



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

25 FEBRUARY 2014

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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 25 February 2014, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.05pm 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:

Nil.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer (until approximately 7.05pm)
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Petar Mrdja	Acting Director Planning Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 8.50pm)

Employee of the Month Recipient

Nil

Media

Sarah Motherwell	Journalist – <i>"The Guardian Express"</i> (until approximately 8.50pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 8.50pm)

Approximately 40 Members of the Public.

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

The Chief Executive Officer advised the Presiding Member Mayor Carey that based on his Legal advice, if there are any items raised from the Public Gallery relating to his Contract of Employment, he will declare a Financial Interest in this matter and depart the Chamber unless the Council resolves for him to remain in the chamber.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Wilcox

That the Chief Executive Officer be permitted to remain in the Chamber for the duration of the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

1. John Little of 711 Newcastle Street, Leederville Stated the following:
 - Mr Little stated that he attended the Meeting tonight to ask the Council to immediately let the ratepayers of Vincent know why they have decided not to renew Mr Giorgi's contract, they owe the ratepayers that at least.
 - Mr Giorgi has been a faithful servant of this Town/City for the last twenty (20) years. The Council decision has totally demoralised staff of this Council, and you also have probably exposed the ratepayers to five hundred thousand dollar costs in replacing Mr Giorgi. The Council is not going to be here in two (2) years time. What possible reasons can the Council have to make this decision other than political peak.
 - For those of you, you Councillors who are not members of the WA Labor Party let me tell you have been "led by the nose" - this is a political decision and is wrong and should be rescinded or the Council should resign.
2. Brett Thompson of 47 Shakespeare Street, Mount Hawthorn – Item 14.1 Stated the following:
 - Mr Thompson stated that he hoped the City of Vincent followed through with its revision of the Policy regarding Multi Dwellings on the R30 blocks and in particular residential areas. You must remember the Council represents the people who live in the area and these types of developments have their place for example main thoroughfares.
 - Mr Thompson stated that he supported the revised plans that had been submitted to the Council regarding 86 Hobart Street, he never opposed the development of the site, and he opposed the original plans and the number of dwellings. He had been involved with the residents who live directly adjoining the project, they have had a number of meetings to discuss all the concerns that they had at hand.
 - The one main concern everyone had that we knew we could not change was the number of units. What did worry Mr Thompson was that with the small reduction of the unit size, these original plans would comply with Policy regulations and would be approved to the detriment of the area, through communication, consultation with the residents, Domination Homes, Mayor John Carey and senior Planner Peter M, changes have been made that have addressed if not all most of the concerns that were presented.
 - Although not completely compliant, the outcome for those live in the immediate area is far better than what was originally proposed. Setbacks, privacy issues, dual crossovers, fencing, carports, bin locations have all been addressed.
 - Mr Thompson thanked Dominic from Domination Homes for the time to listen and to make many changes after fully consideration and to try and keep everyone happy. Mr Thompson also thanked Mayor Carey and his advisors for their time and efforts through the Consultation period, a job well done. Although no one is ecstatic about the number of units, we all understood that under current regulations, eighteen (18) dwellings can be erected as ugly as they might be. So based on the consultation and the changes that have been made place, Mr Thompson proposed to the Council to accept the revised plans and allow Domination Homes to build the proposed development.

3. Tony Reid of 44 Shakespeare Street, Mount Hawthorn – Item 14.1 Stated the following:
- Mr Reids house is adjacent to the proposed development. Since the initial proposal presented in December 2013, this development has been a subject of much discussion and consultation involving the residents, the Council and the developer.
 - Mr Reid stated that he would like to sincerely thank the Mayor, the City of Vincent Planning Section and Dominic the developer for taking into consideration the residents' concerns and revising the development to that which was currently presented.
 - Mr Reid stated that the Mayor and Acting Director Planning Services had gone out their way to assist them as to did the developer, who had revised the drawings a number of times and had done his best to account for all the residents issue and it was much appreciated and is good to see this process operating.
 - Mr Reid stated that the issues that affected him most directly the following improvements are evident:
 - The additional one (1) metre upper floor setbacks on the units adjacent to his property.
 - The windows that overlooked his property and are no obscure to 1.8 metres above finished floor level.
 - The stairs to the upper level is a less intrusive.
 - The additional crossover to Hobart Street is good.
 - A dividing rear boundary fence one metres high with a lattice above it to bring it to a height of 2.4 metres. Regarding this issue there is some objection to move the fence to 2.4, there is a preference to 2.1.
 - Given the nature of the development the particular reference to the close proximity of the outdoor living space to the residents on the Northern boundary and the general private use issues, that it would be good if the fence could have a ladder structure up to 2.4 metres.
 - Mr Thompson added that currently plans don't show this lattice structure and appreciated that this could be approved by the Council and made a condition of the approval.
 - Overall Mr Thompson believed that this development had a far better layout from an architectural perspective and the other entire plot ratio has increased and believed that the larger units are in far more in keeping with area. Although he would rather not be living next to nine (9) two storey buildings he supported this proposal as it is much improvement on its predecessor and also respected the effort that has come about through the consultative process and once again he sincerely thanked all involved and that it is important that the Council develop a streetscape regulation to ensure that multiple two (2) storey developments such as these are restricted to more main thorough fares than quiet suburban roads, if there is a public process here, he would be more than willing to become involved.

4. Pat Hegney of Hobart Street, North Perth Stated the following:
 - My name is Pat Hegney of Hobart Street, North Perth I am a resident/ratepayer and employee of the City of Vincent and on behalf of the staff, who are here today standing outside the Council Chambers, stand united in support of our CEO, and we would like to submit a **Petition** signed by 138 employees, which reads:
'To the Mayor and Councillors of the City of Vincent who voted not to extend the CEO, John Giorgi's Contract of Employment.
We, the undersigned, employees of the City of Vincent, would like to show support for our CEO, John Giorgi, and request that his contract be extended to carry us through this critical time of the structural reform process. The lead up to the Local Government Reform has been a stressful and uncertain time for all staff which inevitably has affected our morale. For 20 years, the CEO has worked tirelessly and devoted his life to Vincent and has always placed the best interests of the staff and the City's residents and ratepayers above all else. John's proven leadership and experience is paramount in providing for a stable work environment in moving forward with the changes required for the Local Government Reform. We request, that the Council RESCIND its decision and vote to extend the CEO's tenure to lead us through the structural reform process.'
5. John Merton of 49 Shakespeare Street, Mount Hawthorn– Item 14.1 Stated the following:
 - Mr Merton stated that he made written objection to an spoke against the proposed plans for developing 86 Hobart Street, Mount Hawthorn that were considered and not supported by the Council last December. Since then much has changed and he did not go through what the Council had already been advised regarding the intensive Consultation that had happened.
 - Mr Merton thanked everyone involved in the process of that often stressful process and in particular Mr Minetti the developer, Mayor John Carey and Mr Brett Thompson my good neighbour who spoke before for their good faith and perseverance in negotiating an outcome that has balanced a different interest in play while providing an improved result for our community.
 - Mr Merton stated that the objections he initially raised were to do with traffic concentration, density, inadequate setbacks from adjacent properties and an overall design that presented as cheap, nasty and wholly at odds with surrounding properties and streetscapes. Mr Merton addressed these issues one by one:
 - The double entrance driveway in the new plans, reduces traffic concentration to the extent possible and wider regulations and is a much better outcome.
 - The plans provide setbacks for adjoining properties which are substantially greater than the developer is required to give and which combined with other detail design changes are acceptable to most owners of those adjoining properties.
 - The new design of the building is much better integrated, interesting and appealing, there is a now a pleasing variety in the roof profiles and relationship, while the horrible carport proposed previously have disappeared under other structures.
 - Councils, not just this Council have approved some astonishing ugly developments around Perth, he was confident that if built to the revised plans this would not be one of them.

- That leaves the matter of the density, the developer is consistently been adamant that he must built eighteen (18) units to meet his commercial targets, the local community has been equally consistent in saying that eighteen (18) units are too many, the size of at least some of the units have grown in the revised plans and he was not qualified to speak on what effect this has had on plot ratio's. What can be said is that if this level of density is the compromise required to have a development of greatly improved quality, that shows much more respect for its neighbours, then it is an acceptable compromise. Mr Merton commended the plans to the Council and withdrew his objection.
6. Bruce Webber of 19 Dunedin Street, Mount Hawthorn – Item 14.1 Stated the following:
- Mr Webber lives adjacent to 86 Hobart Street, Mount Hawthorn. It was his opinion that since 2010 when the latest R Code revisions were made, Councils in Perth had been collectively standing around with their pants around their ankles in regard to the appropriate development of our wonderful City. It has taken the proposal for 86 Hobart Street, to bring the full ugly implications of this simplistic approach to increasing house density into sharp focus, unfortunately for Mr Webber the next door residents living in the last remaining block of R20 zone land in Mount Hawthorn appropriate development is a relevant term regarding what has been and is now proposed for this site.
 - Mr Webber first message is that he could not emphasise how important it is to address the issue of appropriate development for the suburbs. In other city's visionary Town Planners had managed to combine high density living near public transport with low density leafy suburbs and parks nearby, raising population density but not at the expense of quality of life, we must strive to do the same here. Any of these changes however will come too late to influence what happens at 86 Hobart Street, tonight there needs to be decision that represents the best possible outcomes given existing Policy.
 - His second message is that it should be clear that he supported appropriate development for this site, but that the existing Policy simply does not provide enough restrictions to keep development appropriate an equitable full back position therefore is to make the development minimally and equally inappropriate for all neighbouring residents and for the dwellings to fit as best possible with surrounding properties.
 - His third message is that the original plans for eighteen (18) units are on so many levels horribly inappropriate for the site and total disregard for the privacy of many neighbours focus traffic onto one driveway and architecture that jars with the existing streetscape. These plans would be a nightmare and thankfully were rejected in December 2013, it must be pointed out however that with very minimal changes these plans could easily meet existing regulations and be approved, this would be an utter disaster. Thankfully the developer Dominic and the City of Vincent had spent a great deal of time and effort to work with him to seek a better outcome, they did not have to do this and he sincerely thanked everyone involved for their efforts.
 - The most recent plans for the eighteen (18) units remain non compliant but they are vastly improved in terms of addressing the concerns, bigger setbacks, improved window and balcony privacy, disbursed traffic flow and bigger higher quality units that are more similar to surrounding properties are clear positive changes. Mr Webber stated that he would like to still see more evidence of careful thought to landscaping and requested that the Council seek and approve lattice extensions on the boundary fences to 2.4 metres as privacy is going to be an issue for everyone with small courtyards immediately adjacent to fence lines.
 - His last message was that while he was still not at all happy with the existing plans, they are vastly better than earlier plans that could so easily be approved given minor adjustments and for this reason and given the current circumstances the most recent development plans that he saw had his full support.

7. Naomi Lennard of 56 Redfern Street, North Perth – Item 9.1.2 Stated the following:
- Ms Lennard requested that if the item could be deferred to the next Ordinary Meeting of Council, due to business travel, commitments for the three affected parties, two are unable to attend this evening.
 - The following points require further investigation, for me in specific it is regarding the South boundary and the direct and significant impact on our privacy and natural light. Number one, I am following the guidelines that were given to us the other day, the stairs from the side entrance. The side entrance pathway which runs around my full boundary runs down the side path of the south boundary, the wall is 2.5 metres high, the pathway is 80cms above my natural ground level, which allows 1.65 accordingly to guidelines which is fine.
 - However, from the midpoint of this stairs start to climb onto the first level of their courtyard, which is 30cms below her 2.5 metre wall, so as people come and go from that courtyard they will look directly into her home, she has French doors and windows across the entire back of the house and she believed that this needs to be further investigated and discussed and a possibility of no stairs being allowed into the courtyard as it is unnecessary and directly of their kitchen and dining area. She invited everyone to come and see the impact that it would have.
 - Number two – privacy screening of the spa deck, the spa deck on the second floor or the third level, this had been addressed by the Officer Recommendations for the Eastern Boundary partially to have screening, however the Southern Boundary has not been addressed and therefore needs to be considered, this is the side that overlooks the City.
 - Trees will not physically fit between the spa boundary and the wall as is illustrated and she believed that they did not comply with the permanent screening process. Pots and trees can be moved, plants die, is it possible for a Council to actually enforce plants in the future? The spa deck also looks directly into her backyard, master bedroom and main living areas as previously illustrated at initial Community Consultation.
 - Number Three, the statement of restriction she asked for an additional condition for the Southern walls to be finished and completed as per Recommendation for the Northern aspect. In relation to previous consultation and advertising comments. Setback there is no mention of the Southern side for setback and these needs to be further investigated for the upper level. The height it is still too high as incorrect survey plans are being used, they do not correlate with the topography and survey plans that she had of the original full block as her father owned the full block.
8. Beverly Foot of 54 Redfern Street, North Perth – Item 9.1.2 Stated the following:
- Ms Foot stated that the plans are very misleading in the elevations as described at the beginning and I also think there is privacy issues especially with the top balcony, with a glass balustrade and she advised that these plans need to be looked at more carefully, especially seeing that we have both been very long term residents.

9. John Langdon of 17 Gladstone Street, Perth – Item 9.1.5 Stated the following:
- Mr Langdon advised that he first put plans for this back in April 2013.
 - He attended a meeting of the DAC where we had a junior architect assisting us with this at the time. The DAC made a lot of recommendations to him, and he ended up completely scraping the scheme and going along with their recommendations and going along with their recommendations, he employed CNN architects to redo a completely new scheme, this had been presented to the Council, Planning and had been through a whole process of consultation and discussions and were told that it was supported by Planning, however the DAC, the Planners were concerned that the DAC did not support it on the previous meeting, the minutes of which he was never sent a copy of. He noticed that there was an Alternative Recommendation prepared and thanked the Mayor and the Acting Director Planning Services for proposing the Alternative Recommendation.
10. Tim Hurst – Item 9.1.7 Stated the following:
- Mr Hurst stated that he initially wrote through objecting to the application and would actually be speaking in support of the Officers Recommendation to refuse the application.
 - Just quickly start by saying that he was not against the concept of temporary accommodation, coming into the Hyde Park Precinct and sited the example as originally in the objection of Penzance's in Perth on the Hyde Park perimeter as being a very good example.
 - Mr Hurst attended the Council Meeting last year when the same application appeared and was rejected unanimously and the Mayor at the time made concerns about the cramming aspect of this application and Mr Hurst was still concerned that very little had been done to address this.
 - The application last year sort to put in twenty (28) places in the two (2) dwellings, it has been adjusted to twenty six.
 - It appeared to him that there have been changes to the R codes which alter the parking requirements, in the favour of the applicants and he thinks that little is all they have done to his impression has done very little about changing the place itself and have just tried to exploit this change in the parking requirements and as it turned out there is still above marginally what's required by Policy.
 - Little notice appears to be given to the reasons for the unanimous refusal last year, beyond the Parking issues. Just finally he urged the Councillors to ensure the Advice Notes are formally followed up, this may have happened last year but could not confirm or deny, however what has been said in Harley Street there is very little evidence that there wasn't, there were quite significant Advice Notes with quite large penalties and have noticed that similar Advice Notes are here again and hoped that the Council Offices Recommendation is supported by the Council and just urged for the Council Offices to follow up, but rest assured he will ring through if it is refused.

