3.2 and 3.3 talk about open air parking and multi deck parking they miss single storey parking within a building. The requirements for multi deck parking seem to meet the requirements. It can be resolved by changing the term from 'Multi deck Parking' to 'Enclosed Parking'.</p> <p>I don't think we should be setting a minimum bay height for car stackers. I realise that this is just for the entry level rather than every level. When considering the DA for 16 Brentham St (OMC 14 February 2012) we accepted that bay heights of 1.65 metres were acceptable. We should leave it up to the market to determine what is acceptable.</p> <p>We are already saying the stacker bays are for tenants/owners and not for visitors, so anybody contemplating moving in will know what is available before they move in or buy a tall vehicle.</p>	<p>Agreed. Proposed policy change from 'Multi Deck Parking' to 'Enclosed Parking'.</p> <p>Australian Standard 2890.1 – Off-street Parking sets a minimum car bay height at 2.2m. It's necessary to state car stacker bay height if Council wants to encourage a reduction in the 2.2m requirement in an orderly and consistent manner as is practicable.</p> <p>Tailoring the required car bay height dimension to an individual landowner's vehicle size is not recommended and is not consistent with orderly and proper planning.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
<p>By removing the minimum height requirement for the entry level we are allowing more efficient use of space. Clause 3.6.1.4 should be removed.</p> <p>Clause 3.6.1.6 (it is incorrectly numbered in the latest version) should say “where a car stacker weight <u>capacity</u> is less than 2.5 tonnes...”</p>	<p>The recommended minimum height clearance is a safety measure to prevent injury of users. Clause 3.6.1.4 is recommended to be retained however Clause 3.6 is proposed to be reformatted to be displayed more clearly.</p> <p>Agreed. Proposed addition of the word “capacity” to amended policy.</p>
<p><i>Vehicle Access</i></p> <p>Clause 4.1.2.2 should make it clear that laneways need only be sealed to the nearest roadway. We should not require the first developer along a laneway to have to pay for the whole laneway to be sealed.</p> <p>Clause 4.5 seems to replicate Clause 3.2.</p> <p>The requirement to submit an amendment to a Parking Management Plan as a DA seems onerous. Can't it just say that any change to a Parking Management Plan must be approved by the City?</p>	<p>Agreed. Change to policy proposed.</p> <p>Agreed. Deletion of Clause 4.5 proposed including integration with existing Clause 3.2.</p> <p>No. Modifications to a Parking Management Plan are to be considered in the form of a development application, which allows the City to link the Parking Management Plan to the Certificate of Title for the land. Including Cr. Maier's proposed amendment would mean amended Parking Management Plans approved by the City would not be legally enforceable defeating their purpose as a tool to ensure effective management of parking areas and compliance with the City's requirements.</p>
<p><i>Layout and Structure of the Policy</i></p> <p>Section 1 should be renamed 'Parking Requirements' as it identifies the requirements (rather than the provision) and leads on to Section 2 which deals with 'Parking Shortfalls'.</p> <p>The term 'Short Term Dwellings' in section 1.1 should be changed to 'Temporary Accommodation' to be consistent with Policy No. 3.4.5.</p> <p>The wording of 1.2 needs review. It should be split into two sentences. The 'Non-Residential Parking Requirement Table' should be immediately after 1.2. Section 1.3 (End of Trip Facilities) should be moved after 1.4 as it is not relevant to the calculation of the parking requirement. The example on page 7 should be moved to after the Adjustment Factors' section as it explains how the previous 2 sections (non-residential requirements and adjustment factors).</p>	<p>Agreed. Change to policy proposed.</p> <p>Agreed. Change to policy proposed.</p> <p>Agreed. Change to policy proposed.</p>

Cr. Comment/Suggested Amendment	Officer Comment/Recommendation
The example on page 7 can be more clearly expressed along the lines of the table used in existing calculations.	Agreed. Change to policy proposed.
It may be better to include this as an appendix, along with the algorithm for calculating a parking surplus or shortage. Any table or figures should have a consistent naming convention (e.g. Table 1: xyz) for ease of reference.	Agreed. Change to policy proposed.

Councillor Maier further included the following tables outlining the possible development scenarios to which a parking assessment may apply, as follows:

"The [parking assessment] algorithm must cater for the following scenarios:

Change	Response
<i>New development</i>	<i>Treat as a greenfield site and ignore the current situation. Look at the difference between provided and required.</i>
<i>Change of floor space – existing surplus</i>	<i>Ignore the surplus and simply look at the difference between the provided and required.</i>
<i>Change of floor space – existing shortfall</i>	<i>Accept the shortfall as the status quo and just look at the change in floor space requirement and change in provision.</i>
<i>Change of use – existing surplus</i>	<i>Ignore the surplus and simply look at the difference between the provided and required.</i>
<i>Change of use – existing shortfall</i>	<i>Accept the shortfall as the status quo and just look at the change in intensity requirement and change in provision.</i>
<i>Change of use and floor space – existing surplus</i>	<i>Ignore the surplus and simply look at the difference between the provided and required.</i>
<i>Change of use and floor space – existing shortfall</i>	<i>Accept the shortfall as the status quo and just look at the change in intensity requirement and change in provision.</i>

If these are accepted as the possible scenarios and the responses we can see that this can be simplified to:

Change	Response
<i>New development</i>	<i>Treat as a greenfield site and ignore the current situation. Look at the difference between provided and required.</i>
<i>Change of intensity – existing surplus</i>	<i>Ignore the surplus and simply look at the difference between the provided and required.</i>
<i>Change of intensity – existing shortfall</i>	<i>Accept the shortfall as the status quo and just look at the change in requirement and change in provision"</i>

Cr. Maier's development scenarios are well described and are noted. It is recommended the abovementioned Table are not added to the amended draft policy however are incorporated as Clause 2.3 to determine where an existing parking shortfall/surplus is considered in an assessment.

Councillor Maier also suggested that the example of a parking assessment could be more clearly laid out as follows:

Gross Requirements		
Eating House	350.7m ² at 1 bay per 5m ² PFA = 70.14 Bays	
Shop	388m ² at 1 bay per 20m ² NLA = 19.40 Bays	
Office	437m ² at 1 bay per 50m ² NLA = 8.74 bays	
Gross requirement		98.28 Bays
Adjustments		
Within 800m of a train station	0.85	
Within 400m of public parking place with more than 75 bays	0.85	
Adjustment		0.7225
Requirement after applying adjustment factors		71.00 bays
Bays in excess of 50 bays	21.00 bays	
50% reduction in bays over 50 bays		-10.50 bays
Bays required		60.50 bays

It is agreed that the proposed layout is clearer and the existing parking calculation outlined in the current draft policy is proposed to be replaced with a basic parking assessment example table similar to that shown above.

All of the Officer Recommendations as stated above have been incorporated into an amended new draft Policy No. 3.7.1 – Parking and Access (included as Attachment 5 of this report).

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy will be advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, the City's Business E-News Newsletter, other inner-city Local Councils, the City's Parking Consultants, local developers and planning consultants, the Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

LEGAL/POLICY:

The following legal/policy documents are relevant to this report:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes of Western Australia;
- City of Vincent Car Parking Strategy; and
- City of Vincent Precinct Parking Management Plans.

RISK MANAGEMENT IMPLICATIONS:

Low: The development requirements outlined in the new Parking and Access policy are predominantly derived from the City's four (4) existing policies relating to parking. Given these policies have been in effect for a considerable period of time, the consolidated policy is considered relatively low risk. Further, as the City's proposed new Parking and Access Policy is to be read in conjunction with Australian Standard 2890.1 and Residential Design Codes, its requirements are not standalone, further lowering risk.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

SUSTAINABILITY IMPLICATIONS:

It is considered that the proposed amendment and rescission of existing policies support a more sustainable approach to reduce vehicles and promote a mix of other transport modes and shared parking initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure under this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	\$ 4,684
Balance:	\$74,556

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

COMMENTS & CONCLUSION:

The proposed Policy No. 3.7.1 relating to Parking and Access includes appropriate changes to the existing local planning framework in relation to parking, in order to:

- Accommodate recommendations of the City's Car Parking Strategy;
- Address the Mayor Hon. Alannah MacTiernan's Notice of Motion on 4th December 2012 (relating to car stackers);
- Address Councillor Topelberg's Notice of Motion on 18th December 2012 (relating to cash-in-lieu of parking); and
- Address the Amendments carried at the Ordinary Meeting of Council held on 26 February 2013 in addition to further comments received by Councillors following the meeting.

It is recommended the existing policy No. 3.7.1 Parking and Access, No. 3.7.2 Loading and Unloading, No. 3.7.3 Car Stacking Systems and No. 3.4.4 Vehicle Access to Dwellings via a Right-of-way be rescinded, and the amended draft new policy 3.7.1 relating to Parking and Access be adopted by Council for advertising.

9.1.11 Amendment No. 104 to Planning and Building Policies – Advertising of Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development and rescission of Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface; No. 3.5.7 relating to Pedestrian Walkways; No. 3.5.8 relating to Canvas Awnings and No. 3.5.15 relating to Shop Front Facades to Non-Residential Buildings

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	PLA0250
Attachments:	001 – Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development 002 – Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface 003 – Policy No. 3.5.7 relating to Pedestrian Walkways 004 – Policy No. 3.5.8 relating to Canvas Awnings 005 – No. 3.5.15 relating to Shop Front Facades to Non-Residential Buildings		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **INITIATES** Amendment No. 104 to the Planning and Building Policy Manual as shown in Appendices 001, 002, 003, 004 and 005, relating to:
 - 1.1 **Rescission of the following existing Policies:**
 - 1.1.1 **No. ~~3.4.3~~ 3.5.3 relating to Non-Residential/Residential Development Interface;**
 - 1.1.2 **No. 3.5.7 relating to Pedestrian Walkways;**
 - 1.1.3 **No. 3.5.8 relating to Canvas Awnings; and**
 - 1.1.4 **No. 3.5.15 relating to Shop Fronts Facades to Non-Residential Buildings; and**
 - 1.2 **Adoption of a new draft Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Development;**
2. **AUTHORISES** the Chief Executive Officer to advertise the rescission and adoption of the policies outlined in recommendation (1) in accordance with Clause 47 of Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
3. **After the expiry period for submissions:**
 - 3.1 **REVIEWS** the Policies outlined in recommendation (1) having regard to any submissions received; and
 - 3.2 **DETERMINES** the Policies outlined in recommendation (1) having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Buckels

“That a new Clause 4 be inserted to read as follows:

4. **REQUESTS that during the advertising of the proposed new draft Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments, further investigation is undertaken on alternative underground power arrangements being incorporated into clause 6.1 of the new draft Policy No. 3.5.12.”**

Debate ensued.

Cr McGrath departed the Chamber at 9.20pm.

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Wilcox was on approved leave of absence.)
(Cr McGrath was absent from the Chamber and did not vote.)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Buckels

“That Clause 1.2 be amended to read as follows:

- 1.2 **Adoption of a new draft Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Development subject to the policy being amended as follows:**

1.2.1 Amend Clause AC 1.3 of the Policy as follows:

Significant major openings on ~~the~~ all elevations fronting roads;”

Debate ensued.

Cr McGrath returned to the Chamber at 9.24pm.

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

AMENDMENT 3

Moved Cr Maier, Seconded Cr Buckels

“That Clause 4.2.4 be removed from the Policy as follows:

~~Ramps and steps and changes of ground levels are to be incorporated into developments to create effective local access controls and delineate ownership or use changes;”~~

Debate ensued.

AMENDMENT 3 PUT AND LOST (3-5)

For: Cr Buckels, Cr Maier and Cr Pintabona

Against: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.11

That the Council;

1. **INITIATES** Amendment No. 104 to the Planning and Building Policy Manual as shown in Appendices 001, 002, 003, 004 and 005, relating to:
 - 1.1 **Rescission of the following existing Policies:**
 - 1.1.1 No. ~~3.4.3~~ ~~3.5.3~~ relating to Non-Residential/Residential Development Interface;
 - 1.1.2 No. 3.5.7 relating to Pedestrian Walkways;
 - 1.1.3 No. 3.5.8 relating to Canvas Awnings; and
 - 1.1.4 No. 3.5.15 relating to Shop Fronts Facades to Non-Residential Buildings; and
 - 1.2 **Adoption of a new draft Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Development subject to the policy being amended as follows:**
 - 1.2.1 **Amend Clause AC 1.3 of the Policy as follows:**

Significant major openings on all elevations fronting roads;
2. **AUTHORISES** the Chief Executive Officer to advertise the rescission and adoption of the policies outlined in recommendation (1) in accordance with Clause 47 of Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
3. **After the expiry period for submissions:**
 - 3.1 **REVIEWS** the Policies outlined in recommendation (1) having regard to any submissions received; and
 - 3.2 **DETERMINES** the Policies outlined in recommendation (1) having regard to any submissions with or without amendments, to or not to proceed with the draft Policy; and
4. **REQUESTS** that during the advertising of the proposed new draft Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments, further investigation is undertaken on alternative underground power arrangements being incorporated into clause 6.1 of the new draft Policy No. 3.5.12.

PURPOSE OF REPORT:

The purpose of this report is to enable the Council to consider advertising the proposed new Draft Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development and to rescind Policies No. 3.4.3 relating to Non-Residential/Residential Development Interface; No. 3.5.7 relating to Pedestrian Walkways; Policy No. 3.5.8 relating to Canvas Awnings; and No. 3.5.15 relating to Shop Front Facades to Non-Residential Building, for public comment.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) was endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual. The proposed rescission of the abovementioned policies and the preparation of a new consolidated Policy titled Development Guidelines for Commercial and Mixed Use Development forms part of this review process to streamline the existing Policies.

History:Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface

Date	Comment
24 May 2005	The Council at its Ordinary Meeting adopted Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface.

Policy No. 3.5.7 relating to Pedestrian Walkways

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included Policy No. 3.5.7 relating to Pedestrian Walkways.

Policy No. 3.5.8 relating to Canvas Awnings

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included Policy No. 3.5.8 relating to Canvas Awnings.

Policy No. 3.5.15 relating to Shop Front Facades to Non-Residential Building

Date	Comment
8 November 2005	The Council at its Ordinary Meeting adopted Policy No. 3.5.15 relating to Shop Front Facades to Non-Residential Building.

Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development

Date	Comment
October 2012	Copy of draft Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development circulated to the City's Design Advisory Committee and the City's Statutory Planning Services for comment.
November – December 2012	Feedback on the draft Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development received from members of the City's Design Advisory Committee and the City's Statutory Planning Services.

Previous Reports to Council:

There have been no previous reports to the Council in relation to the subject Planning and Building Policy Amendment No. 104 relating to the creation of a new Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development and the rescission of Policies No. 3.4.3 relating to Non-Residential/Residential Development Interface; No. 3.5.7 relating to Pedestrian Walkways; Policy No. 3.5.8 relating to Canvas Awnings; and No. 3.5.15 relating to Shop Front Facades to Non-Residential Building.

DETAILS:

As part of the current review of the City's Planning and Building Policy Manual it has become apparent that there a number of policies which are rarely used and/or could be better applied if they were consolidated into one Policy. For this reason, the City's Officers have prepared the new draft Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development.

The current review of the City's Planning and Building Manual is also to streamline the policies to align with the new Town Planning Scheme No. 2 in particular the proposal for just 5 Precinct Policies, to replace the existing 15 Precinct Policies. For this reason, the new draft Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development has been created to provide more generic guidelines for the assessment of these types of development, to avoid unnecessary repetition in the new Precinct Policies and improve the assessment process. As an interim measure, once adopted it is proposed that the provisions of this Policy will prevail over any inconsistencies within the City's existing Precinct Policies.