11. Dominic Nolan – Item 9.1.7 Stated the following:
 - Mr Nolan stated that he was also an objector to this proposal and am also now happy to see that the Council are currently planning to refuse the application. The main issue really is again as already indicated that just exactly twelve (12) months ago an almost identical application was submitted by the owner and they have taken very marginal changes to that application and have not addressed the bulk of the issues which were addressed at the time.
 - What he could see is really the biggest impact is really being the owner and occupier of the immediate property adjacent to this and this would be potentially twenty (26) residents predominately using the driveway which runs up and down the side of his property. In addition to the parking issues that were identified the general cramming, congestion in the area would not believe that this stretch of road really supports property where there are twenty six (26) residents and significantly effects the amenity of the area and also the best efforts of many of the residents in this area to actually bring up the housing stock in terms of quality and presentation. He was happy to see the proposal is to refuse the application.

12. James Peart of 67 Burgess Street, Leederville – Item 9.1.4 Stated the following:
 - Mr Peart stated that somebody earlier tonight mentioned the words “cheap and nasty”, they are pretty much two (2) words which summarise this development.
 - Mr Peart stated that basically he did not even know if the City of Perth would approve. The parts of Leederville which are not really at the rest of the standard to the rest of the City of Vincent, he stated that he did not know that if even City of Armadale would approve something like this.
 - Seven units is theoretically possible but under the performance criteria of the R Codes really approvals of this nature should only be given if all the other requirements are actually compliant with and it is really up to the Planning staff to clearly and convincingly justify why variations to other requirements should be allowed. He really did not believe that this has been done in this instance.
 - Regarding this matter Commercial targets should never be considered, if a developer cannot afford a good development then they have basically paid too much for the land and they should not be in the speculation market. Basically the developer in these examples is asking for favours in approving variations and there are a number of variations in this application including landscaping, setbacks and building design to address the street, where the Council grants such favours and am very clear that these are favours, these need to be ensured that the Community gets a favour back and that is namely that the development makes a positive contribution to the neighbourhood, if the Community is not getting favour back on this, then the only question to be asked is who is getting the favour back, sorry to be so blunt about this.
 - Mr Peart highlighted that there are fantastic examples in the street of developers who have done the right thing and retained the original house and developed at the rear, even demolished the original house but they had fitted in with the objective of the R codes, the houses have addressed the street, they have adequate landscaping, if we are talking about having greening plans on Council property, we need to ensure that we are requiring developers to do the same thing as well.

13. Ian Ker of 92 Vincent Street, Leederville – Item 9.5.1 and 10.4 Stated the following:
- Mr Ker wished to speak on items 9.5.1, Annual Meeting of Electors and 10.4, Local Government Advisory Board Submissions (LGAB).
 - The Annual Meeting of Electors was held on 3rd February. At that time, the Mayor stated that a community meeting would be held on Monday 10th February (ie one week later). This meeting has not yet happened and is now to be held on Monday 9th March – just 4 days before the closing date for submissions. This gives an unrealistically short time for many people to write and send their submissions to the LGAB. Even now, advice of the meeting is buried at the foot of a long swag of text on the Vincent website rather than being emblazoned on the home page.
 - Item 10.4 is a motion that was passed at the Electors' Meeting with the aim of making it as simple as possible for people to make submissions to the LGAB. At the Electors' Meeting, he had offered a more user-friendly submission template than that provided by the LGAB. He had provided that to the City of Vincent and would also be happy to make it available to anyone who would like it. He had written detailed submissions on all five proposals that affect the City of Vincent and would be more than happy to make those available to anyone who would like them, if that would assist them to make their own submissions.
 - While addressing issues of process for so-called local government reform, he could not avoid Item 14.3 of the Minutes of the last Council Meeting. He understood from his many years on Council the role of confidentiality in such circumstances, but it is extremely unfortunate that this inevitably leads to rumour and innuendo taking the place of fact. He did not know the specific basis for the decision not to renew the CEO's contract, but he could state, categorically, that this decision could not have come at a worse time. Not only does it leave lingering tension between Council and Administration, and the Petition presented tonight is demonstration of this. This also weakens Vincent in any negotiations with the City of Perth.
 - Perhaps even more important, this decision provides the excuse needed for the Minister for Local Government to replace Council by Commissioners sooner rather than later, thus disenfranchising the residents and ratepayers of Vincent throughout the remainder of the so-called reform process.
14. Garry Ronan of 16B Burgess Street – Item 9.1.4 Stated the following:
- Mr Ronan stated that this area of land is only 715sq and to place seven (7) units on this tiny street of Burgess Street, which already has a two (2) hour parking limit and no verge parking, is going to increase a tremendous amount of traffic flow.
 - The design does not comply with seven amendments already, so its almost like the developer is asking a big favour of the Council and overseeing or just looking to non compliance measures regarding setbacks, landscaping and roof forms.
 - This development is totally out of character for the amenity of the area, the noise factor, the possibility of increase traffic flow and he believed that the residents and also the people who are either owners or there will not be given residential parking permits or visitor parking permits and you look at the detailed development of the visitor parking areas and the general parking and it does not really work in with the total area.
 - To place seven (7) units on this small block is totally out of character with the street, the area and will destroy the amenity of the immediate street and the location. The landscaping is also virtually zero, the setbacks do not comply and he asked the Council to have a strong hard look at why the seven (7) amendments have not been looked at in detail.

15. Ara Casella AJCD (local boutique architectural firm) – Item 9.1.2 Stated the following:
 - Ms Casella is a director at the above firm.
 - Ms Casella stated that this is a contemporary architecturally styled home, which presents a beautiful form and modern aesthetic and is an attractive edition to the area.
 - We have worked closely with the City of Vincent Planning Officers in order to meet requirements and have made several amendments to the plan. She reiterated that all the comments and feedback in regards to overlooking at bulk mass, height and streetscape submitted to them by the City of Vincent Planning Department during the application process have been addressed and amended within the designs.
16. Paul Aragoni of 13 Dunedin Street, Mount Hawthorn – Item 14.1 Stated the following:
 - Mr Aragoni had the opportunity to view the amended plans of the site and understood that this was the final design that it would be likely to be presented. Mr Aragoni stated that he now had a crossover to contend with on his rear boundary, but at least did not have a two (2) storey on his fence line.
 - Mr Aragoni stated that he had a commitment from the developer from Domenic that a solid brick wall, will replace his super six fence and hoped that the Council would see fit to allow a bit of screening above this, so the best part are gone are the flat carport, which really make the development look like it belonged in Herdsman Parade. The streetscape looks more appealing and the setbacks had to be adjusted in order to accommodate this, so the dwelling on site have been increased in size, which lead him to believe that the increased plot ratio that is something he could live with.
 - As this is a better outcome and will be reflected in the improved value of the buildings that Domenic will be available to sell them for and the complex will not adversely affect the property values of him on the outside of it.
 - Mr Aragoni stated that it is not all perfect by any means and was not anti-development but it is really highlights a problem with these R Codes and was afraid just to hear the speaker before regarding Burgess Street and they are about to go through the same problem, to have a 700sqm block with six or seven, not sure what was stated, something needs to be done if this is starting to infringe into residential areas like this.
 - In the interest of harmony he was prepared to support the proposal now and withdraw any previous objections he had in the past.
 - He passed his thanks on Mr Thompson who had left the Meeting and also to Domenic Minetti of Domination Homes. He thanked the City of Vincent, The Councillors in particular the Mayor who is a strong supporter of maintaining our rich heritage and having an open and accountable Council, to him that this was proof when you were the only one that voted against the demolition of the Masonic Hall in the first place.
17. Simon Thackrah of 30 Windsor Street, Perth – Item 9.2.5 Stated the following:
 - Mr Thackrah is the Chair of the Northwood Neighbourhood Association. The NNA is very much in favour of the Vincent Greening Plan.
 - There was an article in the West Australian a couple of weeks ago in relation to the so called “Heat Island effect”, and it is a real problem in this area. Mount Lawley was the suburb that the journalist from the West Australian chose to illustrate this problem and the article provided evidence that Mount Lawley is several degrees hotter than other suburbs in Perth.
 - Vincent needs to increase its percentage of tree canopy and this Motion before the Council at this item is one step in the right direction. Vincent has already provided streetscape enhancement in Claisebrook Road, which is in the Northwood Precinct and we can already see the benefits. Even more trees would be beneficial on the Road, but it is a step in the right direction.
 - Mr Thackrah stated that he could not comment on the five (5) specific proposals, that are considered within the Item, but the NNA support in general the spending of \$250,000 in the next budget period on these proposals.

18. Neil Teo of Dynamic Planning - 953 Beaufort Street, Inglewood – Item 14.1 Stated the following:
- Mr Teo spoke on behalf of the developer for the site.
 - Mr Teo stated that he was very grateful for the fact that the landowners surrounding this site have taken the time out of their day to come and speak in support of the Item. Additionally he was thankful for the Council staff that also played their role in helping him mediate and negotiate items. It is a great example of how all parties in a development situation can effectively work together to respect everyone's rights in the process and to effectively mediate a win-win outcome.
19. Con Gotsis of 15 Dunedin Street, Mount Hawthorn – Item 14.1 Stated the following:
- He stated that he would be brief as he shared the same sentiments as my fellow residents regarding the use and development of the land, throughout the entire process of mediating with fellow residents, the developer and Council Member, he had been very supportive and respectful of everyone's concerns and always worked with a collective body in reaching a mutual agreement to appease everyone's issues at hand.
 - From the beginning his concern with the proposed development had always been with privacy issues overlooking into his backyard as there had been a number of drawing revisions to accommodate everyone's concerns, he felt that the last drawings made available to residents had disadvantaged him further.
 - Due to the latest changes his concern is directly associated with a positioning of balconies located on the upper levels of Unit 14 and 15 located on the Eastern Perimeter of the site. He felt as though the occupants of these two units will have a clear line of sight into his backyard and in doing so create an intrusion of privacy into his family life.
 - He was only made aware of the drawings this morning and undertook the effort of phoning the developer Domenic directly expressing his concern. They had a very civil discussion and was happy to propose a solution with the addition of the screen wall to the upper levels of each balcony to create more privacy for the residents and himself, which he was very open to and happily expected his proposal.
 - Although he was not happy with the proposed development in general, he offered his full support for this latest development put forward, if a proposal made today by the developer regarding the screen walls in the upper levels of both Units 14 and 15, illustrated in the drawings provided which he had with him are accepted and provided to the final drawings.
20. Reid Ballantyne of 16 Brookman Street, Perth – Item 9.1.6 Stated the following:
- Mr Ballantyne thanked the Councillors for receiving his correspondence and responding to his correspondence over the weekend. He appreciated the response now that he had seen the Agenda and how much extra work it is to actually read the extra correspondence it is really appreciated the fact that it was written and provided us with positive feedback.
 - Sonlife Church operates next door at Loftus Recreation Centre, every Sunday it is a small community of primarily families of eighty (80) people, which currently equates to about thirty (30) cars.
 - We have been looking for a longer term venue for quite a while and opportunity came up at Cleaver Street, in the Cleaver Street Precinct south of Newcastle Street, which we considered to be an ideal opportunity as it currently has no traffic, no parking and it is an exact alternate to current uses in that precinct. We did consult the Council offices, several times prior to lodging a DA for change of use and Technical Services and Planning Services both supported our conclusions which was that it was a complimentary use for this precinct, it was an exact alternate peak for carparking demand in that precinct and we put our application in.

- In summary and as you have received in our correspondence there are a hundred and ten (110) fully unrestricted bays in this precinct that are completely empty on Sundays. We site tested this several times prior to lodgement we have provided aerial photo evidence and site photo evidence on Sunday mornings on three times showing that were two car bays of a hundred and ten available in the precinct south of Newcastle street.
- We appreciate there were a few concerns about residents north of Newcastle street but we really feel that a small church population of eighty (80) with a maximum potential of 125 simply because of the constraints of the building size means there is a maximum of fifty carparks required in the complete off peak of that precinct, it is a great opportunity to diversify the precinct and actually create the vision that's in the West Perth regeneration masterplan, this supported by analysis by the City of Perth and the consultants SKM, so just implore you to really consider that it is a reasonable use, we are happy to consider any alternate conditions that would come with an alternate recommendation and really look forward being in a sustainable part of our community.

Cr Buckels departed the Chamber at 6.50pm.

Cr Buckels returned to the Chamber at 6.53pm.

21. Peter Kerwin of 20 Matlock Street, Mount Hawthorn – Item 9.1.1 Stated the following:

- Mr Kerwin thanked the Council for the opportunity to speak and thanked the Councillors for expressing concern and happy to hear concerns as property ratepayers of the Council.
- Mr Kerwin stated that he objected to the current proposal in its current form, the process was last year in November initial consultation was put out by the department and they made some objections along with the Council at the time privacy was not our major concern and since then they had learnt that the new developed plans have since been approved with radical changes to the plans which now seem to impact on privacy and this is a major concern for him.
- Mr Kerwin stated that he was very concerned in the lack or poor process that has taken in the Planning process, to illustrate the process it is a very large two (2) storey dwelling at the rear of the property, approximately 65sqm, it is deemed to comply with R codes etc. However there are external stairs that were on North Boundary and now been moved to the South and East Boundary, to illustrate the point if you were descending 2.9metres down here you can actually look over the only 1.6metre high asbestos fence from his side, the property is actually higher, so this 2.9metres looking into our children's play area not just the garage.
- Mr Kerwin did not understand how a decision was made by the Planning department without consulting him. Stairs are moved seems to be an issue for other neighbours and have been relocated to his side of the property and boundary and then signed off and did not have the opportunity to respond accept to attend this meeting. So privacy is significantly impacted on, the response from the Planning Department has NA not a tick but NA, his concern is that the information has been made on erroneous information and limited or no proper assessment by the Planning Department.
- Mr Kerwin second point was in relation to the solar access, he engaged an architect a couple of years ago to design the extension, which has been completed. He was an owner/builder is to have a sustainable, low thermal footprint, external thermal mass and other qualities such as water tanks, photovoltaic cells etc. He had done all this and had setback to the Northern Boundary to incorporate northern light to the link space and has got very good green credentials with a high thermal rating. He is very proud of what they have done and what they had achieved, this significant property proposal next door is going to impact significantly not just on privacy but capacity for solar access. He stated that he relied on solar access for his thermal properties, the response from the Council is in all applications around supportive sustainable.

22. Vin Nyunh of Senior Pastor of Sonlife Church – Item 9.1.6 Stated the following:
- We have been operating at Loftus Recreation Centre for the last eighteen (18) months and for the last eighteen (18) months we have had a chance to host morning teas, run programmes for young mum's, we have parenting programmes, organised mothers and fathers day, they have fixed the playground at the Loftus Recreation Centre, free car washing, sausage sizzle. The reason he was advising the Council of this because the vision of Sonlife Church *"is to be a congregation which loves people practically, we believe as believers in Christ, that our job is to display the love of God to people in a practical way."*
 - Mr Nyunh stated that they had been looking for a venue for some time and believed that Cleaver Street would be an ideal place for them to continue to have a Community where they can look after the poor, maybe those who are struggling, youths, single mums, so they would like the Council to consider the application of changing the place from warehouse to a place of worship.
 - So please take this under consideration.
23. Stuart Lofthouse of 123 Oxford Street, Leederville – Item 9.2.2 and 14.3 Stated the following:
- Mr Lofthouse stated that if he had the time he would ask for a minute silence, not for what you did last week, but really what the public should do to you eight (8) up there, it is very disappointing the way you treat the Chief Executive Officer especially.
The Presiding Member Mayor Carey started to speak and Mr Lofthouse continued
 - Mr Lofthouse stated that you cannot interrupt me this is my, if I get three (3) minutes, then you can but in as much as you like.
The Presiding Member Mayor Carey stated that the insinuation there, which was a threat.
 - Mr Lofthouse stated there was no insinuation, it is purely, and you take that up with your legal time.
 - Mr Lofthouse stated if I can please continue on with my three (3) minutes.
The Presiding Member Mayor Carey stated that if I can ask you to be courteous
 - Mr Lofthouse stated I am being very courteous and am being as courteous as you are, or were to someone who for twenty (20) years, in the past has got awards, kept the Council together when you made some funny decisions. Anyways this is not what I want to spend three (3) minutes on.
 - I was very disappointed with this decision, along with many other decisions the Council has made.
 - "Name and Shame" last week being one of them.
 - On Road Cafes, the Council has done nothing – "you are pissing in our pockets", you bought back the same thing that you took out of the Agenda. John look at me like that, that is fine.
 - You know that you are giving a benefit to two (2) or three (3) places in the street, because if you read the Policy that you want to put in place, the red marks are the only places that can have an on road cafe, the one, two, three, four and maximum four and half of those are on fifteen (15) minute parking bays. So really there isn't that many places you can actually put them in, so what are we actually trying to achieve is it, public open space. I don't know. So I ask tonight for that Item to be deferred and more thought to be given. I am quite sure you will look favourable upon anything I ask at the moment.
 - Seems the bell has not gone Crabs, the crabs - why is under Confidential?
The Presiding Member Mayor Carey advised that the Item will be placed into the public forum.
 - I would just like to sign off with my disappointment from you nine (9) that are meant to be leading this community.

24. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.2.2 Stated the following:

- Ms Saunders spoke in relation to the Chief Executive Officer's basic ousting as well, I think its disgusting the way it was done, I think to have in the prior Performance Reviews no mention of your dissatisfaction and then to suddenly have a dissatisfaction now. It is all a bit too convenient with the timing and you blame the mergers and everything else, but I think there is underlying things that are pushing you to make these decisions. Its not a secret that the past Mayor was not "a big fan" of the Chief Executive Officer and as she seems to be "pulling a lot of strings" in this Council.

The Presiding Member Mayor Carey asked Ms Saunders to be respectful.

- Ms Saunders stated that this was her opinion and she is entitled to have her opinion

The Presiding Member Mayor Carey advised Ms Saunders that City of Perth does not allow people to speak and I have met you and am accessible to everyone.

Today I have had calls from people on a range of issues, I am always accessible Debbie, this is my philosophy and my approach, so I just ask to make a suggestion that someone is pulling the strings is inappropriate.

- Ms Saunders stated that this is her opinion. I am sure that some of you would be surprised that I would be speaking out in support of the Chief Executive Officer as he is not one of my favourite people and we don't see "eye - to - eye" on many things, but it goes against everything that I come up here week after week and speak about in that it should be a fair playing field for everyone and Policies and Procedures are put in place to ensure this happens and when you just go out on a limb and do something that does not seem to have sense or rhyme or reason. It just makes a mockery of the whole thing and he has a lot of support from the staff and a lot of other people and these are people who don't maybe particular see "eye - to - eye" with the CEO either, but the way you did it was just wrong.
- I would also like to speak about the on - road - cafes as being the same as before they are total benefit to our business when other business's cannot have them just because of where they are on the street, it devalues the value of a rental property for a landlord, not being able to have one and I know there are no landlords here tonight, but I'm sure when they are made aware of this they will have issue with this as well.
- I would just like to talk about the number of items going Confidential, it seems to be increasing at every meeting and I do not know who decides this.

The Chief Executive Officer advised the Presiding Member Mayor Carey that he had to depart the meeting as he had an urgent family matter to attend to. He submitted his apologies and departed the Meeting.

Mr Boardman, Director Community Services assumed the Acting CEO role.

25. Dudley Maier of 51 Chadsworth Road, Highgate Stated the following:
- Mr Maier stated that he would be speaking on the CEO contract and spoke in favour of the Council as the Councillors could not speak. The Guardian this weeks edition had a statement saying that the Council has not provided any information to counter these concerns and this should make residents even more worried.
 - We heard Mr Little challenging the Council to give their reasons, there is due process, the press need to understand, the Community needs to understand that, there is due process and from what I can see and I have been part of this process in the past, it has been followed.
 - The process starts and I believe this is defined in the CEO contract and he may ask that the Council if they are prepared to automatically without any competitive process to renew his Contract. My understanding is that the CEO did ask that. That is his right, the Council then has to assess that and make a decision and that is their responsibility, I look at the history, it started in October, November, December and February it is not some precious decision that is made by a "pack of rabble". It seems to be and I have not seen the process, but seems to be due process that seems to be followed. The community and the press need to understand this, that process defines what Councillors can and cannot say, they cannot speak about that process because it involves the Contract of the individual.
 - I think also people should compare it to the process that happened four (4) years ago, when I was a Councillor four (4) days before a Council Election we had a Special Council Meeting. I get the Agenda and there is a Recommendation from the CEO that a new Contract be given to him for five (5) years, given that there is two (2) years to run in that process, that was the first I ever heard of it. There was no previous discussion it just happened so I congratulate the Council for I assume following that due process.
 - Now we have heard comments from Mr Little, who should know better, what he is doing I think is spreading some of that misinformation. He is challenging the Councillors to speak when they can't, he is banding figures which I have seen in the Press as well a figure of \$500,000 he should know better. The Act prescribes what a CEO can be paid. What he is doing and I think people who are trying to create some mischief are including things like leave payments, which are already covered by provisions they are not further payments that the Community has to pay. So he bandies about a figure of \$500,000 dollars and I think that is very misleading. I understand where Mr Little comes from. 7 June Mr Little puts in a DA that was a Friday on the Monday the staff assessed it on the Tuesday Councillors voted on it. Now that is a fantastic response and I have no problems with that and every member of the community should be able to expect that sort of response. So I think Mr Little has a slightly inaccurate view of that response, most people in the Community have to wait months for those things. I can understand where he is coming from but he is not correct.
 - The other thing that concerned me was this petition from the staff. Now I am allowed to talk to Staff members now and a staff member expressed some concern, because they felt intimidated by this petition. Not that anyone has heavy hitting them, but they realised that there name would be on a list their supervisor would see it. Potentially the CEO would see it and also the CEO would know who was not on that list and they felt intimidated and I can understand they feel uncomfortable, I do not know if they signed it or not.
 - I think it is really touching that a 138 staff members do support the CEO, but we as the community vote for the Councillors to make decisions and sometimes they are hard decisions and they are made with a lot more information than maybe the Council staff can see, so I think it is not a popularity process. You are elected to represent us and make those decisions.

There being no further speakers, Public Question Time closed at approx. 7.10pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Letter sent to Ms D Saunders relating to – Leederville Hotel and City of Vincent Freedom of Information Process.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition to Mayor and Councillors of the City of Vincent who voted not to extend the CEO, John Giorgi's Contract of Employment.

"We the undersigned, employees of the City of Vincent, would like to show support for our CEO, John Giorgi, and request that his contract be extended to carry us through this critical time of the structural reform process. The lead up to the Reform has been a stressful and uncertain time for all staff which inevitably has affected our morale.

For 20 years, the CEO has tirelessly worked and devoted his life to Vincent and has always placed the best interests of the staff and the City's residents and ratepayers above all else.

John Giorgi's proven leadership and experience is paramount in providing for a stable work environment in moving forward with the changes required for the Local Government Reform.

We request that the Council RESCIND its decision and vote to extend the CEO's tenure to lead us through the structural reform process.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 11 February 2014

Moved Cr Topelberg, Seconded Cr Cole

That the Minutes of the Ordinary Meeting of Council held on 11 February 2014 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey read the following;

- 7.1 I understand that with change there are those who fear it, resist or do not want it. I genuinely understand and I recognise that there are close and personal supporters who here tonight have made their views very clear and I have listened respectfully to those views as this is an employment matter between the Council as the employer and the CEO as a staff member. I am bound by Confidentiality and I take that very seriously, but I am unable to discuss the process. This Council has considered this matter with honesty, sincerity and integrity in accordance with the Code of Conduct and the Local Government Act.

The deliberations on this matter around this table have been significant, extensive and some may actually exhaustive, we considered as Agenda Items on 15 October, 19 November, 19 December, consideration over the summer months with a final decision made in February 2014 and I understand there will be some in the Community, who will use this as an opportunity to act the City of Vincent. Well I want to assure the Community I will not let this happen.

We have an enormous agenda, that is driven by this Council, that I believe genuinely is in step with the aspirations of the Community and ratepayers and that the Members around this Council have been an Elected and endorsed by those residents in 2013 and 2011. I look back now since October as the new Mayor and the new Council and I say to you this is a good Council with an incredible agenda that it is trying to roll out, before forced amalgamations come in. This includes a major transformation of Leederville, with a new nature playground and a major new works, new public art, new upgrades, this includes a new nature playground, programme across Vincent and including Mount Hawthorn, this includes Place Managers that are now being employed to look after our Town Centres.

We are doubling the Greening Plan, we are doing enormous things we are putting in an Adopt a Verge Program which was a baby of mine and has been inundated with results. We are lifting Community standards on Community Consultation, we will be having more Community Forums this year, than ever before, we are moving ahead with Heritage Protection Areas to really protect the amenity of our streets and tonight I am incredibly proud that we will be announcing \$2.5 million on the City's largest ever Bike Plan for the City to make this Community truly liveable and in fact I understand will be one of the biggest investments for a Council per its size.

I am proud of this Agenda and is an Agenda that represents the aspirations of our Community and I will honour that Community and act with sincerity, honesty and integrity as will my Councillors do and I want to assure the group here and residents and ratepayers that I will work my guts out with this Council to deliver, despite the changes that may happen as a result over the next year and a half.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Harley declared an Impartiality interest in Item 10.4 – NOTICE OF MOTION: Mayor John Carey – Local Government Advisory Board Submissions. The extent of her interest being that she has a kinship relationship with a Councillor at the City of Perth Council, he is her son.
- 8.2 Cr Topelberg declared an Impartiality interest in Item 9.1.1 - No. 22 (Lot: 151 D/P: 3642) Matlock Street, Mount Hawthorn – Proposed Two Storey Study Addition above the Existing Carport to Existing Single House. The extent of his interest being that the adjoining neighbours is a personal friend, we have discussed the proposal at length and I have provided impartial advice and clarification of relation to the proposed development.

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

Nil.

10. REPORTS

The Presiding Member, Mayor John Carey, 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 9.1.1, 9.1.2, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.2.2, 9.2.5, 10.4, 14.1 & 14.3

- 10.2 **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment and the following was advised:**

Items 9.5.2 & 9.2.2

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

Nil.