Key Elements of the Policy

Section of Policy	Officer Comment
Introduction and Objectives	Sets the overarching intention of the policy and draws on the objectives of the policies proposed to be rescinded. Further emphasis is placed on the importance of quality mixed use and commercial development that enhances the physical quality and character of the City's built environment.
<p><i>Section 1</i> Built Form and Design</p>	<p><i>1.1 Building Height</i> Building Height is to be as per the Precinct Policy, to align with the City's existing practice, and to ensure the height responds to the character of the Precinct. To ensure consistency across the City, variations to Building Height will be governed by the City's recently adopted Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.</p> <p><i>1.2 Building Setback</i> Building Setback requirements have been drawn largely from the City's Policy No. 3.4.3 relating to Non-Residential/Residential Interface. Requirements to Rear Setbacks, have however been included to provide a more explicit framework to manage the impact of development that abuts residential zoned property to the rear.</p> <p><i>1.3 Corner Sites, 1.4 Articulation and 1.5 Parapet Walls</i> To improve design outcomes of all commercial and mixed use developments in the City more detailed information has been included in the proposed new Policy on the City's expectations on the design quality for corner sites, how to incorporate articulation into a new development and the treatment of parapet walls. This section was largely informed by suggestions from the City's Design Advisory Committee.</p>

Section of Policy	Officer Comment
<p><i>Section 2</i> Streetscape Relationship</p>	<p><i>2.1 Ground Floor Frontage</i> This section reinforces the importance of well designed ground floor frontage in commercial and mixed use developments. The acceptable development requirements have largely been drawn from the City's Policy No. 3.5.15 relating to Shop Front and Front Facades to Non-Residential Buildings.</p> <p><i>2.2 Awnings</i> The section reinforces the City's expectations with respect to awnings. The acceptable development criteria have been largely drawn from the City's Local Law 2008 relating to Local Government Property. Canvas awnings are rarely submitted for planning approval, and therefore it was not considered necessary that the requirements in the City's Policy No. 3.5.8 relating to Canvas Awnings be included in this Policy, as a standalone type.</p> <p><i>2.3 Signage</i> To be as per the City's Signs and Advertising Policy.</p> <p><i>2.4 Fencing and Gates</i> The requirements for fencing and gates have been made more explicit than that detailed in the existing Policies, to ensure improved compliance, with this requirement.</p>
<p><i>Section 3</i> Access and Parking</p>	<p><i>3.1 Car Parking</i> Reference has been made to the City's Parking and Access Policy which covers most of the requirements that were repeated in the City's Policy No. 3.4.3 relating to Non-Residential/Residential Interface. Reference has also been made to the Residential Design Codes of WA which will also apply for Mixed Use Developments.</p> <p><i>3.2 Vehicle Access</i> This section has been drawn from some of the requirements in the City's Policy No. 3.4.3 relating to Non-Residential/Residential Interface, however has also been made more explicit to align with current requirements for vehicle access that are conditioned in planning approvals.</p> <p><i>3.3 Pedestrian Access</i> The requirements in this section have been made much more explicit than the general comments mentioned on this matter in the City's Policies No. 3.4.3 relating to Non-Residential/Residential Interface and No. 3.5.15 relating to Shop Front and Front Facades to Non-Residential Buildings. This is to ensure that this element is considered at the early stage of the planning process and adequately shown on all plans submitted to the City for assessment. The requirements on pedestrian walkways has been drawn from the existing requirements in the City's Policy No. 3.5.7 relating to Pedestrian Walkways.</p>

Section of Policy	Officer Comment
<p><i>Section 4</i> Safety and Security</p>	<p><i>4.1 Surveillance, 4.2 Access Control and 4.3 Lighting</i> The requirements in this section have been drawn largely from the requirements in the City's Policies No. 3.4.3 relating to Non-Residential/Residential Interface and Policy No. 3.5.15 relating to Shop Front and Front Facades to Non-Residential Buildings, however have been more clearly set out to ensure that this element is considered at the early stage of the planning process and adequately shown on all plans submitted to the City for assessment.</p>
<p><i>Section 5</i> Environment and Microclimate</p>	<p><i>5.1 Landscaping</i> The requirements in this section have been drawn in part from the City's Policy No. 3.4.3 relating to Non-Residential/Residential Interface, however have been made more explicit to heighten awareness to the City's expectation on compliance with landscaping requirements and to ensure that this element is considered at the early stage of the planning process and adequately shown on all plans submitted to the City for assessment.</p> <p><i>5.2 Energy Efficiency Design</i> The requirements in this section stem from the City's heightened expectation on the importance of achieving energy efficiency design, and have largely been informed from the suggestions received from the City's Design Advisory Committee.</p> <p><i>5.3 Sound Attention</i> Reference has been made to the City's existing Policy on Sound Attention, to avoid replication.</p>
<p><i>Section 6</i> Ancillary and Incidental Development</p>	<p><i>6.1 Services</i> The requirements in this section have been drawn in part from the City's Policy No. 3.4.3 relating to Non-Residential/Residential Interface, however have been made more explicit to ensure that this element is considered at the early stage of the planning process and adequately shown on all plans submitted to the City for assessment.</p> <p><i>6.2 Bin Storage</i> This section has been added to ensure that this element is considered at the early stage of the planning process and adequately shown on all plans submitted to the City for assessment.</p> <p><i>6.3 Clothes Drying Area</i> This section has been added to ensure that this element is considered at the early stage of the planning process and adequately shown on all plans submitted to the City for assessment. The requirements are the same as those outlined in the City's Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones.</p> <p><i>6.4 Underground Power</i> These provisions have been drawn from the City's Policy No. 2.2.2 relating to Underground Power, as they relate specifically to conditions of planning approval. By being included in this proposed new Policy will ensure that applicants are better aware of these requirements at the start of the planning process, and to ensure that this provision can be more consistently applied in determining development applications.</p>

Section of Policy	Officer Comment
<p><i>Section 7</i> Commercial and Mixed Use Developments in Residential Zones</p>	<p><i>7.1 Commercial Development on Buffer Sites</i> The requirements in this section have been drawn in part from the City's Policy No. 3.4.3 relating to Non-Residential/Residential Interface however diagrams, definitions and more specific requirements have been included to improve the application and assessment of these scenarios.</p> <p><i>7.2 Mixed Use Development on Buffer Sites</i> As above.</p> <p><i>7.3 Land Uses and 7.4 Signage</i> As above.</p> <p><i>7.5 Planning Approval</i> This section has been included to align with similar requirements in the City's Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones. This is to place greater onus on the applicant to demonstrate the appropriateness of the proposal, in a residential zone.</p> <p><i>7.6 Development Application Report</i> As above.</p>
<p><i>Section 8</i> <i>Policy Application</i></p>	<p><i>8.1 Relationship to Other Local Planning Policies</i></p> <p>This clause has been included to ensure consistency in the application of this Policy when read in conjunction with the City's exiting Precinct Policies. Essentially where an inconsistency exists between provisions within the City's Precinct Policies and this Policy, the provisions within Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments are to prevail.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

Letters will also be distributed to the City's database of developers, planning consultants and architects for comment on the proposed new Policy.

Consultation was undertaken with the City's Design Advisory Committee during the drafting of this Policy.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is considered that the implementation of this proposed new Policy No. 3.5.12 will provide a more robust framework in assessing commercial and mixed use developments in the City and their impact on the surrounding context.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

"Improve and Maintain the Environment and Infrastructure:

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision".*

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

The proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments provides a stronger framework to enforce the City's expectation that new commercial and mixed use developments demonstrate best practice energy efficiency design elements.

SOCIAL

The proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments provides requirements to ensure that new commercial and mixed use developments responds to the urban pedestrian context, in turn having a positive impact on the social environment.

ECONOMIC

The proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments serves to provide a framework to ensure that new commercial and mixed use developments are appropriately integrated into the City's Town Centres and commercial zones in turn contributing to the economic growth of these areas.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

'Town Planning Scheme Amendments and Policies'

Budget Amount: \$80,000
Spent to Date: \$ 4,684
Balance: \$74,556

COMMENTS:

By consolidating the City's existing Policies Nos. 3.4.3, 3.5.7, 3.5.8 and 3.5.15 into the proposed draft new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments will provide an all encompassing Policy that will guide commercial and mixed use development to a standard expected by the City and the broader community.

The layout of the Policy has been based largely on the City's Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones, which was recently amended to improve legibility in the assessment process. Nominal new requirements have been included in the Policy, beyond those that are already within the City's existing Policies. Rather, the requirements have been elaborated and made more explicit in places to ensure that all matters relating to commercial and mixed use developments are considered at the early stages of the planning approval process.

In light of the above, it is recommended that the Council progress the proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development and the rescission of Policies No. 3.4.3 relating to Non-Residential/Residential Development Interface; No. 3.5.7 relating to Pedestrian Walkways; Policy No. 3.5.8 relating to Canvas Awnings; and No. 3.5.15 relating to Shop Front Facades to Non-Residential Building in accordance with the Officer Recommendation and advertise the draft policy in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

9.1.12 Amendment No. 105 to Planning and Building Policies – Rescission of Appendix Nos. 7, 9, 13 and 14

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	PLA0251
Attachments:	001 – Appendix No. 7 002 – Appendix No. 9 003 – Appendix No. 13 004 – Appendix No. 14 005 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RESCINDS** the following appendices:
 - 1.1 **No. 7 – Design Guidelines for the ‘Old Bottleyard’;**
 - 1.2 **No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley;**
 - 1.3 **No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley; and**
 - 1.4 **No. 14 – Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley; and**
2. **AUTHORISES** the Chief Executive Officer to advertise the final rescission of Appendix Nos. 7, 9, 13 and 14 in accordance with Clause 47 of the City's Town Planning Scheme No. 1.

Moved Cr Buckels, Seconded Cr Harley

That the recommendation, together with the following change(s), be adopted:

That Clause 1 and 2 be amended to read as follows:

1. **RESCINDS** the following appendices:
 - 1.1 **No. 7 – Design Guidelines for the ‘Old Bottleyard’; and**
 - 1.2 **No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley; and**
 - 1.3 **No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley; and**
 - 1.4 ~~**No. 14 – Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley; and**~~
2. **AUTHORISES** the Chief Executive Officer to advertise the final rescission of Appendix Nos. 7, 9, and 13 and 14 in accordance with Clause 47 of the City's Town Planning Scheme No. 1.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.12

That the Council;

- 1. RESCINDS the following appendices:**
 - 1.1 No. 7 – Design Guidelines for the ‘Old Bottleyard’; and**
 - 1.2 No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley; and**
 - 1.3 No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley; and**
- 2. AUTHORISES the Chief Executive Officer to advertise the final rescission of Appendix Nos. 7, 9 and 13 in accordance with Clause 47 of the City’s Town Planning Scheme No. 1.**

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the rescission of:

- Appendix No. 7 - Design Guidelines for the ‘Old Bottleyard’;
- Appendix No. 9 - Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley;
- Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley;
- Appendix No. 14 - Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley; and

to seek final rescission of these appendices.

BACKGROUND:

As a part of the scheme review process, the City’s Officers are reviewing the Planning and Building Policy Manual. Part of this review is to evaluate all the existing appendices to ensure they align with the City’s other local planning policies.

Policy Amendment No. 105 relates to the rescission of the following four Appendices: 7, 9, 13 and 14. The amendment was initiated to ensure consistency with the City’s draft Town Planning Scheme No. 2.

History:

Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’

Date	Comment
8 March 1999	The Council at its Ordinary Meeting resolved to adopt Design Guidelines for the ‘Old Bottleyard’ site. These Design Guidelines were developed in response to a subdivision application submitted by the City for three (3) residential lots at approximately 2,500 square metres in size with a pedestrian access way that ran from the corner of Palmerston Street and Stuart Street to Robertson Park.
3 May 1999	The WAPC approved the subdivision of No. 73 Palmerston Street, Perth into three (3) residential lots. This subdivision approval did not proceed.

Date	Comment
11 November 1999	The City commissioned Van Der Meer Consulting to review development and subdivision options for the 'Old Bottleyard' site. This report proposed nine (9) different subdivision options.
8 February 2000	The Council at its Ordinary Meeting resolved to adopt subdivision Design Option A from the Van Der Meer report.
15 February 2000	The Council at its Ordinary Meeting resolved to amend the Design Guidelines to be consistent with subdivision Design Option A.
12 June 2001	The City of Vincent submitted an application to subdivide the subject lot into two (2) lots as per subdivision Design Option A. This subdivision created two (2) lots, one being 5,737 square metres and being set aside for public open space and the other 4,004 square metres and proposed to be subdivided into seventeen (17) other lots, with a land area of approximately 190 square metres each.
23 October 2001	The Western Australian Planning Commission approved the subdivision of No. 73 Palmerston Street, Perth, in accordance with Design Option A
11 January 2002	The City wrote to the WAPC requesting that the subdivision be staged and the two (2) 'super lots' be created, prior to the creation of the seventeen (17) lots.
31 May 2002	The WAPC approved the amended subdivision into two (2) 'super lots'.
31 March 2003	The City of Vincent sold No. 75 (Lot 88) Palmerston Street, Perth.
17 January 2006	An application was submitted to the WAPC for the subdivision of No. 75 Palmerston Street into seventeen (17) green title lots. This subdivision layout was consistent with the approval issued by the WAPC on 23 October 2001.
10 May 2006	The WAPC approved the subdivision into seventeen (17) green title lots.
10 May 2009	The WAPC conditioned the works stated in the subdivision approval however these works were not completed and the subdivision approval expired accordingly.
31 August 2010	Town Planning Scheme Amendment No. 25 was gazetted. This allowed the construction of multiple dwellings on the site governed by Appendix No. 7 however due to restrictions within the Appendix no Multiple Dwellings were developed and the Appendix considered outdated.
23 October 2012	The Council at its Ordinary Meeting Adopted Scheme Amendment No. 32 for final approval, and forwarded the Scheme Amendment Documents to the Western Australian Planning Commission. Scheme Amendment No. 32 proposes to introduce guidelines for the creation of Structure Plans. Further to this, the proposed Scheme Amendment will enable the Council to require the preparation of dedicated Design Guidelines or similar to be submitted and approved by the Council, for sites with a combined area of 3000 square meters or greater.
23 October 2012	The Council at its Ordinary Meeting approved advertising for the rescission of Appendix No. 7.

Appendix No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley

Date	Comment
6 July 1998	An application was submitted to the WAPC for the subdivision of lots 229-232 Pakenham Street into 13 green title lots.
24 August 1998	The Council at its Ordinary Meeting resolved to recommend refusal of the proposed 13 lot subdivision. The WAPC subsequently discussed the application with the applicant and revised plans were submitted for a 10 lot subdivision.
30 November 1998	The Council at its Ordinary Meeting resolved to recommend refusal of the proposed 10 lot subdivision as this was non-compliant with the density and minimum site area requirements of the R20 zone.

Date	Comment
4 December 1998	The City of Vincent Town Planning Scheme No. 1 was gazetted and a zoning of R20/R40 was approved for these lots.
16 February 1999	The WAPC approved the proposed 10 lot subdivision subject to the subject to several conditions including the following: <i>“The preparation and development of design guidelines to address but not be limited to, building envelopes, plot ratio (if necessary), building height, setbacks and street interface in liaison with the Town of Vincent and to the satisfaction of the Commission.”</i>
21 September 1999	The City received draft Design Guidelines prepared by Greg Rowe and Associates.
11 October 1999	The Council at its Ordinary Meeting held on 11 October 1999, resolved to adopt in principle the <i>“Walters Brook Mount Lawley – Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley”</i> subject to a number of modifications. These modifications were made, and forwarded to the WAPC for approval.
23 October 2012	The Council at its Ordinary Meeting approved advertising for the rescission of Appendix No. 9.

Since the time the subdivision was endorsed by the WAPC and titles were issued by Landgate, Planning and Building applications for the 9 vacant lots have been submitted to the City for consideration. All of these lots have since been developed.

Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley

Date	Comment
22 May 2003	An application was submitted to the WAPC subdivide the existing nursing home located at No. 57 Monmouth Street into 13 green title lots, with an average land size of 222 square metres.
12 November 2003	The WAPC approved the subdivision subject to a condition that proposed lot 13 be set aside as public open space and detailed residential design guidelines be prepared for the area. These detailed design guidelines were required to be approved by the WAPC.
28 November 2003/ 18 December 2003	The City received two letters with attached draft Design Guidelines from the applicant.
11 February 2004	The WAPC wrote to the City advising that the applicant had submitted the Residential Design Guidelines to them and that the <i>“minimum level of detail regarding these matters should be generally consistent with the standard set by the existing residential design guidelines adopted by the Town under the Scheme...”</i>
24 February 2004	The Council at its Ordinary Meeting resolved to adopt immediately and advertise the draft Design Guidelines.
23 October 2012	The Council at its Ordinary Meeting approved advertising for the rescission of Appendix No. 13.