Presiding Member, Mayor John Carey, 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 John Carey	Nil
Cr Buckels	Nil
Cr Cole	Nil
Cr Harley (Deputy Mayor)	9.5.6, 14.2 & 14.3
Cr McDonald	Nil
Cr Pintabona	Nil
Cr Topelberg	9.2.2, 9.2.4 & 9.3.1
Cr Wilcox	Nil

The Presiding Member, Mayor John Carey, 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 9.1.3, 9.2.1, 9.2.3, 9.2.6, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.5.3, 9.5.4, 9.5.5 & 9.5.7

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

Item 14.1, 14.2, 14.3, 14.4 & 14.5

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 9.1.3, 9.2.1, 9.2.3, 9.2.6, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.5.3, 9.5.4, 9.5.5 & 9.5.7

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

Items 9.1.1, 9.1.2, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.2.2, 9.2.5, 10.4, 14.1 & 14.3

(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 John Carey 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 Wilcox, Seconded Cr McDonald

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

Items 9.1.3, 9.2.1, 9.2.3, 9.2.6, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.5.3, 9.5.4, 9.5.5 & 9.5.7

CARRIED UNANIMOUSLY (8-0)

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr McDonald

That the Confidential Items 14.2 and 14.3 be removed from the Confidential Agenda Items and be debated in Open Council.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.1.3 No. 34 (Lot 2; STR: 45840) Joel Terrace, East Perth – Proposed Construction of Three Storey Grouped Dwelling

Ward:	South	Date:	14 February 2014
Precinct:	Banks Precinct; P15	File Ref:	PRO0268; 5.2013.462.1
Attachments:	001 – Property Information Report & Development Application Plans 002 – Letter from Swan River Trust dated 11 December 2013 003 – Plans approved by the Council at its Ordinary Meeting 11 August 2009 and 12 July 2011.		
Tabled Items	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory) T Elliott, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting 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 Catherine Hobbs for Proposed Three Storey Grouped Dwelling, at No. 34 (Lot 2; STR: 45840) Joel Terrace, East Perth, and as shown on plans stamp-dated 10 October 2013, subject to the following conditions:

1. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the City of Vincent, on advice from the Swan River Trust;
2. All fill including rocks, and sand that are imported onto the site shall be clean, uncontaminated, and free of organic matter in accordance with the definition of 'clean fill' outlined in the Department of Environment and Conservation's Landfill Waste Classification and Waste Definitions 1996;
3. No fill, building materials, rubbish or any other deleterious matter shall be placed on the Parks and Recreation zoned land at Lot 1000 Summers Street or allowed to enter the river as a result of the development;
4. The facades of the house and outdoor entertainment areas that are visible from the river and adjoining Parks and Recreation zoned land shall be constructed predominately of non-reflective materials and finished in natural colours that harmonise with the river environment to the satisfaction of the City of Vincent; and
5. 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. In relation to Condition 1, the applicant is advised that the placement of crushed limestone beneath the soakwell on the eastern side of the property may assist in managing any disturbance to acid sulphate soils at this location;
2. The Swan River Trust recommends garden planting with local native species to reduce water usage and fertiliser requirements;

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 Joel Terrace or from the river;
4. Any new street/front wall, fence and gate within the Joel Terrace Street setback areas, including along the side boundaries within these street setback areas, 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.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

PURPOSE OF REPORT:

The proposal requires referral to the Council as the City's Officers do not have delegation to consider the proposed construction of a three (3) storey grouped dwelling.

BACKGROUND:

History:

Date	Comment
22 January 2004	The Western Australian Planning Commission conditionally approved the subdivision of No. 36 (Lot Pt 379) Joel Terrace, East Perth, into three survey strata lots, two of the lots fronting the recreational reserve. The subject lot was a product of this subdivision.
10 August 2004	The Council at its Ordinary Meeting resolved to approve an application for proposed retaining walls to a vacant residential lot (Strata Lot 1). The retaining enabled the common property area (the driveway) to be constructed, as required by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004.
23 May 2006	The Council at its Ordinary Meeting resolved to approve an application for proposed retaining wall on the vacant lot.
11 August 2009	The Council at its Ordinary Meeting resolved to approve an application for the proposed Construction of One, Three-Storey Grouped Dwelling.
12 July 2011	The Council at its Ordinary Meeting resolved to approve an application for an amendment to the approval of proposed Construction of One, Three-Storey Grouped Dwelling.

DETAILS:

Landowner:	C M Hobbs & C Spooner
Applicant:	C Hobbs
Zoning:	Residential R60
Existing Land Use:	Vacant Lot
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	285 square metres
Right of Way	N/A

The proposal involves minor amendments to the plans that were approved by the Council at its Ordinary Meeting held on 11 August 2009 (attached), and subsequently amended on 12 July 2011 (attached). The above two approvals have since expired, as they are valid for a period of two years unless substantially commenced. It is noted that a similar three-storey single residential dwelling on the adjacent property at No. 36 Joel Terrace, was also considered and approved at the same Ordinary Meeting of Council held on 11 August 2009.

The changes proposed to the previously approved (now lapsed) plans are as follows:

- The living/dining area on the basement floor plan has been reduced in area to allow an extension of the verandah; and
- The wall of bed 3 on the first floor plan has been straightened for liveability and ease of construction.

ASSESSMENT:

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

Design Element	Deemed to Comply or TPS Clause	Design Principles or TPS Discretionary Clause
Density	✓	
Streetscape	N/A	
Front Setback	✓	
Street Walls and Fencing	N/A	
Roof Form	N/A	
Dual Street Frontages	N/A	
Setbacks from Rights-of-Way	N/A	
Lot Boundary Setbacks		✓
Building Height		✓
Number of Storeys	N/A	
Open Space	✓	
Landscaping	N/A	
Access	✓	
Parking	✓	
Privacy	N/A	
Bicycle Spaces	N/A	
Dwelling Size	✓	
Site Works	N/A	
Essential Facilities	✓	
Outdoor Living Areas	✓	
Surveillance	✓	
Overshadowing	✓	
Setback of Garages and Carport		✓

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

Issue/Design Element:	Building Height
Requirement:	<p>Residential Design Elements Policy BDADC 5. Building Height</p> <p>The maximum height of a dwelling is to be 2 storeys (including any garage, loft or the like) Top of Wall (External) – 6.0 metres Top of Pitched Roof – 9.0 metres</p>
Applicants Proposal:	<p>Three (3) Storeys Top of Wall (External) - 8.7 metres Top of Pitched Roof – 9.7 metres</p>
Design Principles:	<p>Residential Design Elements Policy BDPC 3</p> <p>(i) 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 • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p>Nil</p>
Officer technical comment:	<p>The subject site varies significantly from west to east, totalling approximately 5.3 metres from the front (west) to the rear (south) boundary of the lot. Given the constraining topography of the site, it is difficult to design a compliant dwelling, particularly in terms of wall and pitched roof heights.</p> <p>The Residential Design Elements Policy clearly states that variations to the maximum building wall and external wall heights may be considered due to topographical or other environmental considerations, provided the streetscape and amenity of the affected adjacent properties is protected, particularly:</p> <p><i>“The natural ground level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street.”</i></p> <p>The proposal does not have a frontage to Joel Terrace; as rear access from Joel Terrace is gained via a shared driveway. When viewed from the shared accessway and the Parks and Recreation reserve however, the house looks like a two-storey dwelling. When viewed on plan, the dwelling appears to be a three storey development; however, it is important to acknowledge that the third storey element, the deck on the first floor, is setback approximately 17 metres from the rear building line towards the Parks and Recreation Reserve.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>Basement Floor</u> South: Laundry- 1.0 metre Balance- 1.5 metres</p> <p><u>Ground Floor</u> North: Garage - Laundry – 2.4 metres South: Entry – 1.2 metres Balance – 2.7 metres</p> <p><u>First Floor</u> North: Bed 2 – Screen – 3.6 metres South: Bed 2 – 1.4 metres Screen Wall – 3.6 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 3.5 metres Average Boundary Wall Height – 3.0 metres Built to one side Boundary only.</p>
Applicants Proposal:	<p>First Floor</p> <p><u>Basement Floor</u> South: Laundry- Nil Balance- 1.0 metres</p> <p><u>Ground Floor</u> North: Garage - Laundry – Nil</p> <p>South: Entry – Nil Balance – 1.9 - 2.114 metres</p> <p><u>First Floor</u> North: Bed 2 – Screen – Nil</p> <p>South: Bed 2 – Nil Screen Wall – 2.4 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 8.7 metres Average Boundary Wall Height – 8.7 metres Built to two side Boundaries.</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1)</p> <p>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:	Nil
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria due to the following:</p> <p>The orientation of the lot provides adequate sun and ventilation to the building. The staggered setbacks proposed on this development provide privacy to adjoining properties. Furthermore, there is no overshadowing impact, as the adjoining southern lot is a car park.</p>
	On this basis the variation is supported.

Issue/Design Element:	Setback of Garages and Carport
Requirement:	Residential Design Elements Policy SADC 8. Setback of Garages and Carport Garage to be 0.5 metres behind Main Building Line.
Applicants Proposal:	Garage is in front of ground floor.
Design Principles:	Garages and carports are not to visually dominate the site or the streetscape.
Applicant justification summary:	Nil
Officer technical comment:	Due to the rear location of the site, the dwelling does not form part of the Streetscape of Joel Terrace. On this basis the variation is supported.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy No 4.1.5 relating to Community Consultation:	Yes
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Comments Period:	13 January 2014 to 28 January 2014
Comments Received:	Five (5) Comments of support were received. 'Nil' objections.

A sign was placed on site giving notice of the proposed development for a period of fourteen (14) days from 13 January 2014 to 28 January 2014.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Three Storey Grouped Dwelling, at No. 34 Joel Terrace, East Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Banks Precinct Policy No. 7.1.15; and
- Residential Design Elements Policy No. 7.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 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 2013-2017 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
The design of the dwelling allows for adequate natural light and ventilation through numerous windows on the sides of the building. These design elements have the potential to reduce the need or reliance on artificial heating, lighting and cooling.

SOCIAL
N/A

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Redevelopment – Swan River Trust

As per the statutory requirements, this application was referred to the Swan River Trust for their comments and recommendation. In a letter dated 11 December 2013, the Swan River Trust stated that they did not have any objection to the plans, subject to appropriate conditions to address reticulation, drainage, fill and vehicle access.

CONCLUSION:

The current proposal is very similar to the previously approved 3 storey grouped dwelling, which has now expired. The current proposal includes the minor changes which are supported. The current proposal including the minor changes are not considered to result in any further impacts on the existing streetscape and neighbouring properties than those variations approved in the original and subsequent applications.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed in the Officer Recommendation.

9.2.1 Vincent Bike Network Plan 2013 – Progress Report No. 3

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	TES0172; FIN0131
Attachments:	001 - AURECON Letter of Recommendation 002 – Plan No. 3104-CP-05B - Phase 1 and 2 003 – Plan No. 3095-CP-01 - Vincent Street 004 – Plan No. 3107-CP-01 - Bulwer Street 005 – Plan No. 3127-CP-01 - Scarborough Beach Road		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the;
 - 1.1 **City has received correspondence from AURECON Transport Engineers, (who prepared the Vincent Bike Network Plan), outlining the recommended Priority of Strategic Bicycle Routes in the City of Vincent;**
 - 1.2 **Strategic Routes have been split into the following, based on the above advice;**
 - 1.2.1 **Phase 1, comprising all works relating to the delivery of Vincent and Bulwer Street bike lane to Palmerston Street as shown on attached Plan No.s 3095-CP-01, 3107-CP-01 and 3104-CP-05B estimated to cost \$740,000; and**
 - 1.2.2 **Phase 2, comprising all works relating to the delivery of bike lanes on Oxford Street and Scarborough Beach Road as shown on attached concept Plan No 3104-CP-05B and 3127-CP-01 estimated to cost \$1,515,000;**
 - 1.3 **implementation works of the Vincent Street Dual Use Pathway bike lanes is progressing well and the detailed design work for the Bulwer Street section is nearing completion;**
 - 1.4 **2013/2014 Budget includes \$639,500 for Bicycle Network Implementation and Improvements; and**
 - 1.5 **decision of the PBN Funding Grants 2014-15 has been delayed;**
2. **APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$100,500 from the Capital Reserve Fund;**
3. **APPROVES IN PRINCIPLE the proposed Phase 2 projects currently estimated to cost \$1,515,000 to be implemented in 2014/2015, as outlined in clause 1.2.2;**

4. **LIST** and amount of \$ 1,515,000 for consideration in the 2014/2015 Draft Budget;
5. **CONSULTS** with affected residents/businesses regarding the Phase 1 project and advertises the plan to the wider community; and
6. **RECEIVES** a further report on the implementation of Phase 1 of the Vincent Bike Network Plan at the conclusion of the community consultation.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of progress to date of works and to seek the Council's approval of the delivery of future projects as recommended by Aurecon Transport Engineers.

BACKGROUND:

The Vincent Bike Network Plan 2013 Report No.3 has been developed in consequence to the Ordinary Meeting of Council held on 17 December 2013, Council Decision Item 9.2.7 which states:

"That the Council;

1. **NOTES;**
 - 1.1 *the following proposed three (3) Staged Plan to deliver the Vincent/Bulwer Street Bike Lanes as outlined in the report and as outlined in the attached spread sheet at attachment 9.2.7;*
 - 1.1.1 *Vincent Street Bike Lanes – Oxford Street to Charles Street on path lanes as shown on Plan No. 3095-CP-01 and Charles Street to Bulwer Street on road lanes as shown on Plan No, 3108-CP-01 estimated to cost \$88,100;*
 - 1.1.2 *Stage 1: Bulwer Street Bike Lanes – Vincent Street to Palmerston Street as shown on attached Plan No. 3107-CP-01, estimated to cost \$650,000; and*
 - 1.1.3 *Stage 2: Bulwer Street Bike Lanes – Palmerston Street to Lord Street 'tentatively' estimated to cost \$1,300,000;*
 - 1.2 *that grant applications for Perth Bicycle Funding for 2014/2015 totalling \$347,500 have been submitted and will be determined in February 2014; and*
 - 1.3 *the progress on the other Vincent Bike Network Plan initiatives;*
2. **APPROVES BY AN ABSOLUTE MAJORITY** to reallocate \$93,500 from the 2013/2014 Totem Way Finding budget to fund the proposed Vincent Street Bike Lanes, as per clause 1.1.1 above;
3. **AUTHORISES** the Chief Executive Officer to progress the design/implementation of the Vincent Street on-path lanes, between Oxford Street and Charles Street, and the Bulwer Street on-road bike lanes, between Vincent Street to Palmerston Street subject to;
 - 3.1 *a feasible and practical design being finalised and approved by the various stakeholders;*
 - 3.2 *appropriate funding being obtained/allocated; and*

3.3 consultation with affected residents/businesses being undertaken; and

4. *RECEIVES further progress report on the implementation of the Vincent Bike Network Plan in February/March 2014."*

DETAILS:

PHASE 1 and PHASE 2 works:

The City met with Aurecon Transport Engineers in January 2014 at which point Aurecon provided recommendations (refer attachment 9.2.1A) of Strategic Routes to be progressed by the City and in a prioritised order, as per the following:

- Vincent and Bulwer Street (to Palmerston);
- Oxford Street; and
- Scarborough Beach Road.

In order to communicate the overarching Bike Network Plan to stakeholders including the community, it is recommended that these routes be separated into two phased developments – Phase 1 and 2 (refer attached plan No 3104-CP-05B)

PHASE 1 – Vincent/Bulwer Street Bike Lanes:

This comprises a three (3) staged plan as follows:

Vincent Street: On-Path Bike Lanes, Oxford Street to Charles Street:

This comprises 900m metres of bi-directional shared path to be created using the existing footpath on the northern side of Vincent Street, joining the Dual Use Path in Beatty Park Reserve. On path signage at key start and end points with some service relocation. Estimated cost: \$85,000.

Vincent Street: On-Road Bike Lanes, Charles Street to Bulwer Street:

This comprises 250 metres of on-road bike lanes using existing line markings on the road shoulders. These are approximately 900mm wide and will benefit from the heightened presence of green road paint treatments on the road shoulders. Estimated cost: \$5,000.

Officer Comments:

The Vincent Street On path bike lanes, in large part, involve only on-path and pole signage as well as the relocation of certain structures (two (2) light poles, three (3) bus shelters and three (3) bike racks). Including cycle phasing at the signal intersections of both Loftus and Charles Streets is seen as the major work costs, with the Main Roads WA as yet unable to confirm acceptance of altering the lights phasing and associated costs (refer attached plan No. 3095-CP-01).

Bulwer Street: On-Road Bike Lanes, Vincent Street to Palmerston:

This comprises 1100 metres of 1.5 metre wide on-road bike lanes on both sides of Bulwer Street, achieved by embaying parking. Estimated cost: \$650,000.

Officers Comments:

The Bulwer Street on-road bike lanes will involve substantial engineering works and a feature survey has been completed by JB SURVEYS and a detailed design has been developed by the City's Officers (refer attached plan No. 3107-CP-01). These lanes include green treatments at intersections.

The design indicates the loss of eighteen (18) parking bays (49 bays currently) between Vincent and Fitzgerald Street and five (5) parking bays (44 bays currently) between Fitzgerald and Palmerston.

Appropriate funding obtained/allocated.

The 2013-2014 Bicycle Network Implementation and Improvements budget account has a balance of \$56,000, with Council allocating an additional \$93,500 funds at the 17 December 2013 Ordinary Meeting of Council. The City is still awaiting the result of its application to the Perth Bike Network Grants 2014/2015 funding round. The Assessment Panel for these grants is meeting currently, with a decision expected in mid March 2014.

Note: The City has applied for \$347,500 in grants for Phase 1 projects.

Consultation/Discussion:

Several leading Cycling organisations (Bicycling WA, Bicycle Transportation Alliance, Westcycle, and South Perth Cycle Club) have been contacted regarding the City's Bike Network Plan and the proposed strategic routes identified as priorities. All have expressed support for any infrastructure improvements the City may provide.

Note: This phase is still subject to consultation with the local Vincent community, pending the approval of Council.

PHASE 2 - Oxford Street and Scarborough Beach Road Bike Lanes:

Oxford Street – On-Road Bike Lanes between Vincent Street and Scarborough Beach Road.

This comprises 3,000 metres of 1.5 metre wide on-road bike lanes on both sides of Oxford Street, achieved by embaying parking. Estimated cost: \$1,000,000

Scarborough Beach Road – On-Road Bike Lanes between Fairfield and Charles Streets:

This comprises 2,600 metres of 1.5 metre wide on-road bike lanes on both sides of Scarborough Beach Road achieved by reducing this road to two (2) lanes rather than four (4). This creates an opportunity to also greatly increase tree plantings along this route.

The estimated cost of the bike on road bike lanes with some limited embayed parking is \$250,000 plus \$125,000 for signal phasing modifications. The estimated cost of the central median tree planting/treatments is \$140,000.

Therefore total estimated cost including trees/median/cycle lanes is \$515,000.

An example of what would be undertaken is shown on attached sketch plan No. 3127-CP-01 (proposal still being developed).

The Phase 2 Strategic Routes still require in principle support of the Council and are subject to proper Planning and Consultation and the sourcing of funding.

Possible alternative part funding source for a portion of the Scarborough Beach Road – On Road bike lanes between Oxford and Loftus/London Streets:

On 24 April 2013 the City submitted an application to MRWA for Metropolitan Regional Road Funding. The City's submission is outlined below.

Project	Section	Estimate	Score
Flinders Street	Scarborough Beach Rd to Anzac Rd	\$242,263	1412
Scarborough Beach Road	Loftus St to Oxford St	\$413,620	2197
William Street	Raglan Rd to Chatsworth Rd	\$336,457	1516

The State Government has indicated that it is considering reducing the funding allocation for the Metropolitan Regional Road Program and therefore the officers are not sure whether all (or any) of the above project will receive funding.

If the City was successful in securing funding for Scarborough Beach Road, the \$515,000 price tag for the bike lane project could be reduced by approximately \$180,000 as part of the kerbing/asphalt surfacing works could be funded from the MRWA funding. Therefore only \$335,000 would be required

CONSULTATION/ADVERTISING:

A consultation program will be designed and implemented in conjunction with the City's Marketing and Communications Officer and in accordance with the City's Consultation Policy.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective 1 states:

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

1.1.5 Take action to improve transport and parking in the City and mitigate the effects of traffic.

(d) Promote alternative methods of transport."

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 1 states:

"Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City".

SUSTAINABILITY IMPLICATIONS:

The increasing densification of sections of Vincent, especially as a result of developments along Oxford Street, will highlight the need to provide infrastructure for those seeking to use active transport.

An increased cycling participation rate by both residents and the wider community should lead to improved general health and well being of the community, while reducing carbon emissions and the dependence on motorised transport.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The 2013-14 Bicycle Network Implementation and Improvements budget account has a balance of \$639,500 (which is made up from the original 2013/2014 funds of \$56,500 plus \$93,200 re-allocated at the Ordinary Meeting of Council held on 17 December 2013 and \$489,800 re allocated at the Ordinary Meeting of Council held on 11 February 2014.

PHASE 1					
Street	Section	Description	Estimated cost	Funds available	Funds required
Vincent St.	Oxford to Charles	On-Path cyclelanes	\$85,000		
Vincent St.	Charles to Bulwer	On-Road bike lanes	\$5,000		
Bulwer St.	Vincent to Palmerston	On-Road bike lanes	\$650,000		
		Total	\$740,000	\$639,500	\$100,500

PHASE 2					
Street	Section	Description	Estimated cost	Funds available	Funds required
Oxford St.	Vincent to Scarb. Bch Rd	On-Road bike lanes	\$1,000,000		
Scarb. Bch Rd	Fairfield to Charles	On-Road bike lanes	\$515,000*		
		Total	\$1,515,000	\$0.00	\$1,515,000

The City is still awaiting the result of its application to the Perth Bike Network Grants 2014-15 funding round. The Assessment Panel for these grants is meeting currently, with a decision expected in mid March.

Note:* As mentioned in the report, if the City was successful in securing funding for Scarborough Beach Road, the \$515,000 price tag for the bike lane project could be reduced by approximately \$180,000. Therefore only \$335,000 would be required.

COMMENTS:

Aurecon Transport Engineers and Planners have identified a priority of Strategic Routes for the City to pursue. Creating a Phase 1 and 2 of works will assist in communicating the projects to Vincent residents, which can then be progressed subject to proper planning, consultation and funding.

It is recommended that the converting of the Vincent Street footpath into a shared path through the use of signage and some service relocation be progressed and that the design for the Bulwer Street Bike lanes be approved, subject to funding and consultation.

9.2.3 Improved Precinct Cleaning Progress Report No. 2

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	TES0565
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	C Economo, Manager Engineering Operations R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

1. **NOTES** the information contained in the report regarding proposed improvements in Precinct Cleaning; and
2. **LISTS** for consideration an additional allocation of \$120,000 per annum in the Street/Precinct Cleaning Operating Budget, commencing in the 2014/2015 budget, to enable prioritised High Pressure Cleaning to be undertaken in the City's Commercial Precincts.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

PURPOSE OF REPORT:

This report is in response to a notice of motion regarding improved precinct cleaning.

BACKGROUND:

Ordinary Meeting of Council held on 7 December 2004:

The Council adopted the following resolution (in part):

"(vii) CONSIDERS the viability of a precinct street cleaning taskforce for inclusion in the 2005/06 Budget and that a report to Council be submitted for the second meeting in March 2005."

Ordinary Meeting of Council held on 7 February 2005:

"That the Council;

- RECEIVES the report on the Proposed Technical Services Division - Precinct Cleaning Operations Unit;*
- NOTES the information contained in the report on the preliminary indicative cost for the establishment of a dedicated Precinct Cleaning Unit of \$185,000 for new Plant and Equipment and an additional approximate cost of \$100,000 per annum to operate the unit;*
- CONSIDERS allocating appropriate funds, estimated to cost \$285,000 for the Precinct Cleaning Unit in the 2005/2006 draft budget; and*
- RECEIVES a further report in April/May 2005 on the cost implications of a revised major Plant Replacement Program to include the possible Precinct Cleaning Plant and equipment."*

DETAILS:

Precinct Cleaning Unit – Current Operations:

The Precinct Cleaning Unit, established in 2006/2007, currently consists of two (2) staff and a small tipper truck. They commence at 5.30am daily and operate seven (7) days per week, every day except Christmas Day. The road sweeper commences with the unit at the same time.

The team commences at the Oxford Street Precinct and they use blowers to blow the rubbish from the footpath onto the road so the large sweeper can collect the debris.

The Oxford Precinct is usually completed by 7.00am and they go to Beaufort Street (Bulwer Street to Walcott Street) and then William Street (Brisbane Street to William Street) and undertake similar works.

Following this, the road sweeper cleans residential streets and the crew will work around the City addressing cleaning complaints/repairing delivering bins etc.

High Pressure Cleaning:

In 2013, the unit arranged for the high pressure cleaning of the Oxford Precinct, Beaufort Street and William Street twice whilst Scarborough Beach Road was undertaken once only.

The cost of the high pressure cleaning is approximately \$3.00 per square metre dependant on the size of the work and the path condition.

To clean the Oxford Street Precinct costs approximately \$10,000 over four (4) nights. This cost would reduce if a contractor was given a large quantity and ongoing work.

An estimated cost to clean all the commercial precincts once would be in the order of \$35,000.

A trial to clean the precincts with the City's water cart, once (1) per month, was undertaken; however, as a substantial quantity of water was required the trial ceased. Substantially less water is required to high pressure clean.

Possible way forward:

The dirtiest precinct is the Oxford Precinct due to the age of the brick pavers having being installed twenty seven (27) years ago by the former City of Perth. This would require a monthly clean whilst other precincts could be cleaned as required i.e. spot clean the dirtiest sections only.

Note: Repeatedly high pressure cleaning pavers over a long duration may start to pit the bricks.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective 1 states:

"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.

1.1.5(a) Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

In the 2013/2014 budget, \$535,000 has been allocated for street/precinct cleaning. Sixty-one percent (61%) of the total budget has been spent to date with \$215,000 remaining on budget. The biggest cost factor to the Street Cleaning Operations is the tip fees at Tamala Park and cartage of waste.

It is considered that an additional \$120,000 per annum and the engagement of a contractor at a fixed rate would address some of the cleaning issues.

COMMENTS:

As previously mentioned, the City's streetscapes and car parking infrastructure have been progressively upgraded over the last eighteen (18) or so years and this has resulted in an increased 'cleaning' requirement for the 'new' infrastructure.

For the reasons outlined in the report, it is recommended that the Council considers allocating additional funds in the Street/Precinct Cleaning Operating Budget, commencing in the 2014/2015 budget, to enable prioritised high pressure cleaning to be undertaken in the City's Commercial Precincts.

9.2.6 Chelmsford Road, Mount Lawley - Proposed Two (2) Hour Parking Restrictions Hutt Street to the One-Way Slow Point (Beaufort Street end)

Ward:	South	Date:	14 February 2014
Precinct:	Norfolk (10)	File Ref:	TES0128; PKG0066
Attachments:	001 – Plan No. 3116-PP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

1. That the Council **APPROVES** the introduction 2P Parking Restrictions, 8.00am and 5.30pm Monday to Friday and 8.00am to 12noon on Saturday, in Chelmsford Road, Hutt Street to the one-way slow point (Beaufort Street end), Mount Lawley, as shown on attached Plan No. 3116-PP-01; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signage.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the public consultation with residents regarding the proposed installation of timed parking restrictions in Chelmsford Road, Mount Lawley - Hutt Street to the one-way slow point (Beaufort Street end).

BACKGROUND:

The City has in past, and continues to receive requests from residents of the eastern end of Chelmsford Road for parking restrictions to be introduced as a means of ensuring that their street it is not used as a 'free parking zone' by employees and patrons of the nearby Beaufort Street commercial precinct.

The adjacent parallel streets Grosvenor and Raglan Roads already have the same restrictions between Hutt Street to the City's carpark entrances while Vincent Street, from Beaufort Street for approximately the same length as the above (finishing mid-way between Beaufort and William Street), also has mix of timed restrictions,.

As a consequence motorists wishing to avoid either paid parking or timed restrictions are dominating the on-road parking in Chelmsford Road to the detriment of the resident's amenity.

Therefore in light of the above the City consulted with the residents of the aforementioned section of Chelmsford Road seeking their views on the introduction of a 2P, 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon on Saturday parking restrictions.

DETAILS:

Chelmsford Road Consultation:

In accordance with the Council's *Community Consultation Policy*, the City wrote to all the residents of Chelmsford Road from Hutt Street to the one-way slow point (Beaufort Street end) on 23 January 2014.

Forty four (44) letters were sent out to which the City received fourteen (14) responses by the close of the consultation period on 7 February 2014.

The suggested parking restrictions were 2P, 8.00am to 5.30pm, Monday to Friday and 8.00am to 12.00noon on Saturdays.

Of those who responded twelve (12), or 86%, were in favour, one (1), or 7% were against and one (1), or 7%, while appearing to be supportive suggested that the problem extended to William Street.