Since the time the subdivision was endorsed by the WAPC and titles were issued by Landgate, Planning and Building applications for the 12 vacant lots have been submitted to the City for consideration. All of these lots have since been developed.

Appendix No. 14 – Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley

The dwelling at No. 95 Chelmsford Road existed over two lots. One lot had a land area of 230 square metres with a 6.1 metre frontage (currently known as No. 95B (Lot 802) Chelmsford Road) and the other had a land area of 463 square metres with a frontage of 12.2 metres. The subdivision application consisted of subdividing the larger lot into two, side by side lots, therefore creating three narrow lots with a 6.1 metre frontage (currently known as No. 95 (Lot 800) and No. 95A (Lot 801) Chelmsford Road).

Date	Comment
1 August 2003	An application was submitted to the WAPC to subdivide and re-align the boundaries of the two lots at No. 95 Chelmsford Road into three lots all with a frontage of 6.1 metres.
30 October 2003	The WAPC approved the subdivision, subject to several conditions including the following: <i>"The applicant obtaining development approval for the development of a dwelling(s) on proposed lots 1, 2 and 3 and the building(s) being constructed to plate height prior to the submission of the Diagram or Plan or Survey (LG)."</i>
24 November 2004	The applicant submitted a request to the WAPC to reconsider condition 11 relating to the construction over a development to plate height.
20 May 2004	The WAPC supported the request for reconsideration of condition 11 and modified the condition as follows: <i>"Detailed Residential Design Guidelines for Proposed Lots 1, 2 & 3 being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to clause 47 of the Town of Vincent Town Planning Scheme, to address such issues as building orientation, site coverage, setbacks, the location of driveway crossovers, location of party walls, common fencing and parking (WAPC/LG)."</i>
2 December 2004	The City received the draft design guidelines from the applicant.
18 January 2005	The City received a letter from the WAPC advising that they are <i>"satisfied that the draft Design Guidelines will be in an acceptable format for Council's adoption"</i> .
22 February 2005	The Council at its Ordinary Meeting held on resolved to adopt the design in the interim and advertise the draft Design Guidelines.
23 October 2012	The Council at its Ordinary Meeting approved advertising for the rescission of Appendix No. 14.

The owner of No. 95 Chelmsford Road, also owns the adjacent property at No. 97 Chelmsford Road. The owner carried through the endorsement of the subdivision, however on 28 February 2006, the Council resolved to approve a garage, poolroom and fence to the existing single house. The subject 'existing single house' is the dwelling located on No. 97 Chelmsford Road and the garage, poolroom, fence and extensive landscaping was approved over the three subdivided lots at Nos. 95, 95A and 95B Chelmsford Road. These four lots are currently owned by the original owner who submitted the application for subdivision.

Previous Reports to Council:

This matter was previously reported to the Council on 23 October 2012.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 23 October 2012 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

Following the advertising period endorsed at the Ordinary Meeting of Council on 23 October 2012, the City's Officers propose that Appendix Nos. 7, 9, 13 and 14 of the City's Planning and Building Policy Manual, be rescinded as it is considered that they are no longer relevant to Town Planning Scheme No. 1, and the aims of the appendices are not consistent with the objectives of the Draft Local Planning Strategy and Town Planning Scheme No. 2.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The Appendices were advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of ten (10) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	4	100%
Total	4	100%

Community Submissions

Position	Number Received	Percentage
Support	1	16%
Object	3	50%
Not Stated	2	33%
Total	6	100%

Total Submissions Received

Position	Number Received	Percentage
Support	1	10%
Object	3	30%
Not Stated	6	60%
Total	10	100%

The submission in support of Policy Amendment No. 105 provided no comment.

Comments in Opposition of Policy Amendment No. 105

Issue	Comment
The current Appendices provide guidelines for development in their respective areas, will these areas amenities continue to be protected.	These areas will continue to be protected by the Residential Design Codes of Western Australia, existing precinct policies and the City's Planning and Building Policy manual.

A summary of all submissions received is shown as attachment 005 of this report.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the City's Local Planning Policies are reviewed regularly to ensure that they are consistent with the requirements of the Western Australian Planning Commission, and align with the City's strategic direction. It is also important that a Local Planning Policy provides a clear and transparent planning tool when assessing and determining applications for Planning Approval.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1;

'1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'

SUSTAINABILITY IMPLICATIONS:

The rescission of Appendices 7, 9, 13 and 14 does not have any sustainability implications.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$74,556

COMMENTS & CONCLUSION:

It is considered that the rescission of the advertised Appendix Nos. 7, 9, 13 and 14, is appropriate to improve clarity and efficiency of the Planning Approval Process. In light of this, it is recommended that the Council rescind Appendix Nos. 7, 9, 13 and 14 of the City's Planning and Building Policy Manual.

9.1.16 Way Finding Strategy Implementation – Progress Report No. 1

Ward:	All	Date:	15 March 2013
Precinct:	Both	File Ref:	PLA0084
Attachments:	001 – Way Finding Strategy Implementation Plan as Amended March 2013		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officers:	C Eldridge, Director Planning Services – Strategy R Lotznicker, Director Technical Services – Signage Implementation		

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the amended Way Finding Strategy Implementation Plan as shown in Appendix 001, to be used as a guiding document by the City’s Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council at its Ordinary Meeting held on 10 July 2012;
2. **LISTS FOR CONSIDERATION** an amount of ~~\$88,000~~ \$95,000 in the Draft Budget 2013/2014 to implement the Way Finding Strategy Implementation Plan as part of the Car Parking Strategy budget; and
3. **NOTES** that the Way Finding Implementation Plan will be amended from time to time by the City’s Administration and will be presented as an Information Bulletin and/or a Progress Report to the Council annually.

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.2.7pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.28pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Carey

“That a new Clause 4 be inserted to read as follows:

4. **RECEIVES** a report on the design, content and number of Way Finding Totem’s and to report back to the Council and discussions to be held with the City of Perth to use a similar design format.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.16

That the Council;

1. **ENDORSES** the amended Way Finding Strategy Implementation Plan as shown in Appendix 001, to be used as a guiding document by the City's Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council at its Ordinary Meeting held on 10 July 2012;
2. **LISTS FOR CONSIDERATION** an amount of \$95,000 in the Draft Budget 2013/2014 to implement the Way Finding Strategy Implementation Plan as part of the Car Parking Strategy budget; and
3. **NOTES** that the Way Finding Implementation Plan will be amended from time to time by the City's Administration and will be presented as an Information Bulletin and/or a Progress Report to the Council annually; and
4. **RECEIVES** a report on the design, content and number of Way Finding Totem's and to report back to the Council and discussions to be held with the City of Perth to use a similar design format.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an update of the City's Way Finding Strategy Implementation Plan and the degree in which this can be accelerated, as requested by the Council at its Ordinary Meeting held on 23 October 2012.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 October 2012, the Council considered the City's Way Finding Strategy Implementation Plan and resolved as follows:

"That the Council;

1. *ADOPTS the Way Finding Strategy Implementation Plan and report the progress in March 2013 on the degree to which this can be accelerated, as shown in Appendix 9.1.7, to be used as a guiding document by the City's Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council at its Ordinary Meeting held on 10 July 2012; and*
2. *NOTES that the Way Finding Implementation Plan can be amended from time to time by the City's Administration and will be presented as an Information Bulletin to the Council annually."*

History:

Date	Comment
9 March 2010	<p>The Council at its Ordinary Meeting adopted the City's Car Parking Strategy and associated Precinct Parking Management Plans. More specifically Recommendation 12 of the Car Parking Strategy noted as follows:</p> <p><i>"The Town develops a way finding and parking signage package which brands the Town of Vincent and assists drivers to:</i></p> <ul style="list-style-type: none">• <i>know where to look for parking and way finding signage when they need it;</i>• <i>understand the way the information is communicated; and</i>• <i>obtain the information quickly and without fuss.</i> <p><i>The system should be applied across the entire Town equally to council and privately owned public car parking areas."</i></p>

Date	Comment
10 July 2012	The Council at its Ordinary Meeting held on 10 July 2012 adopted the final version of the Way Finding Strategy. At this meeting the Council also resolved that the City's Administration prepare a Way Finding Strategy Implementation Plan to provide greater guidance in the implementation of the recommendations from the Way Finding Strategy, and report this to the Council by October 2012. At this meeting the Council also resolved for \$14,000 to be set aside from the Parking Reserve Fund to implement part of the Way Finding Signage in the 2012/2013 financial year.
23 October 2012	The Council endorsed the City's Way Finding Strategy Implementation Plan as a guiding document to the City's Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council on 12 July 2012. At this meeting the Council also requested that a Progress Report be submitted to the Council by March 2013 on the degree to which the implementation can be accelerated.
February 2013	Way Finding Signage completed installation in Leederville, with the exception of the Pedestrian Signage.

Previous Reports to Council:

The matter was previously reported to the Council at its Ordinary Meeting on 23 October 2013, as Item No. 9.1.7. A copy of the minutes can be downloaded from the following link from the City's website:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2012

DETAILS:**Key Changes to the Way Finding Strategy Implementation Plan since 23 October 2012****1. Part One – Timeframe and Budget***Updates to Leederville*

The key components within the following three sections have largely been completed, with the status and completion dates been updated accordingly.

- a. Installation of Car Park Gateway Signs;
- b. Installation of Car Park Intersection Signs;
- c. Installation of Car Parking Entry Signs;

With respect to the following other two sections, these have been updated so as progress the installation of the Pedestrian Directional Signs at an accelerated rate with the design, locations and quotes to be done in the 2012/2013 financial year and for the location and design of the Pedestrian Map Based Totem Signs to be completed in the 2012/2013 financial year.

- d. Installation of Pedestrian Directional Signs; and
- e. Installation of Pedestrian Map Based Totem Signs.

Updates to Other Centres

With respect to the following these sections, indicative quotes have already been obtained for the manufacture and installation of these car parking sign types, as has some investigation into location, which is consistent with the dates set in the version of the Implementation Plan endorsed by the Council at its Ordinary Meeting on 23 October 2012.

In terms of the actual manufacture and installation of these signs this will need to be fully implemented in the 2013/2014 financial year, pending the sufficient budget allocation and availability of staff resources.

- a. Installation of Car Park Gateway Signs;
- b. Installation of Car Park Intersection Signs;
- c. Installation of Car Parking Entry Signs;

With respect to the following two sections relating to pedestrian signage, these have been brought forward to complete the design and location in the 2012/2013 financial year. This has then allowed for the manufacture and installation of the design to be brought forward several months to be completed within the 2013 calendar year pending sufficient budget allocation and availability of staff resources.

In terms of the Pedestrian Map Based Totem Signs, a design brief is currently been prepared for a Request for Quote for a designer to finalize this aspect of the signs in the 2012/2013 financial year.

- d. Installation of Pedestrian Directional Signs; and
- e. Installation of Pedestrian Map Based Totem Signs.

Budget Updates

This section will be updated on finalisation of the 2013/2014 budget and final quotations obtained.

Part Two – Signage Inventory

This sets out a more specific inventory of the type and quantity of signage required in each of the Town Centres, and a breakdown of costs for manufacture and installation. This has been derived from the Way Finding Strategy, with some modifications to address any technical matters that have been identified by the City's Technical Services, in particular the exact location of the Car Parking Gateway Signs.

Indicative quotes have recently been obtained from the City's sign manufacturer to inform the costs of the manufacture and design of the car parking signage. In terms of the pedestrian totem signs, contact has been made with the City of South Perth who has recently completed similar pedestrian signage, and quotes have been obtained from their suppliers accordingly.

These costs are indicative only and subject to change.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Whilst the actual Way Finding Implementation Plan itself does not require consultation, prior to the installation of any signage within close proximity to businesses and/or residents, these businesses and/or residents will be advised in writing on the location of the new signage and business group liaison will also be undertaken. Contact with businesses will also be undertaken through the new e – Business News.

LEGAL/POLICY:

All signage will be installed in accordance with the Australian Standards and the Main Roads WA standards.

RISK MANAGEMENT IMPLICATIONS:

Medium: The signage has been designed to comply with the Australian Standards and the Main Roads WA standards.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objectives 1.1.1, 1.1.4 and 1.1.5 state;

"Natural and Built Environment

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the Way Finding Signage Implementation Plan.

ENVIRONMENTAL	
Issue	Comment
The proposed new way finding signage should assist in reducing the vehicle travel spent on finding a suitable car park, in turn reducing vehicle emissions.	

SOCIAL	
Issue	Comment
The proposed signage in each of the City's Town Centres, in particularly the pedestrian totem signage should assist in contributing to the public urban character.	

ECONOMIC	
Issue	Comment
The proposed new signage should have flow on effects to local businesses in each of the City's Town Centres by promoting key destinations, car parking availability and pedestrian attractors.	

FINANCIAL/BUDGET IMPLICATIONS:

'Car Parking Strategy'

Budget Amount: \$50,000
Spent to Date: \$ 492
Balance: \$49,507

Quotations and a Request for Quote for the Design of the Pedestrian Map Based Signage is currently been finalised. On selection of the preferred designer the design will be costed from this account and anticipated to be completed in the 2012/2013 financial year.

'Parking Facilities Reserve Fund'

The Council at its Ordinary Meeting on 10 July 2012 allocated a total of \$14,000 to be allocated to the installation of the Way Finding Signage from the City's Parking Facilities Reserve Fund.

With the Leederville Way Finding now completed and installed, with the exception of the pedestrian signage, the total cost spent to date on manufacture and installation = \$12,137 (including GST).

2013/2014 Budget

Installation and Manufacture = \$61, 399 (excluding GST)

Installation and Manufacture = \$67,479 (including GST)

Installation and Manufacture = \$80, 973 (including 20% contingency)

Miscellaneous Costs (consultation, traffic management etc) = \$14,027

TOTAL BUDGET = \$95,000

COMMENTS & CONCLUSION:

The Way Finding Signage Strategy Implementation Plan has been updated to accelerate the implementation of way finding in the City's Town Centres where possible. The completion of the car parking signage in Leederville and indicative quotes for the manufacture and installation of the car parking signs in all of the Centres have all been completed within the prescribed time frame set in the version of the Way Finding Implementation Plan endorsed by the Council on 23 October 2013. To achieve some acceleration in the implementation of the Way Finding Strategy, the Request for Quotation and actual design of the Pedestrian Totem Signage is now scheduled to be completed within the 2012/2013 financial year.

The City's internal Car Parking Working Group will continue to meet on a fortnightly basis to ensure that the design and installation of the Way Finding Signage will be implemented in a coordinated and effectively manner across the key service areas of the organisation.

It is considered that the Way Finding Strategy Implementation Plan has been accelerated as much as possible given staff resources and budget constraints in the 2012/2013 financial year and continues to provide transparent and detailed information in regards to way finding signage within the City, and a clear signage schedule in order to send out for a tender process and/or request for quote to signage manufacturers.

In light of the above, it is recommended that the Council adopts the amended Way Finding Signage Strategy Implementation Plan, in accordance with the Officer Recommendation.

9.2.1 Beaufort Street Enhancement – Additional Funding for Major Artwork - Progress Report No. 7

Ward:	South	Date:	15 March 2013
Precinct:	Beaufort (13)	File Ref:	TES0067
Attachments:	Nil		
Tabled Items	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. NOTES;

1.1 That \$95,000 has been allocated in the 2012/2013 budget for the "Major Art Piece in Beaufort Street"; and

1.2 The revised cost of the previously approved Major Art Piece is now estimated to cost \$133,000;

2 APPROVES BY AN ABSOLUTE MAJORITY to fund the shortfall of \$38,000 for the proposed Major Art Piece, as follows;

2.1 \$15,000 from the funds currently allocated for Beaufort Street landscaping in the 2012/2013 budget;

2.2 \$23,000 from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve; and

3. LISTS FOR CONSIDERATION an amount of \$60,000 in the 2013/2014 draft budget to complete the landscaping works and tree plantings in Beaufort Street between Walcott Street and Chatsworth Road, Highgate.