A summary of the comments received are below.

Related Comments *In Favour* of the Proposal:

- 9 in favour with no further comments.
- ...although there is rear lane access with a gate, the garden is grass with no parking bay. As a 2 car household we would like 2 resident permits if this is passed as in a time of shrinking green space and soaring temperatures I feel that garden should not be dug up for parking bay especially as the property has a 10m street frontage.
- I have lived at #... for 17 years and have always struggled to park outside my house for all the local 'all day' workers who park there. I have asked them repeatedly not to park for 7-10 hours but they just scoff and ask what am I going to do about it...there are approx. 13-18 regular workers who park there...
- I heartily approve of this proposal. It will be such a relief. I have no off road parking. I would like to apply for the permits as stated. I have noted some cars have been left parked and not attended to for 8 days and others for a week...

Related Comments *Against* the Proposal:

- It is fine as it is. There is no need. Most of the businesses have closed!

Related Comments Neither in Support nor Objecting:

- I have concerns about the parking as when my daughter or son-in-law, any of family come by even for short time even to drop me off there is no where to park the car as cars park all the way on both sides of Chelmsford Rd up to Hutt St. And now are going beyond up to William Street – please help.

Officers Comments:

The installation of parking restrictions in Chelmsford Road corrects an anomaly in the City's parking control in the immediate area and affords the residents of Chelmsford Road the same level of amenity of those of the adjacent streets.

While some motorists may merely move to the un-restricted portion of Chelmsford Road, to the west of Hutt Street, the experience in Grosvenor and Raglan Roads has shown that the numbers and therefore the impact is relatively low.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5. All residents will be informed of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective 1 states:

"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.

1.1.5(a) Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The inclusive cost to install signage (both locations) is estimated to be \$600.

COMMENTS:

Similar restrictions are currently in place in the streets adjacent Chelmsford Road to prevent workers and patrons of the nearby Beaufort Street commercial precinct using their streets as a 'free parking zone'. The proposed restrictions will 'plug a hole' in the City's parking control area and ensure access to weekday and Saturday morning on-road parking for the residents.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 January 2014

Ward:	Both	Date:	14 February 2014
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 January – 31 January 2014 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 McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

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 January – 31 January 2014.

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	75514 - 75680	\$328,737.69
Transfer of Creditors by EFT Batch	1621, 1623, 1625, 1626, 1628 - 1631	\$1,647,434.62
Transfer of PAYG Tax by EFT	January 2014	\$414,657.20
Transfer of GST by EFT	January 2014	
Transfer of Child Support by EFT	January 2014	\$2,740.05
Transfer of Superannuation by EFT:		
• City of Perth	January 2014	\$73,582.88
• Local Government	January 2014	\$287,019.02
Total		\$2,754,171.46
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$11,501.57
Lease Fees		\$101,720.79
Corporate MasterCards		\$10,405.03
Loan Repayment		\$194,101.70
Rejection fees		\$42.50
Total Bank Charges & Other Direct Debits		\$317,771.59
Less GST effect on Advance Account		0.00
Total Payments		\$3,071,943.05

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 2013-2017:

- “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 31 January 2014

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 31 January 2014 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 January 2014.

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 31 January 2014:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature or Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-53
12.	Monthly Financial Positions Graph	54-56

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	\$14,474,259
YTD Revised Budget	\$15,414,613
YTD Variance	(\$940,354)
Full Year Budget	\$28,176,497

Summary Comments:

The total operating revenue is currently 94% of the year to date Budget estimate.

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

Governance – 91% over budget;
 Law, Order, Public Safety – 62% under budget;
 Health – 6% under budget;
 Education and Welfare – 3% under budget;
 Community Amenities – 16% over budget;
 Recreation and Culture – 16% over budget;
 Transport – 15% under budget;
 Economic Services – 13% under budget;
 Other Property and Services – 63 under budget; and
 General Administration (Allocated) – 28% under budget.

Operating Expenditure

YTD Actual	\$28,951,983
YTD Revised Budget	\$28,520,971
YTD Variance	\$431,012
Full Year Budget	\$48,927,550

Summary Comments:

The total operating expenditure is currently 102% of the year to date Budget estimate.

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

General Purpose Funding – 4% under budget;
 Governance – 2% under budget;
 Law and Order – 11% under budget;
 Health – 9% under budget;
 Education and Welfare – 1% under budget;
 Community Amenities – 3% under budget;
 Recreation & Culture – 1% over budget;
 Transport – 5% over budget;
 Economic Services – 7% under budget;
 Other Property & Services – 33% over budget; and
 General Administration (Allocated) – 157% over 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	\$14,140,677
YTD Revised Budget	\$17,303,412
Variance	(\$3,162,735)
Full Year Budget	\$29,136,897

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 \$23,905,476 and non-current assets of \$205,432,082 for total assets of \$229,337,558.

The current liabilities amount to \$7,759,249 and non-current liabilities of \$19,400,907 for the total liabilities of \$27,160,156.

The net asset of the City or Equity is \$202,177,402.

7. Net Current Funding Position

	31 January 2014 YTD Actual \$
Current Assets	
Cash at Bank	7,541,827
Cash Restricted	9,269,765
Receivables – Rates and Waste	3,654,611
Receivables – Others	3,199,986
Inventories	228,286
	23,894,475
Less: Current Liabilities	
Trade and Other Payables	(4,608,803)
Provisions	(2,741,087)
	(7,349,890)
Less: Restricted Cash Reserves	(9,269,765)
Net Current Funding Position	7,274,820

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2013/2014 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	\$201,750	\$140,750	\$55,204	39%
Plant & Equipment	\$3,269,666	\$2,152,936	\$369,778	17%
Land & Building	\$1,229,000	\$780,000	\$368,620	47%
Infrastructure	\$12,198,585	\$6,810,119	\$2,389,502	35%
Total	\$16,899,001	\$9,883,805	\$3,183,105	32%

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 35 – 41 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 31 January 2014 is \$9.2m. The balance as at 31 January 2013 was \$12.2m.

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 \$748,852 is outstanding at the end of January 2014.

Out of the total debt, \$311,532 (41.6%) 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 2013/14 were issued on the 22 July 2013.

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

First Instalment	26 August 2013
Second Instalment	28 October 2013
Third Instalment	3 January 2014
Fourth Instalment	7 March 2014

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)	\$11.00 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 31 January 2014 including deferred rates was \$3,458,352 which represents 13.37% of the outstanding collectable income compared to 13.55% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 January 2014 the operating deficit for the Centre was \$437,339 in comparison to the year to date budgeted deficit of \$946,229.

The cash position showed a current cash surplus of \$9,586 in comparison year to date budget estimate of a cash deficit of \$607,877. The cash position is calculated by adding back depreciation to the operating position.

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 2013-2017:

“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.

9.3.4 Tamala Park Land Sales – Revenue Estimates Report No. 2

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	ADM0078
Attachments:	001 - Confidential Land Sales Revenue Estimates 31 December 2013		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES Progress Report No. 2 on the estimated revenue distributions to be received by the City of Vincent – from the Land Sales at Tamala Park; and**
2. **NOTES the report on the potential uses of these funds in the City of Vincent in both the short and long term.**

COUNCIL DECISION ITEM 9.3.4

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

To inform the Council of the estimated revenue to be received from the Land Sales at Tamala Park and potential uses in the both short and long term.

BACKGROUND:

The Tamala Park Regional Council is developing land for sale at Tamala Park. The land is being marketed as the Catalina Estate in four (4) stages.

There are two thousand three hundred and ten (2,310) lots planned to be sold over the development period 2012 - 2027.

The City of Vincent is a member of the Tamala Park Regional Council and has a one – twelfth share in the Regional Council.

The other member Councils in the Tamala Park Regional Council and their appropriate share are:

- City of Stirling – one third;
- City of Joondalup – one sixth;
- City of Wanneroo – one sixth;
- City of Perth – one twelfth;
- Town of Cambridge - one twelfth; and
- Town of Victoria Park - one twelfth.

DETAILS:

The total estimated Profit Distributions/Capital Calls as per the current Tamala Park Regional Council budget as at 31 December 2013 are \$388.7 million over the period 2012 – 2027.

The City of Vincent is entitled to a one twelfth share of the profit distribution, this equates to the amount of \$33.5 million over the period from 2012 – 2027, this is outlined in Confidential Attachment 9.3.4. It should be noted that the amounts are indicative and subject to change.

This is a significant revenue stream for the City over a period over fifteen (15) years. It is important that the Council plans out how the funds are to be utilised.

The City's Long Term Financial Plan includes the revenue stream from this source and the transfer to the specified Reserve fund, but doesn't identify specific expenditure items for the use of the funds.

It can be seen from the confidential attachment that the City will receive the following amounts in the current and next financial years, prior to any proposed amalgamations.

This financial year 2013/14 the City is anticipated to receive the following amounts:

Amount	Month
\$333,333	December 2013
\$333,333	April 2014
\$166,667	June 2014

The City will receive a further \$2.42 million in the financial year 2014/15, this will result in the City receiving a total of \$3.2 million in this financial year prior to the potential proposed amalgamations.

Any options should be considered as either short term or long term.

Short Term

Financial Years 2013/14 – 2014/15

- Major Capital Works infrastructure –
 - Bike Plan Stage 2;
 - Council contributions to upgrade work at a number of sites where the infrastructure has been identified as requiring attention, these to be listed for consideration on the 2014/15 Draft Budget;
 - Underground Power contribution to new area; and
 - Leederville Streetscape Project.

Long Term

Financial Years 2015/16 – 2027

- Accumulate funds every two (2) years to make contribution to Underground Power for specific area; or
- Utilise the funds to reduce borrowings – e.g. financial years 2016/17 could pay off a number of loans, \$1.4m Loftus Centre Underground Car Park and \$0.5m Angove Street (if land not sold prior); and
- Utilise the funds to maintain and upgrade existing infrastructure and streetscapes.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: The land sales can be affected by the property market and economic conditions at time of the lot sales, this may affect the estimated revenues.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

*"4.1.4 Plan effectively for the future
(b) Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment."*

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Tamala Park land sales will provide a significant revenue stream for the City of Vincent in future years.

The 2013/14 Annual Budget includes an estimate of \$485,000 to be received from Tamala Park land sales with the funds initially to be transferred to Tamala Park Reserve Fund.

COMMENTS:

It is important that the Council resolves the use for the funds to be received in 2013/14 and 2014/15 financial years prior to any proposed amalgamation.

9.3.5 Tender 479/13 – Design, supply and installation of Energy Efficient Lighting

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	FIN0199 & TEN0488
Attachments:	001 – Confidential Appendix 9.3.5 (a) - Pricing Schedule 002 - Confidential Appendix 9.3.5 (b) - Budget Comparison		
Tabled Items:	Nil		
Reporting Officers:	A Marriott, Sustainability Officer G Pieraccini, Director Special Projects		
Responsible Officers:	G Pieraccini, Director Special Projects M Rootsey, Director Corporate Services R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tender received from Eco-FX as being the most acceptable to the City for the Design, Supply and Installation of Energy Efficient Lighting for three (3) locations, Beatty Park Leisure Centre, Loftus Recreation Centre and Robertson Park Tennis Centre (excluding Tennis Courts 1 – 6) at a cost of \$594,644 (excluding GST) in accordance with the specifications as detailed in Tender 479/13.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the details of the tenders received for the Design, Supply and Installation of Energy Efficient Lighting at three (3) facilities within the City of Vincent.

BACKGROUND:

Tender:

Tender No. 479/13 - Design, Supply and Installation of Energy Efficient Lighting was advertised in the West Australian newspaper on Saturday 2 November 2013.

At the close of the tender period at 2.00pm on 10 December 2013, eleven (11) tenders were received.

The Request for Tender invited submissions to include all courts at Robertson Park, however the retrofitting of lighting to courts one (1) to six (6) has since been excluded from the tender due to the Centre’s operators undertaking this work separately having sourced independent funding.

CEEP Funding:

Ordinary Meeting held on 18 December 2012

The Council authorised the Chief Executive Officer to engage consultants for the preparation of the CEEP grant application.

Ordinary Meeting held on 12 February 2013

The Council were advised that the City had submitted a CEEP grant application in accordance with the Council Decision at Ordinary Meeting held on 18 December 2012.

The City signed the CEEP Funding Agreement on 20 August 2013 which included funding for Lighting System Retrofit, HVAC Upgrade using Geothermal Energy, Real Time Monitoring, community engagement, Energy Audit and project administration.

DETAILS:

Tender:

The Tender opening on 10 December 2013 was attended by the City's Sustainability Officer and Accountant. Tenders were received from eleven (11) companies as follows (tender prices submitted are included in Confidential Appendix 9.3.5 (a) – Pricing Schedule);

- Australasian LED Pty Ltd;
- Cable Logic Pty Ltd;
- EC2 Technology;
- ECO-FX;
- Emotive Earth Pty Ltd;
- Fourie Industries;
- Fredon;
- Lightsense;
- Mojarra Pty Ltd;
- Mondoluce; and
- Sun Brilliance.

The tender assessment was carried out by an assessment panel consisting of the City's Energy Consultants and Council Officers including the Sustainability Officer, Accountant, Property Officer and Director Special Projects.

Each tender was evaluated in accordance with the tender documentation using the Evaluation Criteria and Weighting as below.

Evaluation Criteria

Criteria	Weighting
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Applies a reasonable fee structure in proportion to the service provided 	40%
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> • Experience, expertise and project team • Capacity to address the range of services required • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • Understanding of the required service associated with delivering the services to the City 	30%
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Details of history and viability • Comments received from referees • Demonstrated capacity to deliver • Demonstrated depth to effectively address the range of requirements of the City 	15%
<p>Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this projects to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	10%
<p>Quality Assurance</p> <ul style="list-style-type: none"> • Demonstrated level of quality assurance 	5%
TOTAL	100%

Three (3) of the tender submissions were deemed non-compliant and as such were not included in the evaluation process.

Australasian LED Pty Ltd did not attend the mandatory site visit and their tender submission did not adequately respond to Part 3 – Tenderers Offer.

Sun Brilliance and Lightsense did not respond to all items as requested in Part 3 – Tenderers Offer.

Tender Summary

The tender submissions were evaluated independently by panel members and evaluation scores were collated into the Tender Summary below. The tender assessment panel's comments follow.

Evaluation Criteria	Weighting	ECO-FX	Mojarra	Fredon	Cable Logic	Mondoluce	Emotive Earth	EC2 Technology	Fourie Industries
Financial Offer /Fee Proposal	40%	29.2	28.8	30.0	25.6	27.2	18.0	18.0	21.2
Relevant experience, expertise and project team	30%	27.9	27.0	24.0	22.8	19.8	15.9	9.6	7.2
History and Viability of Organisation	15%	12.6	12.6	12.0	12.0	10.2	7.2	5.7	2.7
Methodology	10%	8.4	8.4	7.6	7.2	4.6	2.6	2.6	2.4
Quality Assurance	5%	4.0	3.9	3.7	4.0	1.7	1.1	1.2	0.5
TOTAL	100	82.1	80.7	77.3	71.6	63.5	44.8	37.1	34.0

In accordance with the Tender Request Evaluation Criteria, the primary consideration in evaluating the tender submissions was the demonstration of "value for money" in the presence of a clear understanding of project requirements and the ability to deliver.

The assessment of the Financial Offer/Fee Proposal focused on identifying "best value for money", taking into consideration the lump sum fee (tender price), the inclusion of all relevant fees, costs and disbursements and a reasonable fee structure relative to the services provided.

Also taken into consideration were the expected energy and financial savings to be achieved by each Tenderer's proposal. Where exclusions from the tender price and/or variations were flagged and indicated significant additional costs to the lump sum fee, this lowered the overall financial score.

Understanding of the City's sites and requirements and the demonstrated depth and capacity to deliver the range of services required has been assessed across three sets of evaluation criteria comprising experience, expertise, history and proposed methodology.

Across the eight (8) tender submissions evaluated all anticipated energy savings (and subsequently financial savings) were above the expected estimate of 51%, as determined by the City's Energy Consultants, and ranged from 54% to 61%, while anticipated CO₂ emission reductions ranged from 267 ton/yr to 334 ton/yr.

A technical assessment by the Energy Consultants indicated that the lighting products proposed by Eco-Fx were superior to those proposed by other tender submissions. It was also noted that Mojarra's proposal involves replacing existing fluorescent lights with higher output, more efficient fluorescent lights rather than with LEDs as requested in the tender.

While Mojarra's proposal would achieve the requested energy and financial savings in the short term, the comparatively shorter life span of fluorescent lights would result in higher maintenance costs and be a potentially short-term solution, with mercury-containing fluorescent lights potentially being phased out within the next decade.

The technical assessment also indicated that some of Fredon's proposed fittings may not achieve lighting outputs equivalent to current lighting at the facilities in scope and as such, may require a greater number or higher wattage lamps to ensure compliance with relevant lighting standards.

Seven (7) tender submissions stipulated allowance in the tender price for lighting design/modelling by a certified lighting engineer, as required in the tender request to ensure compliance with relevant standards.

Despite a statement within the tender request that some areas were not constructed as per the drawings provided and confirmation of this at the mandatory site visit, only one (1) tenderer specifically stated that they would manually check, measure and plot all existing lighting against the documentation provided in the tender request.

It was also noted that all tender submissions advised no allowance had been made in the submitted tender price for, any replacement or relocation of existing cabling which may be found to be non compliant with current codes, or, for structural engineer fees that may be required to assess the structural integrity of existing light poles to carry proposed new light fittings.

Evaluation Summary

1. **ECO-FX**

Total Score	82.1
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> • Provided a mid to high range tender price for project • Completed pricing schedule as required • Included all costs, fees and disbursements within lump sum • Indicated few exclusions • Indicated where additional services may be required (possible variation) • Least exclusions partly offsets the higher tender price

Total Score	82.1
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> • Experience, expertise and project team • Capacity to address the range of services required • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> • Extensive experience with Local Government projects • LED lighting specialists (WALGA preferred supplier for LED lighting) • Experienced in the implementation of energy efficient lighting retrofits, including design, supply and installation • Roles and credentials of key personnel provided • Evidence of ongoing availability to provide skilled persons • Demonstrated very good understanding of the City's sites & requirements • Allowed to check existing lighting installations
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Details of history and viability • Comments received from referees • Demonstrated capacity to deliver • Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> • Satisfactory evidence of company history and viability • Good references and referee comments relevant to project • Demonstrated capacity to deliver on similar projects • Demonstrated depth to address the City's requirements
<p>Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this projects to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> • Good overview of proposed methodology • Extensive list of similar successful projects in WA
<p>Quality Assurance</p> <ul style="list-style-type: none"> • Demonstrated level of quality assurance 	<ul style="list-style-type: none"> • Good level of procedures and systems outlined for testing and quality assurance • Overview of risk assessment procedures provided
<p>Summary Comments</p>	<ul style="list-style-type: none"> • Comprehensive Tender Submission • Demonstrated comprehensive understanding of existing lighting systems and project requirements • Least exclusions likely result in least amount of variations and additional costs, this offsets higher tender price • Delivery of similar projects supported by good references • Superior quality product

2. Mojarra

Total Score	80.7
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "best value" for money Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> Provided a mid range tender price for project Completed pricing schedule as required Included most costs, fees and disbursements in lump sum Indicated some exclusions Exclusions from the Tender price will result in additional costs, but this is offset by the mid range tender price
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> Experience, expertise and project team Capacity to address the range of services required Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> Experienced in large variety of electrical & energy efficiency projects, including some with Local Governments Roles and credentials of key personnel provided Evidence of ongoing availability to provide skilled persons Demonstrated reasonable understanding of the City's sites & good understanding of project requirements
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> Details of history and viability Comments received from referees Demonstrated capacity to deliver Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> Satisfactory evidence of company history and viability Good references and referee comments relevant to this project Demonstrated capacity to deliver on similar projects Demonstrated depth to address the City's requirements
<p>Methodology</p> <ul style="list-style-type: none"> Proposed methodology for this projects to be completed on time and within budget Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> Detailed overview of proposed methodology Included outline of project management functions Provided extensive list of successful projects in WA
<p>Quality Assurance</p> <ul style="list-style-type: none"> Demonstrated level of quality assurance 	<ul style="list-style-type: none"> Good indication of procedures and systems for quality assurance and risk management
<p>Summary Comments</p>	<ul style="list-style-type: none"> Comprehensive Tender Submission Demonstrate reasonable understanding of existing lighting systems and project requirements Exclusions from Tender price likely result in variations and additional project costs but offset by lower tender price Fluorescent product not LED

3. Fredon

Total Score	77.3
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "best value" for money Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> Provided a mid to lower range tender price for project Completed pricing schedule as required Included most costs, fees and disbursements within lump sum Clearly stated exclusions and indicated where additional services (variations) may be required Moderate number of exclusions will result in some additional costs, but these are offset by lower tender price
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> Experience, expertise and project team Capacity to address the range of services required Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> Extensive experience with private industry and State/Federal Government, but not Local Government Very limited evidence of experience with lighting installations Organisational chart provided, however roles and credentials of key personnel not entirely clear Evidence provided of ongoing availability to provide skilled persons Demonstrated understanding of the City's sites & requirements
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> Details of history and viability Comments received from referees Demonstrated capacity to deliver Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> Satisfactory evidence of company history and viability Relevant references Demonstrated capacity to deliver Demonstrated depth to address the City's requirements
<p>Methodology</p> <ul style="list-style-type: none"> Proposed methodology for this projects to be completed on time and within budget Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> Good overview of proposed methodology Demonstrated project management experience on similar projects, not in WA
<p>Quality Assurance</p> <ul style="list-style-type: none"> Demonstrated level of quality assurance 	<ul style="list-style-type: none"> Reasonable overview of works program, quality assurance and risk assessment procedures provided
<p>Summary Comments</p>	<ul style="list-style-type: none"> Reasonably comprehensive Tender Submission Demonstrated understanding of existing lighting systems and project requirements Exclusions from Tender price likely result in variations and additional costs but offset by lower tender price Some proposed product may not meet standards

4. Cable Logic Pty Ltd

Total Score	71.6
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "best value" for money Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> Provided lowest tender price for project Completed pricing schedule as required Extensive list of exclusions would result in significant additional costs Uncertainty expressed about the suitability of some proposed products – suggested significantly more costly alternatives within the Tender submission but did not set these out in an Alternative Tender Prices for the same product vary in different parts of the Tender
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> Experience, expertise and project team Capacity to address the range of services required Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> Experience with Local and State Government projects Limited evidence of experience with lighting projects – references and key personnel credentials reflect mainly solar projects Demonstrated limited understanding of the City's sites & requirements
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> Details of history and viability Comments received from referees Demonstrated capacity to deliver Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> Satisfactory evidence of company history and viability Relevant references Demonstrated capacity to deliver Demonstrated depth to address the City's requirements
<p>Methodology</p> <ul style="list-style-type: none"> Proposed methodology for this projects to be completed on time and within budget Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> Proposed methodology appears comprehensive though generic in nature Required Project Management functions outlined Examples provided of projects in WA are not related to lighting
<p>Quality Assurance</p> <ul style="list-style-type: none"> Demonstrated level of quality assurance 	<ul style="list-style-type: none"> Good level of procedures and systems outlined for testing and quality assurance Overview of risk assessment procedures provided
<p>Summary Comments</p>	<ul style="list-style-type: none"> Reasonably comprehensive Tender Submission at lowest cost Highest number of exclusions plus a number of uncertainties likely to result in variations and significant additional costs Demonstrated limited understanding of the City's existing lighting systems and project requirements

5. **Mondoluce**

Total Score	63.5
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "best value" for money Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> Provided a low range tender price for project Completed pricing schedule as required Large number of exclusions likely to result in significant additional costs
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> Experience, expertise and project team Capacity to address the range of services required Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> Expertise in lighting design – WALGA preferred supplier for LED lighting However, limited evidence of experience with Local Government Extensive experience with private projects Roles of key personnel unclear Some disparity between the information supplied by Tenderer and nominated sub-contractor within the Tender submission Demonstrated some limited understanding of the City's sites & requirements
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> Details of history and viability Comments received from referees Demonstrated capacity to deliver Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> Information about company history provided only for the sub-contractor Minimal information about the scope of involvement in previous projects Insufficient information provided to determine capacity to deliver and depth to address the City's requirements
<p>Methodology</p> <ul style="list-style-type: none"> Proposed methodology for this projects to be completed on time and within budget Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> Methodology provided is of a generic nature Some limited evidence of past successful projects in WA No project management functions outlined or relevant personnel allocated to roles
<p>Quality Assurance</p> <ul style="list-style-type: none"> Demonstrated level of quality assurance 	<ul style="list-style-type: none"> Limited demonstration of quality assurance Basic risk management approach outlined by Sub-contractor
<p>Summary Comments</p>	<ul style="list-style-type: none"> Low price, but disjointed Tender Submission Evident lack of communication between Tenderer and sub-contractor Limited evident understanding of the City's existing lighting systems and project requirements

6. Emotive Earth

Total Score	44.8
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> • Provided highest tender price for project overall • Completed pricing schedule as required • Significant number of exclusions would add further to the project cost
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> • Experience, expertise and project team • Capacity to address the range of services required • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> • No experience with Local Government but some experience with State Government • Experience in the implementation of energy efficient lighting retrofits and solar power mainly for residential projects at the domestic scale • Roles and credentials of key personnel outlined • May have capacity to provide sufficient skilled persons • Demonstrated limited understanding of the City's sites & requirements
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Details of history and viability • Comments received from referees • Demonstrated capacity to deliver • Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> • Evidence provided of company history and viability • Questionable capacity and depth to deliver project
<p>Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this projects to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> • Very limited indication of methodology • No demonstration of how this methodology has led to successful results in the past • Limited demonstration of project management experience in relevant projects
<p>Quality Assurance</p> <ul style="list-style-type: none"> • Demonstrated level of quality assurance 	<ul style="list-style-type: none"> • Very limited indication of quality assurance
<p>Summary Comments</p>	<ul style="list-style-type: none"> • Basic Tender Submission that has not adequately addressed all criteria • Highest tender price plus significant number of exclusions result in limited value for money

7. **EC2 Technology**

Total Score	37.1
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> • Mid to high range tender price for project • Completed pricing schedule as required, however, the sum of costs provided in the pricing schedule differs significantly from the stated tender price – the cause of the difference is unclear • Moderate number of exclusions likely to result in variations and additional costs
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> • Experience, expertise and project team • Capacity to address the range of services required • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> • No experience working with Local or State Government • Previous lighting experience appears limited to High Bays and the scope of Tenderer involvement is unclear • Roles and credentials outlined but no evidence of relevant experience by key personnel • Understanding of the City's sites & requirements has not been demonstrated
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Details of history and viability • Comments received from referees • Demonstrated capacity to deliver • Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> • Limited information about company history & viability • No referee contact information provided • Very limited demonstration of capacity and depth to deliver
<p>Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this projects to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> • Very limited indication of methodology • No demonstration of how this methodology has led to successful results in the past • Evidence of Project management experience on past projects is unclear
<p>Quality Assurance</p> <ul style="list-style-type: none"> • Demonstrated level of quality assurance 	<ul style="list-style-type: none"> • Very limited indication of quality assurance
<p>Summary Comments</p>	<ul style="list-style-type: none"> • Very basic Tender Submission – failed to fully address most evaluation criteria

8. Fourie Industries

Total Score	34.0
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • Included in the lump sum fee are all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Applies a reasonable fee structure in proportion to the service provided 	<ul style="list-style-type: none"> • Provided second highest tender price for project overall • Completed pricing schedule as required • Significant exclusions likely to add to project cost
<p>Relevant experience, expertise and project team</p> <ul style="list-style-type: none"> • Experience, expertise and project team • Capacity to address the range of services required • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • Understanding of the required service associated with delivering the services to the City 	<ul style="list-style-type: none"> • Some experience working with State and Local Government • Very limited information about previous projects and scope of involvement of Tenderer • Very limited information about roles and credentials of key personnel • Insufficient evidence of ongoing availability to provide sufficient skilled persons • Understanding of the City's sites & requirements has not been demonstrated
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Details of history and viability • Comments received from referees • Demonstrated capacity to deliver • Demonstrated depth to effectively address the range of requirements of the City 	<ul style="list-style-type: none"> • Insufficient evidence of company history & viability • No demonstration of capacity or depth to deliver the services required
<p>Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this projects to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	<ul style="list-style-type: none"> • Very limited indication of methodology • No demonstration of how this methodology has led to successful results in the past • Evidence of Project management experience on past projects is unclear
<p>Quality Assurance</p> <ul style="list-style-type: none"> • Demonstrated level of quality assurance 	<ul style="list-style-type: none"> • No explicit mention and very limited evidence of quality assurance
<p>Summary Comments</p>	<ul style="list-style-type: none"> • Very basic Tender Submission – failed to fully address most evaluation criteria

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian newspaper on Saturday 2 November 2013 and was open for a period of five (5) weeks.