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded

"That Clause 2 be deleted as follows:

~~2 APPROVES BY AN ABSOLUTE MAJORITY to fund the shortfall of \$38,000 for the proposed Major Art Piece, as follows;~~

~~2.1 \$15,000 from the funds currently allocated for Beaufort Street landscaping in the 2012/2013 budget;~~

~~2.2 \$23,000 from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve; and~~

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised the voting would be carried out in three parts.

CLAUSE 1

1. NOTES;

- 1.1 That \$95,000 has been allocated in the 2012/2013 budget for the "Major Art Piece in Beaufort Street"; and
- 1.2 The revised cost of the previously approved Major Art Piece is now estimated to cost \$133,000;

CLAUSE 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

CLAUSE 2

2 APPROVES BY AN ABSOLUTE MAJORITY to fund the shortfall of \$38,000 for the proposed Major Art Piece, as follows;

- 2.1 \$15,000 from the funds currently allocated for Beaufort Street landscaping in the 2012/2013 budget;
- 2.2 \$23,000 from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve; and

CLAUSE 2 PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Buckels, Cr Harley, Cr McGrath, Cr Pintabona and Cr Topelberg

Against: Cr Maier

(Cr Wilcox was on approved leave of absence.)

AMENDMENT

Moved Cr Pintabona, Seconded Cr Buckels

That Clause 3 be amended as follows:

- 3. **LISTS FOR CONSIDERATION a total an amount of \$60,000 including any carryover in the 2012/2013 2013/2014 draft budget to complete the landscaping works and tree plantings in Beaufort Street between Walcott Street and Chatsworth Road, Highgate.**

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

CLAUSE 3

3. **LISTS FOR CONSIDERATION a total amount of \$60,000 including any carryover in the 2012/2013 draft budget to complete the landscaping works and tree plantings in Beaufort Street between Walcott Street and Chatsworth Road, Highgate.**

CLAUSE 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **NOTES;**
 - 1.1 **That \$95,000 has been allocated in the 2012/2013 budget for the "Major Art Piece in Beaufort Street"; and**
 - 1.2 **The revised cost of the previously approved Major Art Piece is now estimated to cost \$133,000;**
- 2 **APPROVES BY AN ABSOLUTE MAJORITY to fund the shortfall of \$38,000 for the proposed Major Art Piece, as follows;**
 - 2.1 **\$15,000 from the funds currently allocated for Beaufort Street landscaping in the 2012/2013 budget; and**
 - 2.2 **\$23,000 from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve; and**
3. **LISTS FOR CONSIDERATION a total amount of \$60,000 including any carryover in the 2012/2013 draft budget to complete the landscaping works and tree plantings in Beaufort Street between Walcott Street and Chatsworth Road, Highgate.**

BACKGROUND:

Ordinary Meeting of Council – 25 September 2012:

At this meeting the Council approved the expenditure for Stage 2 Beaufort Street Enhancement Projects as follows:

"APPROVES the proposed Second (2nd) Stage Beaufort Street Enhancement Works, estimated to cost \$200,000 as follows; and

<i>Item No</i>	<i>Proposal</i>	<i>Proposed Budget</i>
1.	<i>Major Artwork</i>	<i>\$ 95,000</i>
2.	<i>Secondary Art Installation</i>	<i>\$ 40,000</i>
3.	<i>Lighting Boxes</i>	<i>\$ 10,000</i>
4.	<i>Artistic Bike Racks</i>	<i>\$ 15,000</i>
5.	<i>Large Planter Boxes</i>	<i>\$ 10,000</i>
6.	<i>Landscape Improvement Works</i>	<i>\$ 15,000</i>
7.	<i>Stencil art, seating and contingency</i>	<i>\$ 15,000</i>
	TOTAL BUDGET	\$200,000

Note: \$95,000 was approved for the Major Artwork.

Ordinary Meeting of Council – 9 October 2012:

The Council was provided with further information in regard to alternative tree species that may be planted along the verges in Beaufort Street. Following consideration of the item the Council DEFERRED the matter to allow for further investigation and consideration of the proposed tree species.

The officer recommendation was as follows:

“That the Council;

1. *APPROVES, as part of the ‘Beaufort Street Enhancement Project’, the planting of Apple Gums (Angophora costata), as a trial tree species, in Beaufort Street between Grosvenor Road and St Albans Avenue in;*
 - 1.1 *new locations as shown on the attached Plan No 2927-CP-01 and 02;*
 - 1.2 *nib locations of intersecting streets to replace any existing Bradford Pears, Claret Ash or Chinese Tallow; and*
 - 1.3 *locations where the existing Bradford Pear tree, located on the verge area, has either been vandalised and/or require replacement;*
2. *APPROVES BY AN ABSOLUTE MAJORITY to fund the additional cost of the proposed landscaping works in Beaufort Street, estimated to cost \$20,500, from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve;*
3. *RETAINS the existing planting theme along the centre median comprising of Spotted Gum trees (Eucalyptus maculata); and*
4. *PROVIDES an ‘Information Bulletin’ to Businesses in Beaufort Street advising them of its decision.”*

Ordinary Meeting of Council – 18 December 2012:

The Council considered a further report where the following decision was made (in part):

“That the Council;

1. *NOTES the progress, as at 18 December 2012, of the Beaufort Street Enhancement Works as outlined in the report; and*
2. *APPROVES the remaining funds of approximately \$17,000 being used to install additional seating planters and drinking fountain/s, in locations approved by the Director Technical Services (in liaison with the Beaufort Street Enhancement Working Group).”*

DETAILS:

Major Artwork – BEAUFORT STREET lettering on stage:

As mentioned above, at its meeting held on 25 September 2012 the Council approved the implementation of the following major artwork piece estimated to cost \$95,000 (as illustrated below).



The working group considered that the BEAUFORT STREET lettering would be polished concrete in the finish/colour as indicated above.

Revised Cost:

The artist recently contacted the City advising that now that the design of the Major Art Piece has been completed the cost exceeded the \$95,000 originally estimated. This was mainly due to the cost of the concrete formwork which alone was approximately \$120,000.

At a follow-up meeting with the Artist, officers and members of the working group it was considered that some minor changes to the design could be undertaken to reduce the cost without compromising the final look of the art piece. This would include the following:

- Reduce the width of the proposed stage.
- Painting the concrete in lieu of providing coloured concrete.
- Install conduits for lighting only at this stage.
- The City to undertake:
 - Traffic management (annual traffic management budget)
 - Removal of plants (parks maintenance budget for the carpark)
 - Removal of signage (Technical Services operating budgets)
 - Removal and reinstatement of paving (Technical Services operating budgets)

The revised cost of the artwork (excluding the City's in-kind costs) is now estimated at approximately \$133,000.

Discussion:

Funding Shortfall:

As mentioned above \$95,000 has been allowed for the project. The revised cost is \$133,000 therefore an additional \$38,000 will be required.

At its meeting held on 18 December 2012 the Council approved for the remaining funds of approximately \$17,000 be used to install additional seating, planters and drinking fountain/s. These works are in progress and the only other remaining funds are for the landscaping component i.e. \$15,000.

It is therefore recommended that the shortfall in funding for the Major Art Piece be made up as follows:

- \$15,000 earmarked for landscaping.
- \$23,000, from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve.*

Note*: It was recommended that the previous shortfall in funding for the landscaping component be made up from the City Centre and Parking Benefit Districts Upgrade and Promotion Reserve however the matter was deferred by the Council (OMC 9 October 2012).

Completion of Landscaping

It is further recommended that \$60,000 be listed for consideration in the 2013/2014 draft budget for trees and landscaping in Beaufort Street.

A total of \$15,000 has been allocated for landscaping in Beaufort Street in the 2012/2013. The Council previously indicated that this could be increased to \$35,000 based on a preliminary estimate undertaken by the officers. A further review of the funding required for additional trees, (large trees in nibs) garden beds, removal/reinstating of paving, traffic control etc along the full length of Beaufort Street between Chatsworth Road and Walcott Street has been re-estimated to cost in the order of \$60,000.

Tender Regulation Implications:

The Local Government Tender Regulations requires that a work over \$100,000 be advertised as a public tender. In this case the works were approved based on an estimated cost of less than \$100,000 however the works were conceptual only and changes to the original scope were required to maintain the design intent and it was not until the final design was completed that the true cost of the project could be determined.

It is considered that in this instance the project with the current artist continue as the required art piece is 'unique' to the current artist and considerable work has already gone into the current design.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Beaufort Street is classified as a District Distributor A road under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Low: Improvement to aesthetics and amenities.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2011-2016* which states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

To improve the economic vibrancy of the area and make the area more sustainable for both business activities by the type of infrastructure improvements proposed.

FINANCIAL/BUDGET IMPLICATIONS:

Refer financial information in the report.

COMMENTS:

It is recommended that the funding shortfall of \$38,000 for the proposed Major Art Piece be funded from the funds currently allocated for Beaufort Street landscaping in the 2012/2013 budget and from the Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve to enable the project to be progressed.

The Chief Executive Officer advised that it was 10.00pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor Hon. Alannah MacTiernan requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council Meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Pintabona, **Seconded** Cr Topelberg

That the meeting be extended to allow for the conclusion of the remaining items.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr McGrath, Cr Pintabona and Cr Topelberg

Against: Cr Harley

(Cr Wilcox was on approved leave of absence.)

9.2.2 Installation of Plaque - International Peace-Blossom Program

Ward:	South	Date:	15 March 2013
Precinct:	Hyde Park (12)	File Ref:	RES0042
Attachments:	001 – Proposed Plaque Locations (Plan No. 3038-LP-01) 002 – Proposed Wording		
Tabled Items:	Nil		
Reporting Officer:	K Godfrey, Parks Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the request from the International Peace-Blossom Program for the City of Vincent to participate in a worldwide program for peace by installing a plaque, in Hyde Park as shown in Appendix 9.2.2, (attachment 002) with the proposed location - Option 1, as shown on the attached Plan No. 3038-LP-01.

Moved Cr Buckels, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-5)

For: Mayor Hon. MacTiernan, Cr Harley and Cr McGrath

Against: Cr Buckels, Cr Carey, Cr Maier, Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

REASON FOR REFUSAL:

It is contrary to the City's Policy.

SUBSEQUENT MOTION:

Moved Cr Harley, **Seconded** Cr Pintabona

“That the Council APPROVES the Perth Sri Chinmoy Centre to plant a tree.”

SUBSEQUENT MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.2

SUBSEQUENT MOTION:

That the Council APPROVES the Perth Sri Chinmoy Centre to plant a tree.

PURPOSE OF REPORT:

The purpose of this report is to seek the Councils approval for the installation of a plaque as a symbolic gesture to the International Peace-Blossom Program within Hyde Park.

BACKGROUND:

Correspondence was received from Grahak Cunningham a member of the Perth Sri Chinmoy Centre on the 22 February 2013 inviting the City of Vincent to participate in a worldwide program for peace, 'International Peace-Blossoms Program'.

DETAILS:

Sri Chinmoy was an Indian spiritual Master who began teaching meditation in the West who eventually moved to New York in 1964. During his lifetime he was a prolific author, poet, athlete and musician. He was also known for staging public events on the theme of inner peace.

Sri Chinmoy promoted and undertook numerous activities for peace during his lifetime; he performed over 800 free peace concerts and founded the world harmony run. This run has been supported by many notable individuals over the years such as President Mandela and Mother Teresa to name a few.

In Australia the Sri Chinmoy Marathon Team offers running, and triathlon races Australia wide, with recent marathon events staged in Sydney and Canberra during March 2013.

The Perth Sri Chinmoy Centre was re-established in 1995 and conducts free meditation classes and workshops throughout the year. The practice of meditation and the philosophy of Sri Chinmoy explores and challenges the perceived boundaries of human potential.

The Peace-Blossom Program is a worldwide program which promotes peace friendship and goodwill to all. The idea is simple but positive, a place, landmark or natural wonder dedicates itself as a Sri Chinmoy Peace-Blossom, thus joining many other Peace-Blossoms around the world. Other significant Peace-Blossom sites include the Taj Mahal, Mt Fuji, Niagara Falls, Mt Everest, Sydney Opera House, Victoria Falls and the Great Barrier Reef.

Hyde Park has been chosen as a Peace-Blossom site as it is an iconic inner city park that is well known within the community and visited by many people from diverse cultures and backgrounds. Amidst the beauty of the park, visitors to the Peace-Blossom site will hopefully inspire visitors to take in the tranquil park setting and get them to reflect upon world peace.

Plaque:

The approximate size of the plaque is forty two (42) centimetres long by thirty five (35) centimetres wide. To fit in with the symmetry of existing historical plaques located around the two (2) lakes the height of the stand for the plaque would be eighty eight (88) centimetres high.

The proposed wording for the plaque (refer attached) along with the design for the proposed plaque is open for the Council to comment on and make any recommendations required to approve this plaque.

Location of the Plaque:

A representative from the City met on site with Grahak Cunningham spokesperson for the International Peace–Blossoms Program to view the three (3) potential sites identified to install the plaque.

Site Number One (1)

This is the preferred location for the plaque which is at the intersection of the perimeter path and central causeway between the two lakes. Located on the northern side of the park, this offers a sunnier aspect compared to the other locations.

Site Number Two (2)

This site is located at the intersection of the perimeter path and the central causeway between the two lakes on the southern side of the park.

Site Number Three (3)

The third potential site is located on the south eastern side of the eastern lake.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 2.1.5 – Memorials in Public Parks & Reserves

2. Commemorative Tree or Park Furniture items

- (i) *Applications for planting of memorial or commemorative trees park furniture items in public parks and reserves will be considered on their individual merits.*

RISK MANAGEMENT IMPLICATIONS:

Not applicable

STRATEGIC IMPLICATIONS:

In accordance with the City's Strategic Plan 2011-2016 which states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the fabrication and installation of the plinth/plaque will be borne by the Perth Sri Chinmoy Centre.

COMMENTS:

It is recommended that the City of Vincent participate in the Peace-Blossom Program, therefore approving the installation a plaque within Hyde Park where people can visit one of the great inner city parks and reflect upon world peace.

9.2.5 Leederville Town Centre Enhancement Project – Progress Report No. 3

Ward:	South	Date:	25 March 2013
Precinct:	Oxford Centre (4)	File Ref:	ADM0106
Attachments:	001 – Option No. 1 - Plan 002 – Option No. 1 – Sketch		
Tabled Items:			
Reporting Officers:	J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services; and John Giorgi, Chief Executive Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the City’s Leederville Town Centre Working Group (LTCWG) preferred option for the proposed improvements to Oxford Street Reserve, as shown on the attached Option No.1, at an estimated cost of \$1,050,000;
2. **Subject to Clause 1 above being approved;**
 - 2.1 **APPROVES BY AN ABSOLUTE MAJORITY** to reallocate \$650,000 for the redevelopment of the Oxford Street Reserve, from a funding source to be identified by the Chief Executive Officer and to be approved by the Council;
 - 2.2 **LISTS FOR CONSIDERATION** an additional amount of \$400,000 in the 2013/2014 Draft Budget for the “Leederville Town Centre – Streetscape Enhancement Project and other associated works”;
3. **CONSULTS** with, the local community, “Leederville Connect” and business owners in accordance with the City’s Consultation Policy No: 4.1.5 (Clause 7 – Non-Statutory and General) and holds a public meeting with the Leederville Business owners during the consultation process; and
4. **NOTES** that;
 - 4.1 in the preparation of the Leederville Activity Structure Plan, the Oxford Street Reserve will be considered as a dedicated area for Public Open Space, to accommodate the proposed increase in population and associated residential and commercial development within the Leederville Town Centre;
 - 4.2 the Leederville Activity Centre Structure Plan will ultimately supersede the Leederville Master Plan Built Form Guidelines;
 - 4.3 an amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre Enhancement Works including, but not limited to, the future upgrade of the Oxford Street/Newcastle Street Streetscape, Water Corporation Reserve, Oxford Street Reserve and other works which are still being investigated; and
 - 4.4 further progress reports will be presented to the Council as the enhancement projects outlined in clause 4.1 and clause 4.3 above, is further developed; and
 - 4.5 a further report will be submitted to the Council following the close of the Community Consultation period to consider any submissions received and for the Council to approve of the funding source for the reallocated funds listed in Clause 2.1 (above).

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 10.18pm.

Debate ensued.

Cr Carey returned to the Chamber at 10.20pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2 be deleted and the remaining Clause be renumbered as follows:

2. Subject to Clause 1 above being approved;
 - 2.1 APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$650,000 for the redevelopment of the Oxford Street Reserve, from a funding source to be identified by the Chief Executive Officer and to be approved by the Council;
 - 2.2 LISTS FOR CONSIDERATION an additional amount of \$400,000 in the 2013/2014 Draft Budget for the “Leederville Town Centre – Streetscape Enhancement Project and other associated works”;

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr McGrath, Cr Pintabona and Cr Topelberg
Against: Cr Harley

(Cr Wilcox was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.5

That the Council;

1. APPROVES IN PRINCIPLE the City’s Leederville Town Centre Working Group (LTCWG) preferred option for the proposed improvements to Oxford Street Reserve, as shown on the attached Option No.1, at an estimated cost of \$1,050,000;
2. CONSULTS with, the local community, “Leederville Connect” and business owners in accordance with the City’s Consultation Policy No: 4.1.5 (Clause 7 – Non-Statutory and General) and holds a public meeting with the Leederville Business owners during the consultation process; and
3. NOTES that;
 - 3.1 in the preparation of the Leederville Activity Structure Plan, the Oxford Street Reserve will be considered as a dedicated area for Public Open Space, to accommodate the proposed increase in population and associated residential and commercial development within the Leederville Town Centre;
 - 3.2 the Leederville Activity Centre Structure Plan will ultimately supersede the Leederville Master Plan Built Form Guidelines;

- 3.3 an amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre Enhancement Works including, but not limited to, the future upgrade of the Oxford Street/Newcastle Street Streetscape, Water Corporation Reserve, Oxford Street Reserve and other works which are still being investigated; and
- 3.4 further progress reports will be presented to the Council as the enhancement projects outlined in clause 3.1 and clause 3.3 above, is further developed; and
- 3.5 a further report will be submitted to the Council following the close of the Community Consultation period to consider any submissions received and for the Council to approve of the funding source for the reallocated funds listed in Clause 2.1 (above).

PURPOSE OF REPORT:

The purpose of this report is to update the Council on progress in relation to the Leederville Town Centre Enhancement Project and to seek the Council's Approval in Principle of the Oxford Street Reserve design, indicative costings and to carry out community consultation.

BACKGROUND:

At the Ordinary meeting held on 20 November 2012, Progress Report No. 2 was presented to the Council where it was resolved:

"That the Council;

1. *RECEIVES the proposed 'concept' plans for the:*
 - 1.1 *Oxford Street/Newcastle Street Streetscape enhancement, as shown in Plan No.'s 2995-CP-01A-C;*
 - 1.2 *Extension of the Oxford Street Reserve, as shown in Plan No's 2995-CP-01D-F; and*
 - 1.3 *Water Corporation reserve, as shown in Plan 1162-CP02; and*
2. *AUTHORISES the Chief Executive Officer to obtain quotations and engage a Landscape Architect/Urban Designer to further progress the concept plans, as outlined in clause 1 above; and*
3. *APPROVES of the recommendation from the City's Arts Advisory Group for a contribution of \$3000, from the mural/wall art budget for a mural on a wall which faces a laneway adjacent to Unison, No. 148 Oxford Street, Leederville; and*
4. *REQUESTS the Leederville Town Centre Enhancement Working Group to further consider the Concept Plans detailed in Clause 1 above."*

DETAILS:

Landscape Architect – Blackwell & Associates Pty Ltd:

Landscape Architects, Blackwell & Associates were engaged by the City on 14 January 2013 to assist the Leederville Town Centre Working Group (LTCWG) to progress the project.

In accordance with the scope of the project brief they were required to undertake a site analysis study, research innovative design solutions, further develop the design options presented by the City and prepare a detailed design and cost estimate for each of the three (3) areas as follows:-

- Oxford Street Reserve
- Oxford Street/Newcastle Street Streetscape
- Water Corporation Reserve

Blackwell & Associates personnel met with the City's officers initially to discuss the project and options developed by the LTCWG. These options were further developed and a presentation to the LTCWG on the 25 February 2013 by the consultants resulted in some positive feedback and further comment in relation to the preferred design option for the park.

The consultants were then requested to firm up the design option for the park based on the feedback received, provide a cost estimate for the works to be implemented and report back to the LTCWG on 22 March 2013.

Leederville Town Centre Working Group – 22 March 2013:

At the meeting held on 22 March 2013, the project landscape architect presented two (2) options for the possible redevelopment of the Oxford Street Reserve. Option 1 is the preferred option of the LTCWG's. Option No.1 is outlined below as the option to be progressed and presented to the Council for approval in principle before proceeding to public consultation.

Option No.2 was similar to Option No. 1, however had a more "Mediterranean theme". In the short time available, this theme was not progressed. Furthermore, it was not supported by the LTCWG. It should be noted that costings for both options were very similar.

Preferred 'way forward' for Oxford Street Reserve:

Southern end of the park:

It is proposed that the southern end of the park be developed as an area for youth with proposed outdoor chess and table tennis tables being located against a vegetated backdrop. Discussions with Headquarters (HQ) Skate Park have indicated that they are keen to work with the LTCWG and landscape architect to open up their facility, therefore physically and visually better integrating both areas.

Proposed Unisex Toilet

A separate unisex public toilet facility is proposed to be located adjacent to HQ/skate facility along the east- west pathway from the carpark across the park and into Oxford Street.

Existing Canary Island date palm:

The existing focal point of the park is the Canary Island date palm and this is to be retained with raised grassed plateaus located around the palm providing additional seating and areas for lunchtime patrons or families to picnic.

Children's play area:

To the north, the children's play area is proposed to be extended, utilising the shade from the existing mature eucalypts. The proposed unconventional fencing design provides nooks for children to hide, explore or simply an area for parents to sit and watch closely over their children.

Northern Extension of Park:

It is proposed to extend the park to the north up to the boundary of the adjacent coffee shop 'Cranked' by closing the current access into the Frame Court carpark off Oxford Street. This area is also seen as a major pedestrian link from Oxford Street/bridge through to the carpark.

A direct but narrow pedestrian access way adjacent to the children's play areas is proposed, whilst a more indirect pathway can be traversed around and through the raised but accessible shaded seating areas, providing an uninterrupted view of the playground area for parents who want to relax with a coffee etc.

Areas within the park itself and car park area to the west along Oxford Street would also be used for market stalls if and when a proposal for this purpose is submitted to the City.

Impact on Parking:

It is important to note that the extension/redeveloped park will result in a loss of approximately 20-25 car parking bays. The project landscape architect has been requested to review the plans to see if additional bays can be accommodated.

Other:

Whilst not part of the park design, it is also proposed to plant trees in the footpath area to the north along Oxford Street adjacent the shops set back from the street. The trees will assist in softening this otherwise vast area of paving and bitumen and associated shrubberies/hedges provided with allowance for pedestrian access at strategic locations.

Leederville Master Plan:

With respect to the Leederville Master Plan and the implications for the proposed upgrades to Oxford Reserve, the following information is provided;

The Leederville Masterplan concept was launched in July 2007, where public comment was requested on the concepts outlined in the Consultation Brochure. The outcomes of the consultation were considered at the Special Meeting of Council held on 2 July 2008, however this consultation brochure has never been formally endorsed by the Council as 'the Leederville Master Plan'.

The Leederville Master Plan Built Form Guidelines were adopted with amendments by the Council on 16 March 2009 and the final amended version was adopted pursuant to the Town Planning Scheme on 28 February 2010 as a Local Planning Policy. The Guidelines as the title suggests are a guide for development only and are effectively a planning document for development applications. As noted in the attachment, part of the site is set aside for public open space/civic space which is consistent with the proposed upgrades of the reserve.

The proposed enhancements to the reserve are exempt from planning approval in accordance with clause 33 (c) of the City's Town Planning Scheme No.1. As the works are essentially upgrades to the park it is considered that the City is not in breach of the Leederville Master Plan Built Form Guidelines as they are a planning policy and would only apply in the assessment of development applications. Furthermore in the long term the proposed enhancements will not prevent the park (which is zoned District Centre) from ultimately being developed whereby public open space is incorporated into residential/commercial development.

It is noted from an approximate calculation based on the indicative development in the Built Form Guidelines (image attached), the proposed civic square space would be approximately 1,195m² and the proposed mixed use tower would be on a site approximately 4,978m². The current Oxford Street Reserve is approximately 2002m². The Built Form Guidelines indicative development would halve the size of the public open space.

State Planning Policy 4.2 – Activity Centres for Perth and Peel requires an analysis of the public spaces available in activity centres, to be included in Activity Centre Structure Plans. It states the following in relation to public spaces. **'5.3 Public spaces** *Urban living places more emphasis on public spaces and facilities, bringing into focus the quality of these spaces and facilities. The public realm provides an opportunity to influence the character and function of a centre through the provision of piazzas, squares, and parks as well as streets.'*

The proposed Structure Plan currently being prepared in accordance with State Planning Policy 4.2, would support the development of a high quality public open space in the Town Centre to support the proposed increased development being proposed. When the Structure Plan is adopted by the Council and ultimately the WAPC this would replace the Leederville Master Plan Built Form Guidelines

In light of the above, it is considered that the City is not in breach of any previous decision of the Council with respect to the Leederville Master Plan Built Form Guidelines.

Update on other projects being considered as part of the Leederville Town Centre Enhancement project:

Oxford Street/Newcastle Street Streetscape:

Several design options are being further developed for Oxford Street. These include; the provision of verge trees and potentially removing a few car bays, therefore allowing areas for additional 'pop up' cafes to be located along the strip if desired. Another option being investigated is the removal of the central median island between Newcastle Street and Oxford Street (which will involve removal of the existing trees) and widening of the footpaths to add space and improve pedestrian access.

Paving can be an expensive and major component of any upgrade; therefore existing paving is potentially being retained where possible and the area rejuvenated by adding strips of alternative stone or paving types.

Options being considered in Newcastle Street near Carr Place will potentially provide a more pedestrian friendly crossing by removing a section of roadway, integrating existing median islands and creating a small park or elevated deck area where a prominent piece of artwork could be located. The existing taxi rank may be raised to pedestrian level and modified with line marking and even used for car parking during the daylight hours.

Existing trees in Newcastle Street will remain and consideration is being given to planting of shrubberies/hedges with allowance for pedestrian access at strategic locations.

Water Corporation Reserve:

As previously advised this space provides the only direct public access-way linking Oxford Street and The Avenue carpark, and is a Water Corporation reserve. The reserve is actually a 'freehold title' and not crown land, nor technically a Reserve. However, it is referred to as a reserve for ease of identifying its function.

Several design options for this area have been considered by the LTCWG and are being further developed in conjunction with the landscape architect. Discussions to date have revolved around providing some continuity between this area and the park by using a similar theme of planting and/or built form.

Wall artwork options:

The business owner of Unison has proposed to paint their wall which faces a pedestrian alleyway with mural art by Perth-born artist "The Yok", who is currently based in New York. The total project cost is \$4,799.

The Art Advisory Group considered this request at their meeting held on 29 October 2012 and have recommended a contribution of \$3,000 towards the project from the Mural/Wall Art budget.

Public Art:

As outlined in the previous report there was a consensus that a theme (Mediterranean inspired works with a more modern outlook) be further investigated and discussed at future working group meetings.

Wi-Fi for Leederville:

The WI-FI project is progressing on schedule.

The contractor has conducted a site survey of the areas and has identified specific properties for the installation of the equipment to provide the best coverage. The contractor is currently seeking permission from the identified property owners to permit the installation of the equipment on the roofs of their property.

It is encouraging to note that the contractor has advised that he has obtained permission from the owner of the property of one of the key sites Fibber Magee's.

CONSULTATION/ADVERTISING:

Consultation will be undertaken with the local community and business owners in accordance with the City's Community Consultation Policy No. 4.1.5. The proposed consultation will be for a minimum of fourteen (14) days.

Indicative Time Frame	
Item	Date
Advertising	3-17 April
Assessment of Submissions	17-19 April
Report to Council	23 April

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: These proposals are likely improve safety for both pedestrians and park patrons by providing a safe enclosed space where children can play and parents can sit and enjoy the space without the worry of their children running onto adjacent busy roads.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Leadership, Governance and Management

Objective 4.1: Manage the organisation in a responsible, efficient and accountable manner.

Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Consideration has been given whilst progressing this project to ensure that sustainability options are investigated and included within the final design of the areas to be upgraded where practicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project, including but not limited to the future upgrade of the Oxford Street Reserve, Water Corporation Reserve and the Oxford Street – Newcastle Streetscape. It will be necessary to reallocate an additional \$650,000 for the redevelopment of the Oxford Street Reserve Project, from a funding source to be identified by the Chief Executive Officer and for this to be reported back to the Council for approval.

In the short time available to prepare this report a funding source for the \$650,000 has not been identified. At this late stage in the Financial year to identify a source of this magnitude will be difficult. Notwithstanding, a report will be submitted to the Ordinary Meeting of Council to be held on 23 April 2013, for the consideration of the Council.

In addition \$400,000 will be listed for consideration in the 2013/2014 draft capital works budget for the Leederville Town Centre – Streetscape Enhancement Project and other associated works.

It is important that the Council indicate its approval or otherwise for this project, as the 2013/2014 Draft Budget is currently being prepared and given the amount of money required, will have a significant impact on the adopted budget.

The cost estimates of the project based on the attached plans from Blackwell & Associates are as follows:

Oxford Street Reserve - \$1.05m (indicative)

Oxford Street/Newcastle Street Streetscape – to be confirmed following further development of the design options by the landscape architect and the LTCWG.

Water Corporation Reserve – to be confirmed following further development of the design options by the landscape architect consultants and the LTCWG.

COMMENTS:

The Leederville shopping precinct, including Oxford Street Reserve is looking tired and in need of an upgrade. The Leederville Town Centre Working Group have been meeting regularly and together with the recently appointed Landscape Consultants have produced a quality design for the park that will provide a significant improvement to the function and amenity of the area.

It is therefore recommended that the Council approves in principle the proposed improvement plan for Oxford Street Reserve, holds a public meeting and consults with the local community and business owners as outlined within the report.

9.4.2 'Art in Vincent' Art Book

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	CVC0017
Attachments:	001 – HDR Photography Sample		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** a photographic 'Art in Vincent' book to be produced featuring select artworks in the City of Vincent art collection; and
2. **LISTS FOR CONSIDERATION** an amount of \$10,000 in the Draft Budget 2013/2014.

COUNCIL DECISION ITEM 9.4.2

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To present a report to the Council that outlines the benefits of having a book of select pieces of the City's public art collection.

BACKGROUND:

Percent for Art, Cash in Lieu, Beaufort Street Enhancement and new initiatives, such as the Mural Policy, have contributed to the City of Vincent's growing public art collection.

DETAILS:

The ever growing collection of artwork in the City of Vincent is diverse in medium and form. A book is proposed to capture the highlights of the collection, with photographs that are themselves works of art.

The book, working title "Art in Vincent", will contain professionally photographed images of the City's public art, street art and a limited series of our private paintings collection. Information about the location of the work, the artist and a brief description of the work will accompany each image where appropriate.

The book will be a medium size of 17 centimetres x 25 centimetres. The orientation will be landscape, to take advantage of full double page panoramic photographs, where required.

Local photographer and resident Wayne Nicholson has quoted on the photography, and has suggested a new technique called HDR (High Dynamic Range) photography which results in bolder colours and a much more dynamic and appealing image.

The book was discussed at the Arts Advisory Group meeting held on 27 February 2013. During this meeting, the sample photographs comparing the HDR technique versus standard photography were shown and the Arts Advisory Group endorsed the photographer.

The "Art in Vincent" book will serve as an important documentation of the work to-date within the City.

The book will be produced as a limited edition. The book could also be made available for sale to the general public. The book would also serve as a public relations and marketing tool, as well as a gesture of hospitality to visiting dignitaries.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this programme is low risk.

STRATEGIC IMPLICATIONS:

The Art Book is in keeping with the City of Vincent *Strategic Plan 2011 – 2016*, where the following Objective states:

"3.1.1(b) Encourage and promote cultural and artistic expression throughout the City."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

\$10,000 has been submitted for consideration as a new operating budget for the art book in the Draft 2013/2014 Budget.

Quotes for printing both two hundred and five hundred copies have been sought, as well as estimated labour costs for photography and design/layout. Quotes to photograph thirty-seven works have been submitted. The final number of works to be photographed is to be confirmed by the Arts Advisory Group, and this quote could rise. Community Development will project manage the production of the book.

Estimated Costs	Product	Amount
Labour	HDR Photography of 37 artworks	\$4,000
	Graphic Design & Layout	\$1,800
Printing	200 copies - soft cover book	\$2,344
	200 copies - hard cover book	\$3,524
	500 copies - soft cover book	\$6,672
	500 copies - hard cover book	\$10,574
Promotion	Promotion, book launch event	\$6,000

COMMENTS:

The book will not only document the ever growing, diverse artworks within our City from street art and murals, to public art sculptures, to painting collection. These works enrich the urban landscape with both an artistic and historic layer and a physical documentation of the City's collection is timely. A book launch will be organised to bring together the arts community for not only a function, but will also serve as a creative conversation to listen to the arts community's needs.

9.4.5 Draft CCTV Strategic Plan 2013-2018 – Adoption in Principle

Ward:	Both	Date:	15 March 2013
Precinct:	All	File Ref:	ENS0131
Attachments:	001 – Draft CCTV Strategy 2013-2018		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS IN PRINCIPLE** the City of Vincent Draft Closed Circuit Television (CCTV) Strategy 2013 – 2018, as shown in Appendix 9.4.5;
2. **AUTHORISES** the Chief Executive Officer to undertake community consultation for a period of twenty-one (21) days, to establish whether the proposed strategy meets the needs and expectations of the community, with respect to CCTV coverage in the City of Vincent;
3. **LISTS FOR CONSIDERATION** the inclusion of \$130,000 in the City of Vincent Draft Budget 2013/2014 to progress the CCTV Network, being year 1 of 5; and
4. **NOTES** that;
 - 4.1 a further report will be submitted to the Council, after the conclusion of the public consultation period; and
 - 4.2 subject to the approval of the Strategic Plan, the City will apply for grants to assist in the implementation of the CCTV.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Buckels

That the item be DEFERRED due to the lateness of the hour.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to adopt in principle the City of Vincent Draft CCTV Strategy 2013–2018 to ensure that the expansion of the current system is appropriately managed and for consideration to be given to listing funds in the budget preparations each year.

BACKGROUND:

On 13 April 2010, the Council adopted a CCTV Policy, which was to be used as a guide when considering the installation of future CCTV Cameras and associated hardware and recording devices. At the same time, the Town of Vincent “CCTV Strategy 2010 and Beyond” was implemented.

In 2009, the City was successful in obtaining Grant Funding from the Office of Crime Prevention of \$88,000 to implement CCTV coverage in the Mount Lawley area.

It took a substantial amount of time to get the Leederville CCTV System operational, so further funding has not been sought, either from external funding bodies, or as part of the City's annual budget. This system is now operating in the way that the City requires, so an application was submitted for further funding from the Department of the Attorney General, "Proceeds of Crimes Grants" and the City obtained a grant of \$184,000.

Tenders for the implementation of the Beaufort Street CCTV Network were advertised in November 2012 and the preferred supplier was appointed in December 2012. The implementation plan for CCTV coverage in Beaufort Street, from Walcott Street to Newcastle Street, is now underway and should be completed before 30 June 2013.

DETAILS:

The "City of Vincent CCTV Policy and Strategy 2010 and Beyond" set the direction for the future implementation of CCTV coverage of the identified "hotspots". With the assistance of Michael Sutherland MLA, grant funding, of \$88,000, was obtained for the installation of CCTV cameras in the Mount Lawley Area. However, due to problems with transmitting images to the Administration and Civic Centre for storage, it was recognised that the funds were not sufficient to achieve coverage in Mount Lawley, so the location was changed to Leederville, because of its proximity to the City's Administration and Civic Centre.

With the introduction of the CCTV network in Leederville, the City is receiving an increasing number of requests to download footage for use by WA Police. When the Beaufort Street System is operational, it is anticipated that the requests for downloaded images will further increase and, as a result, it has become necessary to review the "City of Vincent CCTV Strategy 2010 and Beyond".

The Draft CCTV Strategy 2013-2018 has used the lessons learned from the implementation of CCTV in Leederville, as well as WA Police crime statistics, to provide a more accurate assessment of how the CCTV Network should be progressed for the next 5 years.

Because there will be a need to ensure that ongoing funding is available for the progressive expansion of the system, the table on page 14 of the Strategy, under the heading "Recommendations" provides an indicative idea of the annual budget allocation that should be considered by the Council, for each new future Budget. The table is as follows:

Location	Total Cost plus CPI Increases of 3%	Implementation Year
Oxford St, Leederville	\$130,000	2013-2014
Stirling Street and adjoining streets – Highgate - nib Stadium/Birdwood Square	\$85,000	2014-2015
William St, Perth	\$130,000	2015-2016
Fitzgerald St, North Perth	\$90,000	2016-2017
Oxford St, Mt Hawthorn	\$105,000	2017-2018

The figures are based on the identified priority locations for an orderly roll-out of the CCTV System.

CONSULTATION/ADVERTISING:

There will be a need to seek public comment on the Draft CCTV Strategy 2013–2018.

LEGAL/POLICY:

The Council has a Policy No 3.9.12 – “Closed Circuit Television (CCTV)”. There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS:

High: There is a risk that if the expansion of the existing CCTV Network is not managed in a strategic manner, the City may not get the best value for money, and will not be able to effectively manage crime, graffiti and anti social behaviour.

STRATEGIC IMPLICATIONS:

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 1.1.4 states:

“Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment”.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a requirement that consultation will be undertaken of this Draft Strategy and this expenditure will come from the ‘Safer Vincent Initiatives’ Budget as follows:

Budget Amount:	\$19,000
Spent to Date:	\$ 1,400
Committed	<u>\$ 8,750</u>
Balance:	\$ 8,850

COMMENTS:

The City has introduced a CCTV Network in Leederville and is in the process of introducing a second network in Beaufort Street, Mount Lawley, Highgate and Perth. However, to manage the future expansion of CCTV coverage in the City, it is considered appropriate for the Council to adopt a CCTV Strategic Plan to guide the process.

The report is recommended for approval.

9.5.1 Metropolitan Local Government Review Panel – Submission

Ward:	-	Date:	15 March 2013
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Metropolitan Local Government Review Panel – Executive Summary of Final Report 002 - Metropolitan Local Government Review Panel – Preferred Option B - Map 003 - Metropolitan Local Government Review Panel – Preferred Option B – Map 1 City of Vincent 004 – City of Vincent Submission		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report concerning the Local Government Review Panel Final Report – July 2012 as shown in Appendix 9.5.1 (Attachment 001); and
2. **AUTHORISES** the Chief Executive Officer to lodge a submission with the Department of Local Government, as shown in Appendix 9.5.1 (Attachment 004).

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation, together with the following change(s), be adopted:

That Recommendation Nos. 11, 22, 25 and 30 be amended to read as follows:

“Report Recommendations

Some 30 recommendations (however recommendation No.15 is in three (3) parts, therefore there are thirty two (32) recommendations) have been made, as follows:

PANEL RECOMMENDATIONS	CITY OF VINCENT RESPONSE
1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts;	Support
2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government;	Support
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government;	Support
4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process	Support

<p>5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government;</p>	<p>Conditional Support. Changes should be made so that applicants can choose for developments to be referred to a Development Assessment Panel over a threshold with the current amount being \$7 million.</p>
<p>6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government;</p>	<p>Support</p>
<p>7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups;</p>	<p>Support</p>
<p>8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth;</p>	<p>Support</p>
<p>9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance</p>	<p>Support</p>
<p>10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms;</p>	<p>Noted. The City is already involved in significant community engagement activities.</p>
<p>11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed;</p>	<p>Conditional Support. Applicable to regional councils responsible for waste disposal services. However, this should not apply to regional councils set up to manage commercial interests of members such as the Tamala Park Regional Council that manages a land development (an investment asset) on behalf of seven (7) Local Governments. Conditional Support. <u>Agree that there is a need for the rationalisation of Regional Councils responsible for waste disposal service – and would advocate up to three (3) such bodies acting under an integrated masterplan for the metropolitan region. Note that the provision should not apply to Tamala Park Regional Council as this is not a waste management authority.</u></p>
<p>12. The State Government give consideration to transferring oversight responsibility for developments at Perth’s airports, major hospitals and universities to the Metropolitan Redevelopment Authority;</p>	<p>Noted. Not applicable to the City of Vincent, as none of these facilities are located in the City.</p>
<p>13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city’s local government</p>	<p>Conditional Support. Clarification is required as to who will pay for the review.</p>

<p>structure continues to be optimal as the metropolitan region develops;</p>	
<p>14. The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews;</p>	<p>Support</p>
<p>15. A new structure of local government in metropolitan Perth be created through specific legislation which: a. incorporates all of the Swan and Canning Rivers within applicable local government areas; - Support. b. transfers Rottneest Island to the proposed local government centred around the City of Fremantle; and – Noted. c. reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report. – Not Supported. The City supports the WALGA;s position, whereby 15-20 Local Governments in the Metropolitan area.</p>	
<p>16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission;</p>	<p>Supported. The City currently uses the WA Electoral Commission to conduct its elections and has done so since being created in 1994.</p>
<p>17. Compulsory voting for local government elections be enacted;</p>	<p>Support</p>
<p>18. All Mayors and Presidents be directly elected by the community;</p>	<p>Supported. The City has always directly elected the Mayor by the electors. However it is acknowledged that there are advantages and disadvantages to both methods. That is – a Mayor directly elected by the electors versus a Mayor elected by the Councillors.</p>
<p>19. Party and group nominations for local government electoral vacancies be permitted;</p>	<p>Not supported. This recommendation fails to understand or recognise the difference in the governance structures of Local Government compared to state and federal governments. One of the key successes of Local Government is that it is not dominated by party politics although it is acknowledged this does exist however it should not be encouraged.</p>
<p>20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President;</p>	<p>Not supported. It is up to the community to decide if elected members have served too long on council.</p>
<p>21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behavior;</p>	<p>Support. Although it is noted there are fundamental differences between a board of directors and elected members. Elected members have a clearly defined representative role to act in the interests of the people in the district and to facilitate communication between the community and the council (section 2.10 LG Act).</p>
<p>22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended);</p>	<p>Not supported. Property franchise in voting is a fundamental part of the structure of Local Government as property owners pay rates which are contributions to fund the services provided by Local Governments. There is not a direct relationship between rates paid and services provided to individual property</p>

	<p>owners. Therefore, property owners should be able to influence how the Local Government is managed even if they are not residents living in the district or are not eligible to be on the state electoral role. First-past-the-post works effectively in Local Government elections. It is easy to understand and reduces the ability for a ticket vote directing preferences to a preferred candidate. Support Preferential voting allows a more nuanced and consensus based result.</p>
<p>23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal;</p>	<p>Support. However it should be a statutory requirement that payments made to elected members be reported to the community on a regular basis by each local government.</p>
<p>24. Payments made to elected members be reported to the community on a regular basis by each local government;</p>	<p>Support</p>
<p>25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees;</p>	<p>Conditional support. The Council employs the Chief Executive Officer based on criteria established for its business needs and is responsible for overseeing performance. It is essential that the Local Government retains autonomy in the decision making process. Support Elected Officials need some source of independent advice when determining matters relating to the appointment of the Chief Executive Officer.</p>
<p>26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay;</p>	<p>Support. A decision should be made without delay due to the extended period the Local Government sector has experience in reform debates over many years. The process has been time consuming and staff and financial resources from core activities. The uncertainty is unsettling for both employees and elected members.</p>
<p>27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future;</p>	<p>Support. It is considered that Local Governments are responsible for leading the debate on reform on behalf of their communities who elect them to make decisions and get on with the business of Local Government.</p>
<p>28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy;</p>	<p>Support</p>
<p>29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government; and</p>	<p>Conditional support. Any change arrangements should include at least some representation from existing elected members in the integration process to ensure the community is represented in reform decisions.</p>

30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.	Not supported. There are elements within the recommendations that are supported, however, there are many <u>some</u> that are not supported and consideration should be given to making the necessary changes to the recommendations to put in place a more acceptable reform package.
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Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.5.1

That the Council;

1. **RECEIVES the report concerning the Local Government Review Panel Final Report – July 2012 as shown in Appendix 9.5.1 (Attachment 001); and**
2. **AUTHORISES the Chief Executive Officer to lodge a submission with the Department of Local Government, as shown in Appendix 9.5.1 (Attachment 004).**

2.1 Report Recommendations

Some 30 recommendations (however recommendation No.15 is in three (3) parts, therefore there are thirty two (32) recommendations) have been made, as follows:

PANEL RECOMMENDATIONS	CITY OF VINCENT RESPONSE
1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts;	Support
2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government;	Support
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government;	Support
4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process	Support
5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government;	Conditional Support. Changes should be made so that applicants can choose for developments to be referred to a Development Assessment Panel over a threshold with the current amount being \$7 million.

<p>6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government;</p>	<p>Support</p>
<p>7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups;</p>	<p>Support</p>
<p>8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth;</p>	<p>Support</p>
<p>9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance</p>	<p>Support</p>
<p>10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms;</p>	<p>Noted. The City is already involved in significant community engagement activities.</p>
<p>11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed;</p>	<p>Conditional Support. Agree that there is a need for the rationalisation of Regional Councils responsible for waste disposal service – and would advocate up to three (3) such bodies acting under an integrated masterplan for the metropolitan region. Note that the provision should not apply to Tamala Park Regional Council as this is not a waste management authority.</p>
<p>12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority;</p>	<p>Noted. Not applicable to the City of Vincent, as none of these facilities are located in the City.</p>
<p>13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops;</p>	<p>Conditional Support. Clarification is required as to who will pay for the review.</p>
<p>14. The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews;</p>	<p>Support</p>

<p>15. A new structure of local government in metropolitan Perth be created through specific legislation which:</p> <ul style="list-style-type: none"> a. incorporates all of the Swan and Canning Rivers within applicable local government areas; - Support. b. transfers Rottnest Island to the proposed local government centred around the City of Fremantle; and – Noted. c. reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report. – Not Supported. The City supports the WALGA;s position, whereby 15-20 Local Governments in the Metropolitan area. 	
<p>16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission;</p>	<p>Supported. The City currently uses the WA Electoral Commission to conduct its elections and has done so since being created in 1994.</p>
<p>17. Compulsory voting for local government elections be enacted;</p>	<p>Support</p>
<p>18. All Mayors and Presidents be directly elected by the community;</p>	<p>Supported. The City has always directly elected the Mayor by the electors. However it is acknowledged that there are advantages and disadvantages to both methods. That is – a Mayor directly elected by the electors versus a Mayor elected by the Councillors.</p>
<p>19. Party and group nominations for local government electoral vacancies be permitted;</p>	<p>Not supported. This recommendation fails to understand or recognise the difference in the governance structures of Local Government compared to state and federal governments. One of the key successes of Local Government is that it is not dominated by party politics although it is acknowledged this does exist however it should not be encouraged.</p>
<p>20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President;</p>	<p>Not supported. It is up to the community to decide if elected members have served too long on council.</p>
<p>21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behavior;</p>	<p>Support. Although it is noted there are fundamental differences between a board of directors and elected members. Elected members have a clearly defined representative role to act in the interests of the people in the district and to facilitate communication between the community and the council (section 2.10 LG Act).</p>
<p>22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended);</p>	<p>Support Preferential voting allows a more nuanced and consensus based result.</p>
<p>23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal;</p>	<p>Support. However it should be a statutory requirement that payments made to elected members be reported to the community on a regular basis by each local government.</p>
<p>24. Payments made to elected members be reported to the community on a regular basis by each local government;</p>	<p>Support</p>

<p>25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees;</p>	<p>Support Elected Officials need some source of independent advice when determining matters relating to the appointment of the Chief Executive Officer.</p>
<p>26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay;</p>	<p>Support. A decision should be made without delay due to the extended period the Local Government sector has experience in reform debates over many years. The process has been time consuming and staff and financial resources from core activities. The uncertainty is unsettling for both employees and elected members.</p>
<p>27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future;</p>	<p>Support. It is considered that Local Governments are responsible for leading the debate on reform on behalf of their communities who elect them to make decisions and get on with the business of Local Government.</p>
<p>28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy;</p>	<p>Support</p>
<p>29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government; and</p>	<p>Conditional support. Any change arrangements should include at least some representation from existing elected members in the integration process to ensure the community is represented in reform decisions.</p>
<p>30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.</p>	<p>Not supported. There are elements within the recommendations that are supported, however, there are some that are not supported and consideration should be given to making the necessary changes to the recommendations to put in place a more acceptable reform package.</p>

PURPOSE OF REPORT:

To seek the Council's approval to lodge a submission concerning the Metropolitan Local Government Review Panel's Final Report – July 2012.

BACKGROUND:

Previous Reports

The Council previously considered the matter of local government structural reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2009, 28 April 2009, 7 July 2009 and 25 August 2009, 22 September 2009, 9 March 2010, 7 December 2010, 20 December 2011, 13 March 2012, 8 May 2012, 22 May 2012 and 6 November 2012.

DETAILS:

At the Council Meeting held on 6 November 2012, the Council considered the matter and resolved as follows;

“COUNCIL DECISION ITEM 9.5.5

1. *RECEIVES the report concerning the Local Government Review Panel Final Report – July 2012 as shown in Appendix 9.5.5 (Attachment 001); and*
2. *AUTHORISES the Chief Executive Officer and the Mayor;*
 - 2.1 *To prepare a submission, based on the Council’s previous decision made at the Ordinary Meeting of Council held on 22 May 2012, to the Minister for Local Government, for the consideration of the Council; and*
 - 2.2 *Enter into discussions (if required) with stakeholders concerning the City’s submission; and*
3. *REQUESTS that a report be submitted to the Council no later than February 2013.”*

On Wednesday 24 October 2012, the Mayor and Chief Executive Officer attended a confidential briefing of all Metropolitan Local Government Mayors and CEOs. At this briefing the Premier, Minister for Local Government and Professor Robson made a presentation on the Panel’s Final report.

On Thursday 25 October 2012, the Minister for Local Government tabled the Report in the Parliament.

Alternative Options – External Consultancy to review Local Government boundaries

Following the meeting held on 24 October 2012, all Metropolitan Local Governments were contacted to participate in engaging external consultants to provide alternative boundary options to the Robson report. This consultancy was coordinated by the City of Armadale and cost of participation in this consultancy was \$4000 per Local Government. Mayor Hon. Alannah MacTiernan responded that the City of Vincent would not participate in this consultancy.

In late February 2013 and March 2013, twenty (20) Local Governments agreed to participate and engaged external consultants to prepare alternative boundary options. It is understood that these were finalised and presented to a meeting of the participating Local Governments in late March 2013. Six (6) options were presented and voted on. As the City was not participating in this consultancy, the final outcome is unknown.

Report Recommendations

Some 30 recommendations (however recommendation No.15 is in three (3) parts, therefore there are thirty two (32) recommendations) have been made, as follows:

PANEL RECOMMENDATIONS	CITY OF VINCENT RESPONSE
1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts;	Support
2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government;	Support
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government;	Support

<p>4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process</p>	<p>Support</p>
<p>5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government;</p>	<p>Conditional Support. Changes should be made so that applicants can choose for developments to be referred to a Development Assessment Panel over a threshold with the current amount being \$7 million.</p>
<p>6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government;</p>	<p>Support</p>
<p>7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups;</p>	<p>Support</p>
<p>8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth;</p>	<p>Support</p>
<p>9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance</p>	<p>Support</p>
<p>10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms;</p>	<p>Noted. The City is already involved in significant community engagement activities.</p>
<p>11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed;</p>	<p>Conditional Support. Agree that there is a need for the rationalisation of Regional Councils responsible for waste disposal service – and would advocate up to three (3) such bodies acting under an integrated masterplan for the metropolitan region. Note that the provision should not apply to Tamala Park Regional Council as this is not a waste management authority.</p>
<p>12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority;</p>	<p>Noted. Not applicable to the City of Vincent, as none of these facilities are located in the City.</p>
<p>13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops;</p>	<p>Conditional Support. Clarification is required as to who will pay for the review.</p>

<p>14. The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews;</p>	<p>Support</p>
<p>15. A new structure of local government in metropolitan Perth be created through specific legislation which:</p> <ul style="list-style-type: none"> a. incorporates all of the Swan and Canning Rivers within applicable local government areas; - Support. b. transfers Rottnest Island to the proposed local government centred around the City of Fremantle; and – Noted. c. reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report. – Not Supported. The City supports the WALGA;s position, whereby 15-20 Local Governments in the Metropolitan area. 	
<p>16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission;</p>	<p>Supported. The City currently uses the WA Electoral Commission to conduct its elections and has done so since being created in 1994.</p>
<p>17. Compulsory voting for local government elections be enacted;</p>	<p>Support</p>
<p>18. All Mayors and Presidents be directly elected by the community;</p>	<p>Supported. The City has always directly elected the Mayor by the electors. However it is acknowledged that there are advantages and disadvantages to both methods. That is – a Mayor directly elected by the electors versus a Mayor elected by the Councillors.</p>
<p>19. Party and group nominations for local government electoral vacancies be permitted;</p>	<p>Not supported. This recommendation fails to understand or recognise the difference in the governance structures of Local Government compared to state and federal governments. One of the key successes of Local Government is that it is not dominated by party politics although it is acknowledged this does exist however it should not be encouraged.</p>
<p>20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President;</p>	<p>Not supported. It is up to the community to decide if elected members have served too long on council.</p>
<p>21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behavior;</p>	<p>Support. Although it is noted there are fundamental differences between a board of directors and elected members. Elected members have a clearly defined representative role to act in the interests of the people in the district and to facilitate communication between the community and the council (section 2.10 LG Act).</p>
<p>22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended);</p>	<p>Support Preferential voting allows a more nuanced and consensus based result.</p>

<p>23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal;</p>	<p>Support. However it should be a statutory requirement that payments made to elected members be reported to the community on a regular basis by each local government.</p>
<p>24. Payments made to elected members be reported to the community on a regular basis by each local government;</p>	<p>Support</p>
<p>25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees;</p>	<p>Support Elected Officials need some source of independent advice when determining matters relating to the appointment of the Chief Executive Officer</p>
<p>26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay;</p>	<p>Support. A decision should be made without delay due to the extended period the Local Government sector has experience in reform debates over many years. The process has been time consuming and staff and financial resources from core activities. The uncertainty is unsettling for both employees and elected members.</p>
<p>27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future;</p>	<p>Support. It is considered that Local Governments are responsible for leading the debate on reform on behalf of their communities who elect them to make decisions and get on with the business of Local Government.</p>
<p>28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy;</p>	<p>Support</p>
<p>29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government; and</p>	<p>Conditional support. Any change arrangements should include at least some representation from existing elected members in the integration process to ensure the community is represented in reform decisions.</p>
<p>30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.</p>	<p>Not supported. There are elements within the recommendations that are supported, however, there are some that are not supported and consideration should be given to making the necessary changes to the recommendations to put in place a more acceptable reform package.</p>

CEO COMMENT

It should be noted that whilst there are thirty (30) Recommendations, Recommendation 15, is in three (3) parts, resulting in thirty two (32) recommendations.

A summary of the responses is as follows:

OUTCOME	NO.	RECOMMENDATION
Support	19	1,2,3,4,6,7,8,9,14,15(a),16,17,18,21,23,24,26,27,28
Conditional Support	5	5,11,13,25,29
Noted	3	10,12,15(b)
Not Supported	5	15(c),19,20,22,30
TOTAL	32	

It is pleasing to note that the Panel had adopted two key Recommendations which were supported by the City of Vincent, namely;

Recommendation 17 - Compulsory voting for Local Government elections be enacted;

Recommendation – 18 – All Mayors and Presidents be directly elected by the community.

Boundaries

The Panel's preferred option is a structure of twelve (12) Local Governments in Metropolitan Perth. This model provides an opportunity for alignment with the ten (10) strategic activities centres.

The Panel recommended two Options – A and B – the report provided maps of proposed new boundaries, as shown in Appendix 9.5.5 Attachment 002.

Both Options recommend 12 local governments in the metropolitan area- primarily based on the state Government's *Directions 2031* Strategic Activity Centres of:

- Armadale, Cannington, Fremantle, Joondalup, Midland, Morley, Perth, Rockingham, Stirling and Yanchep (proposed).
- The Panel identified two secondary sectors namely, Claremont and Cockburn

Option A – in essence amalgamates existing local governments, but it is not the Panel's preferred option.

Option B – the Panel's preferred option involves amalgamating and splitting some local governments to provide for average populations of 190,000 electors by 2026.

At the announcement, the Premier has stated that it is his preference for; “15-20 Local Governments”..... “and no forced amalgamations”.

City of Vincent

Under both options the City of Vincent is proposed to be amalgamated with the new and enlarged City of Perth, which will include West Leederville (from the Town of Cambridge) most of the City of South Perth and approximately 50% of the Town of Victoria Park.

CONSULTATION/ADVERTISING:

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

The Government proposes to have extensive consultation from tomorrow until **5 April 2013**, whereby it will receive submissions concerning the report and the Recommendations.

LEGAL/POLICY:

Any local government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

Current legislation requires a structural reform proposal to be made to the Local Government Advisory Board which will then hold a formal inquiry on the proposal. The Advisory Board will then make recommendations on the proposal and electors of each Local Government are then provided with an opportunity to demand a poll.

The Schedule provides that electors may demand a poll be conducted on any recommended amalgamation. It provides that the request for a poll is to be signed by at least 250, or at least 10% of electors of one of the affected districts. To be considered valid, at least 50% of the electors of one of the affected districts must vote and of those electors who vote, should a majority vote against the recommendation, the Minister is to reject the recommendation.

Should a poll be requested and at least 50% of the electors of one of the districts vote; and of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

Based on previous experience, the structural reform process would normally take 18 months to two years, following a Council resolution to formally proceed with a proposal.

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest;
- Physical and topographic factors;
- Demographic factors;
- Economic matters;
- History of the area;
- Transport and communication;
- Matters affecting viability of the Local Government(s) involved; and
- Delivery of Local Government services.

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

Security of Employment

If amalgamations are to occur, the Local Government Act provides that all non-contract employees will be protected for a period of two (2) years – effective from the date of announcement.

The Chief Executive Officer is now aware that the Metropolitan Local Government Review Panel Report has caused uncertainty with some of the City's employees and a number of recent resignations have been directly attributed to the possible amalgamation of the City of Vincent into the City of Perth. Unfortunately this will cause de-stabilisation, until a decision is made by the State Government.

RISK MANAGEMENT IMPLICATIONS:

High: There is a risk that if the City does not provide a submission on the Metropolitan Local Government Review Panel Issues Papers, it may miss an opportunity to comment on the future purpose and role of the Local Government in the metropolitan area and how it could best serve its community.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The City is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

Over previous years, the City has been active in its asset management replacement and this will continue.

The desired outcome of Structural Reform is for a strong sustainable local government in Western Australia.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2012/2013 Budget for Local Government Structural Reform matters.

COMMENTS:

The Metropolitan Local Government Review Panel's Final Report, if adopted by the State Government, will have significant long term implications for Local Government in the Perth Metropolitan Region, including the City of Vincent.

It is important to ensure that local government is not adversely affected or destabilised by unnecessary procrastination. The employment market is volatile and employees can quickly become unsettled and may seek alternative employment outside the industry. If at all possible, this should be avoided or at least kept to a minimum.

The City of Vincent is of the view that improvements can be made to local government arrangements in the Perth metropolitan area, however improvements need to take a broader view than the adequacy of the current state of local government and take a more holistic view, examining the intergovernmental relations between the Federal, State and Local Government.

The State Election held on 9 March 2013 has resulted in the Liberal/National Government being re-elected for a further term, with an increased number of seats in the Parliament. It is anticipated that if any change is to occur, it will commence in the first part of the new term of the Government.

The five (5) month consultation period which closes on the 5 April 2013 and it is important that the City lodge its submission.

Approval of the Officer Recommendation is therefore requested.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Warren McGrath – Investigations into Washing Lane, Perth

That the Council;

1. **AGREES TO INVESTIGATE** the daily closure of the section of Washing Lane between William and Money Streets, Perth to allow only pedestrian access between 11am and 11pm in order to facilitate active laneway uses, including extended retail and entertainment, alfresco dining etc, in line with the proposed uses currently under development; and
2. **REQUESTS** the Chief Executive Officer to investigate and report on the following;
 - 2.1 **The matters raised in Clause 1 above;**
 - 2.2 **The legal requirements for the daily closure of the street;**
 - 2.3 **The requirements for any proposed outdoor eating areas, (including liquor licensing requirements;**
 - 2.4 **The financial implications to the City;**
 - 2.5 **The mechanisms required to implement the daily closure; and**
 - 2.6 **The proposed streetscape required and any additional programs/initiatives to encourage an active and pedestrian friendly laneway, in conjunction with the developers currently constructing on both sides of the laneway; and**
 - 2.7 **any other relevant matters; and**
3. **RECEIVES** a report no later than May 2013.

COUNCIL DECISION ITEM 10.1

Moved Cr McGrath, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

NOTE: The Council requested that the area in question be checked to ensure that it is under the care, control and management and not under the Metropolitan Redevelopment Authority.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 10.35pm **Moved Cr Pintabona, Seconded Cr Buckels**

That the Council proceed “behind closed doors” to consider Confidential Items 14.2 and 14.3 as the matter relates to a Contract which may be entered into or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Jacinta Anthony	Manager Community Development
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.2 CONFIDENTIAL REPORT: Tender No. 462/12 – Provision and Maintenance of Revenue Sharing Advertising Bus Shelters

Ward:	Both	Date:	22 March 2013
Precinct:	All	File Ref:	TEN0471
Attachments:	CONFIDENTIAL		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ACCEPTS** the tender submitted by Adshel Street Furniture Pty Ltd as being the most acceptable to the City, for the Provision and Maintenance of Revenue Sharing Advertising Bus Shelters, in accordance with the specifications as detailed in Tender No. 462/12.
2. **NOTES** that;
 - 2.1 This tender generates considerable income for the City; and
 - 2.2 The City reserves the right to reject any advertisement it considers unsuitable as set-out in the tender document; and
3. **AUTHORISES** the Chief Executive Officer to enter into negotiations with Adshel on the:
 - 3.1 design of new shelters;
 - 3.2 method of illumination, connected to mains power or solar powered;
 - 3.3 review of the locations of the advertising shelters, both existing and potential; and
 - 3.4 implementation schedule.

Subject to a further report being submitted to the Council for approval.

NOTE: the Chief Executive Officer has made public this report, other than some details relating to the tenderer’s submission, which were the subject of legal advice.

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

“That the tender Contract shall be subject to the following clause being inserted into the contract as follows:

- 1.1 The exclusivity for advertising rights shall only be applicable to the forty-seven (47) shelter locations which exist at the time of signing the contract;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 14.2

That the Council;

1. **ACCEPTS** the tender submitted by Adshel Street Furniture Pty Ltd as being the most acceptable to the City, for the Provision and Maintenance of Revenue Sharing Advertising Bus Shelters, in accordance with the specifications as detailed in Tender No. 462/12, subject to the following clause being inserted into the Contract;
 - 1.1 **The exclusivity for advertising rights shall only be applicable to the forty-seven (47) shelter locations which exist at the time of signing the contract; and**
2. **NOTES** that;
 - 2.1 **This tender generates considerable income for the City; and**
 - 2.2 **The City reserves the right to reject any advertisement it considers unsuitable as set-out in the tender document; and**
3. **AUTHORISES** the Chief Executive Officer to enter into negotiations with Adshel on the:
 - 3.1 **design of new shelters;**
 - 3.2 **method of illumination, connected to mains power or solar powered;**
 - 3.3 **review of the locations of the advertising shelters, both existing and potential; and**
 - 3.4 **implementation schedule.**

Subject to a further report being submitted to the Council for approval.

PURPOSE OF REPORT:

To seek the Council's approval to awarded Tender 462/12, *Provision and Maintenance of Revenue Sharing Advertising Bus Shelters*, to Adshel Street Furniture Pty Ltd (Adshel) for a period of ten (10) years with a five (5) year option, as detailed in the report.

BACKGROUND:

This report was originally listed on the agenda for the Ordinary Meeting of Council of 26 February 2013. However it was withdrawn by the Chief Executive Officer as a result of one of the tenderers sending an email to Council Members querying as to why their *alternative tender(s)* was not considered. This email is discussed in the main body of the report.

Original Tender (1996)

In early 1996, 3M Australian Posters Pty Ltd (3M AP) approached the then Town of Vincent with an offer of supplying and installing bus shelters in return for the exclusive right to display advertising on these installations. Further, 3M AP agreed that in return for the advertising rights they would pay to the Town a percentage of the total advertising revenue generated.

A major part of the offer was that the bus shelters would remain the property of 3M AP for the duration of the contract and be cleaned, maintained and repaired by them at their cost.

In order to comply with the statutory requirements a tender to supply and install advertising bus shelters was duly advertised. Ten (10) submissions were received and a report was subsequently presented to the Ordinary Meeting of Council on 26 July 1996.

Having considered the report Council made the following (in part) decision;

“That;

- (i) the Council accept 3M Australian Posters as the preferred tenderer for the provision and maintenance of bus shelters and seats within the Town of Vincent, at no cost to Council, in accordance with the Expression of Interest tender;*
- (ii) Option 1 be approved as the preferred Option, (specifying the income to the Council on a percentage of the advertising revenue);*
- (iii) the Council reserves the right to reject any advertisement it believes unsuitable;*
- (iv) a legal agreement be entered into (at no cost to the Council) with 3M Australian Posters for a ten (10) year term plus five (5) year option, to the satisfaction of the Chief Executive Officer;”*

During the later part of 1996 3M AP became part of APN News and Media (Incorporating AP). In 1997/98 APN News and Media street furniture division evolved to become Adshel Street Furniture Pty Ltd (Adshel).

The contract, between the then Town of Vincent and Adshel, was signed on 16 December 1997.

The original contract period of ten (10) years expired in December 2007 at which time both parties agreed to take up the five (5) year option, which subsequently expired 16 December 2012.

Existing Bus Shelters

Under the terms of the contract the City has the option to purchase the existing shelters for \$1.00 per unit. However, given that the shelters are now approaching sixteen (16) years old they are potentially a long term liability as they reach the end of their useful life.

Currently there are forty six (46) advertising shelters within the City. There were forty seven (47) but one was (allegedly deliberately) destroyed in Charles Street, when hit by a vehicle that didn't stop, in mid October 2012. It was agreed at time that it would not be replaced until the new tender was finalised.

The City has an interim agreement with Adshel allowing them to continue to use the existing shelters for advertising, in return for the City receiving its agreed percentage of the revenue generated, until such time as the new tender is awarded.

DETAILS:

The tender for the *Provision and Maintenance of Revenue Sharing Advertising Bus Shelters* was advertised in the West Australian on 28 November 2012 and closed at 2.00pm on 19 December 2012 after a twenty one day (21) advertising period.

Four (4) companies requested a copy of the tender documents; however at the close off on 19 December 2012 only two (2) submissions were received.

Present at the opening of the tender was the Finance Officer - Purchasing and Contracts and Executive Secretary Corporate Services.

Tenders were received from Adshel and Streetside Advertising.

In respect of revenue sharing percentages (%) offered to the City, the tenders were provided with two (2) options. The first was based upon removing the existing and installing new shelters, and the second based upon refurbishing the existing shelters.

The City's tender document implied, through specific reference to power supply, maintenance and running costs being the responsibility of the successful tenderer, that the advertising panel is illuminated. The intention was that the lighting requirement relates not only to the advertising panel but to the shelter in general as public safety enhancement. The existing advertising shelters are all connected to a Western Power supply. However, Adshel has also offered a solar option as noted in *Tender Evaluation* section below.

In respect of the City being able to verify the value of the revenue generated it is a condition of the tender that the information be provided to the City upon request.

Both options require a significant capital outlay and hence why both tenders offer a lower return for the first five (5) years of the contract life as a means of recouping their costs.

Further, in light of the costs involved, the five (5) year option is an industry standard.

Officer Comments:

It should be noted that the advertising shelters are generally slightly larger than the City's non-advertising shelters, i.e. have a larger 'footprint', so as to accommodate the advertising panel in which the industry standard sized posters are displayed. For this reason they are not suitable for every location, including some Town Centres, because of site constraints. Further, advertisers want to maximise their exposure and hence the shelters tend to be on the main roads.

The existing 47 shelter locations offer enough room to ensure fully compliant pedestrian access and to meet Disability requirements.

Tender Evaluation:

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Contract Price	50%
Past Experience in similar projects/works, references	30%
Organisational structure/capacity/resources	20%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Manager Asset & Design Services and Manager Financial Services. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 31 January 2013 to assess the submissions. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Adshel	Streetside
Contract Price	50%	50.0	22.0
Past experience in similar projects/works, references	30%	27.0	22.0
Organisational Structure/capacity/resources	20%	18.7	17.3
Total	100%	95.7	61.3
Rating		1	2

The financial offers to the City are as per the tables below:

Adshel	Percentage of advertising revenue offered to City of Vincent (%) by year									
	1	2	3	4	5	6	7	8	9	10
Description										
Remove and replace the existing advertising shelters only – percentage (%)	5	5	5	5	5	10	10	10	10	10
Refurbish the existing advertising shelters only	-	-	-	-	-	-	-	-	-	-

Adshel, having maintained the existing shelters for the past fifteen (15) years, has assessed them as having reached the end of their useful life and therefore offered new shelters only. Further, they have offered, where suitable, a solar powered option, for the new shelters.

Streetside	Percentage of advertising revenue offered to City of Vincent (%) by year									
	1	2	3	4	5	6	7	8	9	10
Description										
Remove and replace the existing advertising shelters only – percentage (%)	-	-	-	-	-	-	-	-	-	-
Refurbish the existing advertising shelters only	2	2	2	2	2	5	5	5	5	5

Streetside's offer is to refurbish the existing shelters only. The proposed refurbishment includes removing the rear toughened glass panels and replacing them with a mesh. This will look unsightly.

Officer Comments:

As indicated above, while the respective parties do want to make public their commercially sensitive information, the difference in the financial return to the City, between the two offers, is considerable over the life of the tender.

While Adshel's proposal will see them incur a significantly higher capital outlay, they obviously believe their national and local contracts will generate higher returns than that of their competitor.

Tender Evaluation Panel comments are shown below:

1. Adshel

Total Weighted Score	First: 95.7
Past Experience	
• Similar projects	Installed and has maintained the existing advertising bus shelters to a high standard for the past 15 years.

<ul style="list-style-type: none"> Experience 	<p>Has existing contracts with numerous Perth Metropolitan Local Governments including the City of Perth, Town of Victoria Park, City of Belmont, Town of Claremont and the Town of Bassendean.</p> <p>Company representatives have long term industry experience and are responsive and easy to deal with.</p> <p>It is worth noting that Adshel's WA office is located in Oxford Street, Leederville.</p>
Contract Price	See offer above. The return to the City over the life of the contract would be higher than that of Streetside.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	The Company has a number of high profile WA customers (see above) as well as a significant national presence.
<ul style="list-style-type: none"> Resources 	The Company is well resourced national company with its own manufacturing/engineering fabrication capability and has proven to be reliable and readily available.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Officer Comments:

The tender received was very well documented and conformed to all of the City's tender requirements.

2. Streetside

Total Weighted Score	Second: 61.3
Past Experience	
<ul style="list-style-type: none"> Similar projects 	The tender documents indicate that Streetside has contracts with a number of Metropolitan Local Governments for a range of advertising street furniture including bins and benches but not specifically bus shelters. Clients include the City's of Fremantle, Mandurah, Joondalup and Wanneroo
<ul style="list-style-type: none"> Experience 	<p>See above.</p> <p>A Western Australian company with >30 years experience in the advertising street furniture.</p>
Contract Price	See offer above. The return to the City over the life of the contract would be lower than that of Adshel.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	Streetside's tender indicates that they have both the capacity to service their existing customers and the City's requirements if they were to be successful.
<ul style="list-style-type: none"> Resources 	The Company is well resourced local company
Financial Capacity	Documentation provided as required within tender specification.

Compliance with Tender Specification	Generally complies with all the tender specification requirements, see Officers Comment below.
References	Comprehensive list provided.

Officer Comments:

The tender received was well documented and conformed to the City's tender requirements. While the tender did not specifically require the shelters to be illuminated it was implied with references to power connections and costs.

Streetside, in their cover letter advised that, *'our company does not involve itself with illuminated bus shelters, and therefore our proposal is related to income from and provision of non-illuminated shelters'*

However they did include in their conforming tender the following:

"Streetside will be responsible for the on-going repair and maintenance of all illuminated advertising shelters to a standard as required by the City's responsible officer."

Further they added a clause which the City did not request and nor is it supported:

"they would systematically replace all glass panels with steel mesh panels as and when replacement becomes necessary"

Streetside Advertising's Alternative Tenders

INFORMATION KEPT CONFIDENTIAL

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on the 28 November 2012.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Low – Medium: The risks are borne by the tenderer in that they own and maintain the shelters for the life of the contract. The only risk to the City is a possible reduction in revenue if/when there are economic downturns resulting in less advertising.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

This tender generates considerable revenue for the City over the life of the contract. As indicated in the main body of the report, the respective parties do want to make public their commercially sensitive information. Confidential financial information is shown in Appendix 14.2 (*Attachment 005*).

COMMENTS:

By Council approving Adshel's tender the City will gain the benefit of new contemporary bus shelters, fully maintained by Adshel, at no cost to the City.

It is therefore recommended that the Council approves the tenders submitted by Adshel Street Furniture Pty Ltd for Provision and Maintenance of Revenue Sharing Advertising Bus Shelters in accordance with the specifications as detailed in Tender No. 462/12.

14.3 CONFIDENTIAL LATE REPORT: Chen Wen Ling Sculpture – Approval of Cash In Lieu

Ward:	South	Date:	25 March 2013
Precinct:	Hyde Park ;P12	File Ref:	PRO0098
Attachments:	CONFIDENTIAL		
Tabled Items:	Nil		
Reporting Officer:	Y. Coyne, Coordinator Arts & Creativity J. Anthony, Manager Community Development		
Responsible Officer:	R. Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report concerning discontinuing the commissioning of artwork “Togetherness” by artist Mathew McVeigh and purchase of new artwork “Games” by artist Chen Wen Ling; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to:
 - 2.1 **TERMINATE** the Cash in Lieu project originally contracted to Matthew McVeigh, for the development at No. 313 Bulwer Street, North Perth shown in Appendix 14.3A;
 - 2.2 **PURCHASE** a new piece of artwork “Games” as a replacement by sculptor, Chen Wen Ling as shown in Appendix 14.3B, for a total of \$59,800; and
 - 2.3 **ALLOCATE** the remaining cash-in-lieu funding of \$25,000 towards the purchase of artwork called “Games”, with the remaining cost of \$34,800 from a source to be identified by the Chief Executive Officer.

NOTE: The Chief Executive Officer has made public this report.

COUNCIL DECISION ITEM 14.3

Moved Cr Topelberg, **Seconded** Cr Carey

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona and Cr Topelberg

Against: Cr Maier

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to redirect the Cash In Lieu funds originally intended for artist Matthew McVeigh’s work “Togetherness” to be expended on Chen Wen Ling’s work “Games”. The intended location of this new work will be in a location to be determined by the Chief Executive Officer and Mayor Hon. Alannah MacTiernan.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 August 2012, the following was resolved;

“That the Council APPROVES the recommendation of the City’s Art Advisory Group for the commissioning of artwork as detailed in the Officer Report for the following;

No	Artist	Address	Artwork
1.1	Ken Sealy	No. 274 Charles Street, North Perth	“Beseech”
1.2	Matt McVeigh	No. 331 Bulwer Street, Perth	“AAG”
1.3	Lucy Vader	No. 208 Beaufort Street, Perth	“OMG”

DETAILS:

A public art design and commission agreement between the City and Mr McVeigh was signed on 15 January 2013. The artist’s final design was submitted and varied significantly from the original proposal. The colours, shape and overall aesthetic was extremely different. Mr. McVeigh submitted the design with changes that were intended to create a more stable structure and robust design. The red figurative replacement design was tabled at the Arts Advisory Group meeting on 27 February 2013.

In the final submission and after requesting that the design be re-worked, Mr. McVeigh changed the colour from all red to have the same colours as the original proposal. This final design was submitted for approval and it was determined that this design still deviated away from the original proposal considerably and it was recommended not to proceed with the work. This is depicted in Appendix 14.3A.

The ‘Sculpture by the Sea’ project was attended by the Mayor Hon. Alannah MacTiernan, Cr John Carey, the City’s Director Community Services, and Coordinator Arts & Creativity. Chen Wen Ling’s piece ‘Games’ was one of a shortlist of works deemed suitable to be acquired for the City’s public art collection.

Chen Wen Ling from Anxi, China is recognized as one of the top ten contemporary sculptors in the international art industry today, exhibiting in a number of prestigious exhibitions such as Art Basel in Switzerland and the Shanghai Biennale.

‘Games’ forms a part of Chen’s Red Memory Series and is the last piece in an edition of eight (8). It is made of bronze and measures 190cm high, 58cm wide and a depth of 48cm. The use of bright red colour in presenting the boys depicts not only the symbolic and auspicious colour considered by Chinese tradition but also, a testament of the artist’s fiery attitude towards life. The Red Boys, naked and free have nothing to hide. Simple and true – a direct communication with nature and a conversation between society and people is what Chen Wen Ling’s works communicate to the audiences. The cheeky expressions and the arresting poses is a celebratory call to the audiences, embracing the inner child in every viewer. This is depicted in Appendix 14.3B.

The proposal to acquire “Games” by sculptor Chen Wen Ling was circulated to the Arts Advisory Group members on Friday, 22 March 2013. A majority of the Group’s members have responded supporting the proposal.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The artwork has been commissioned in accordance with the City of Vincent's Percent for Art Policy which states:

"Proposals for commercial, non-residential, and mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community."

RISK MANAGEMENT IMPLICATIONS:

Moderate: The City could be scrutinised for selecting a Chinese artist over a local artist. One of Chen Wen Ling's works was stolen from Cottesloe Beach last year.

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objectives of the City's Strategic Plan – Plan for the Future 2011-2016:

"2.1.2(a) Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City;

2.1.5(a) Identify and develop successful business opportunities, pursuing other income streams and cost management to reduce the City's reliance on rates; and

3.1.1 (b) Encourage and promote cultural and artistic expression throughout the City."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the Cash in Lieu project is \$30,000 relating to the development at No. 331, Bulwer Street, Perth. Matthew McVeigh has received \$5,000 upon signing the public art agreement. The project milestones were:

On signing of agreement	\$5,000 - PAID
Approval of final design and location	\$10,000
Completion of sculpture	\$10,000
Completion of installation and delivery of Maintenance Plan	\$5,000

The Chen Wen Ling piece 'Games' is priced at a discounted price for the City of \$59,800 (original price was \$65,000).

The remaining funds for the cash in lieu project of \$25,000 would be contributed to the Chen Wen Ling piece 'Games'. The remainder of the cost will be drawn from a source to be determined by the Chief Executive Officer.

COMMENTS:

The Chen Wen Ling work is a striking and beautiful piece which would be a significant coup for the City of Vincent's Public Art collection.

PROCEDURAL MOTION

At 10.47pm **Moved** Cr Pintabona, **Seconded** Cr Topelberg

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.47pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Jacinta Anthony	Manager Community Development
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 March 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013