Community consultation to demonstrate broad-based community support has been completed as part of the CEEP grant application process. Part of this consultation process was the consideration of the proposed project by the City's Sustainability Advisory Group. The operators of the Loftus Recreation Centre and Robertson Park Tennis Club were also consulted.

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.

Successful CEEP funding applicants must enter into a funding agreement with the Commonwealth Government prior to the commencement of the project. The funding agreement is a performance-based, legally enforceable agreement between the Commonwealth Government and the successful applicant that sets out the terms and conditions governing the funding provided.

The City's Policy No. 2.2.12 relating to Asset Management states:

“Objectives:

- *Ensure that assets service the community for current and future generations;*
- *Ensure that assets provide a level of service and risk the community is willing to support;*
- *Ensure the sustainable management of assets;*
- *Encourage and support the economic and social wellbeing of our community; and*
- *Allow informed decision making, incorporating life cycle costing principles.”*

The City's Policy No. 3.5.10 relating to Sustainable Design states:

“Objectives:

- *To demonstrate the City's commitment to environmental, economic, and social stewardship, and to contribute to the City's goals of protecting, conserving, and enhancing the City's and the State's environmental resources;*
- *To encourage the retention of existing buildings capable of reasonable adaptation and re-use;*
- *To encourage the incorporation of sustainable design principles and features in existing and new development in the City of Vincent as standard practice; and*
- *To set out the City's expectations of the sustainability outcomes to be achieved by home owners, developers and builders in new building and renovation projects.”*

RISK MANAGEMENT IMPLICATIONS:

High: In order to meet viability criteria, the City's CEEP grant application included a comprehensive Risk Management Plan for the proposed project. This plan must be implemented as part of the City's obligations under the funding agreement.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2017* the following Objectives state:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

"Leadership, Governance and Management

- 4.1 *Promote and Implement Knowledge Management and Technology*
 - 4.3.1 *Enhance knowledge and promote technology opportunities to improve the City's business communications, security and sustainability."*

In keeping with the City's *Sustainable Environment Strategy 2011-2016* the following Objective states:

"General Actions

Ensure that the City acts in an environmentally sustainable manner in all of its operations.

- F. *Monitor and avail of opportunities for state and federal funding and grants which could fund environmental projects or initiatives.*

Encourage, empower and support the City's community to live in an environmentally sustainable manner.
- J. *Make environmental and sustainability information more readily accessible to the community.*
- K. *Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice.*
- L. *Promote responsible consumption that has a reduced environmental impact."*

"Air and Emissions

Reduce and offset the use of non-renewable energy in the City's operations, and promote the same to the community.

- Action 1.7 *Continue to investigate and implement the use of alternative lighting technologies, including solar-powered lights and LEDs, in lighting owned by the City.*
- Action 1.14 *Offer guidance and encourage energy efficient design for new developments and retrofitting for existing developments within the City."*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the proposed efficiency upgrade and retrofit project.

ENVIRONMENTAL	
Issue	Comment
	Increased energy efficiency and the adoption of clean energy technologies will translate into significant greenhouse gas emission reductions from the City's operations. This will mitigate the City's contribution to global climate change impacts and help to meet its commitments under the Local Government Declaration on Climate Change – signed on 15 May 2012.

SOCIAL	
Issue	Comment
	Implementation of these measures will demonstrate leadership on climate change mitigation and provide opportunities to engage and inform the City's community about related issues.

ECONOMIC	
Issue	Comment
	Increasing energy costs mean that the efficiency/clean technology measures proposed as part of this project will result in cost savings that will far outweigh the value of energy savings at current market rates.

FINANCIAL/BUDGET IMPLICATIONS:

Refer to Confidential Appendix 9.3.7 (b) – Budget Comparison.

COMMENTS:

Eco-Fx addressed all of the selection criteria and demonstrated an excellent understanding of the City's existing lighting systems and project requirements. As a consequence, Eco-Fx are least likely to request variations during the project. Eco-Fx also appears to offer a superior product and have provided the best references for past work of greatest relevance to this project compared to the other tender submissions.

It is therefore recommended that the tender submitted by Eco-FX is accepted as being the most acceptable to the City for the retro-fitting of energy efficient lighting as detailed in Tender 479/13 – Design, Supply and Installation of Energy Efficient Lighting and as outlined in the financial implications in the Confidential Appendix 9.3.7.

9.4 COMMUNITY SERVICES

Nil.

9.5.3 Strategic Plan 2013 – 2023 – Progress Report for the Period 1 October 2013 – 31 December 2013

Ward:	-	Date:	14 February 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2013-2023 for the period 1 October 2013 – 31 December 2013, as shown in Appendix 9.5.3.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City’s Strategic Plan for the period 1 October 2013 – 31 December 2013.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 October 2013 - 31 December 2013	February
1 January 2014 - 31 March 2014	April
1 April 2014 – 30 June 2014	August
1 July 2014 – 30 September 2014	October

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted a revised Plan for the Future at the Ordinary Meeting of Council held on 10 September 2013. The City’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “*Best Practice*” management that a Strategic Plan be adopted to complement and be linked and aligned to the Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2013-2023. The reporting on a quarterly basis is in accordance with the Strategic Plan 2013-2023 Key Result Area.

This is in keeping with the City's Strategic Plan 2013-2023- *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the City's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

It should be noted that at the Ordinary Meeting of Council held on 10 September 2013, the Council adopted a revised Community Strategic Plan.

9.5.4 Local Government Statutory Compliance Audit 2013

Ward:	-	Date:	14 February 2014
Precinct:	-	File Ref:	ADM0019
Attachments:	001 – Local Government Statutory Compliance Audit for 2013		
Tabled Items:	-		
Reporting Officer:	Mike Rootsey, Acting Chief Executive Officer		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ADOPTS** the Local Government Statutory Compliance Audit for 2013, as shown in Appendix 9.5.6 and this is forwarded to the Department of Local Government.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2013.

BACKGROUND:

The Department of Local Government and Regional Development has issued a “Local Government Statutory Compliance Audit” to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer has delegated several sections to the Director Corporate Services and Director Development Services to complete part of the Return, for matters under their direct responsibility.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been included in the Agenda, as an attachment to this report.

The City has an Audit Committee. The Committee, comprising the Mayor and Cr Topelberg, Cr Harley, Cr Pintabona, S Menon, and A. Macri (Auditors), with the Chief Executive Officer and Director Corporate Services (ex officio and non-voting) met on 4 February 2013 to review this Audit.

The review of the Compliance Audit 2013 revealed that no non-compliances with Statutory requirements were found.

RISK MANAGEMENT IMPLICATIONS:

High: Failure to review and complete the Annual Compliance Audit would be a breach of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is pleasing to report that the City of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2013 be adopted, signed by the Mayor and Chief Executive Officer and forwarded to the Department of Local Government.

9.5.5 Items Approved under Delegated Authority 2013-2014 - Receiving of Reports

Ward:	-	Date:	14 February 2014
Precinct:	-	File Ref:	ADM0018
Attachments:	001 – Delegated Authority Report Outcomes 002 – Delegated Authority Reports		
Tabled Items:	-		
Reporting Officer:	Mike Rootsey, Acting Chief Executive Officer		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the items approved under Delegated Authority over the period 18 December 2013 to 10 February 2014, as shown in Appendix 9.5.5.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 18 December 2013 to 10 February 2014.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 November 2013, this matter was considered and Council resolved as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.42 of the Local Government Act 1995 to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 18 December 2013 to 10 February 2014, subject to:

1. *The action taken being in accordance with the Officer Recommendation;*
2. *The Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;*
3. *Reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;*
4. *Items being displayed in the City of Vincent Administration Centre, the Library and on the City’s website for a period of three (3) days prior to approval;*
5. *A report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2013; and*
6. *A Register of Items Approved under Delegated Authority being kept and made available for public inspection during the period that the delegation applies.”*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act 1995 states:

“Delegation of some powers and duties to CEO

5.42(1) A Local Government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegated Authority to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the City’s Strategic Plan 2013-2017- Objective 4 – *“Leadership, Governance & Management”* – 4.1 – *“Provide good strategic decision-making, governance, leadership and professional management”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority in keeping with the Council’s practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority are shown in Appendix 9.5.5.

9.5.7 Information Bulletin

Ward:	-	Date:	14 February 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 14 February 2014, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.7

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

DETAILS:

The items included in the Information Bulletin dated 14 February 2014 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 22 January 2014
IB02	Ranger Services Statistics for October, November and December 2013

10.1 NOTICE OF MOTION: Mayor John Carey - High Pressure Cleaning Of Major Town Centres in The City Of Vincent

ITEM WITHDRAWN BY THE MAYOR

(Refer to Item 9.2.3, Improved Precinct Cleaning Progress Report No.2.)

9.1.1 No. 22 (Lot: 151 D/P: 3642) Matlock Street, Mount Hawthorn – Proposed Two Storey Study Addition above the Existing Carport to Existing Single House

Ward:	North	Date:	14 February 2014
Precinct:	Mount Hawthorn, P01	File Ref:	PRO3330; 5.2013.475.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Application Submission		
Tabled Items:	Nil		
Reporting Officer:	Amie Groom, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **APPROVES** the application submitted by the G Van Lendt, for Proposed Two Storey Study Addition above the Existing Carport to Existing Single House at No. 22 (Lot: 151 D/P 3642) Matlock Street, Mount Hawthorn as shown on plans stamp dated 4 February 2014, subject to the following condition:

1. 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 Matlock Street and the Right-Of-Way;
2. Any new street/front wall, fence and gate within the Matlock Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
3. 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.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Topelberg, **Seconded** Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

For: Presiding Member Mayor Carey, Cr Buckels, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Cole and Cr Harley

ADDITIONAL INFORMATION:

The plans supplied for the Agenda convey a staircase to wrap around the proposed carport and study however these are incorrect. There have been several amendments to the location of the stairs to alleviate the adjoining property owners concerns and unfortunately a previous version of the plans was supplied for the agenda. Therefore the correct Plans conveying a single straight staircase have been provided for the Council.

PURPOSE OF THE REPORT:

This proposal requires referral to the Council given the number of objections (7) and general concern (1) received during the community consultation process.

BACKGROUND:

No specific background directly relates to the proposal.

History:

Date	Comment
15 October 2013	Planning approval granted under delegated authority for Alterations and Additions to Existing Single House.

DETAILS:

The proposal involves a Proposed Two-Storey Study Addition above the Existing Carport to Existing Single House.

Landowner:	G & H Van Lendt
Applicant:	G Van Lendt
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	470 square metres
Right of Way:	East, 6.0 metres, Sealed, Council owned

ASSESSMENT:

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

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density	N/A		
Streetscape	N/A		
Front Fence	N/A		
Roof Forms	✓		
Front Setback	N/A		
Lot Boundary Setbacks	✓		
Boundary Wall	N/A		
Building Height	✓		
Building Storeys	✓		
Carports and Garages	✓		
Garage Width	N/A		
Open Space	✓		
Bicycles	N/A		

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	✓		
Surveillance	✓		

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	29 November 2013 to 13 December 2013.		
Comments Received:	Seven (7) objections and one (1) general concern.		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Lot Boundary Setback</p> <ul style="list-style-type: none"> “Large open doors on upper level will easily overlook directly into my courtyard and house. This upper level is shown “proposed” above the existing garage where the apex is already clearly visible not only from my courtyard but also all the way into the living areas of my home as there is glass panels and doors to my living areas. This will result in a huge loss of privacy, also if this open fold back doors are glass the reflection of morning sun will be unbearable. All of the habitable rooms and outdoor living areas are on this east/west facing area and had a critical affinity to the winter and summer sun, ventilation, in fact all elements”. 	<p>Not supported. Following the Community Consultation process, amended plans were submitted to comply with the required R-Code 2013 setbacks being:</p> <p>North and South</p> <ul style="list-style-type: none"> Boundary setbacks – walls with no major openings: Wall height = 6m Wall length = 6.5m <p>Required setback = 1.2 m Provided setback = 1.2 m</p> <p>East</p> <ul style="list-style-type: none"> Boundary setbacks – walls with major openings: Wall height = 6m Wall length = 9.8m <p>Required setback = 3m Provided setback = 4m (to centre of ROW)</p> <p>The location of the proposed addition at the rear of the property aims to maintain the provision of adequate direct daylight, direct sun and ventilation for the adjoining properties. Furthermore the position of the openings assists in protecting the privacy of the adjoining properties.</p> <p>Development on the opposing side of the ROW is predominantly garages. This provides a buffer to their private open space, thereby minimising any potential overlooking issues.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Solar Access</p> <ul style="list-style-type: none"> • <i>“The impact of the proposed extension is significant based on our home being architecturally design, and constructed as a solar passive house. Large windows capture the northern light, all of which was approved by the TOV with this understanding. Access to the northern winter light is a significant factor in reducing our winter heating bills, and maintaining light to the internal areas of the home. We believe such design is very much in keeping with the sustainable design, as detailed in the TOV Green principles”.</i> 	<p>Not supported. The proposed overshadowing is less than the permitted 35 per cent of the adjoining property in accordance with the Residential Design Codes 2013. The proposed addition is located at the rear of the property, so as not overshadow the major north facing openings and roof mounted solar collectors of the adjoining properties.</p>
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> • <i>“The layout shows the major opening directly above exist garage. This is the worst possible location. The roof of the said garage is already completely visible into my living habitable areas inside/out of my home”.</i> • <i>“The proposed development provides clear visual sight into our external children’s play area, external family entertaining area, and internal living areas. The external stairs and doorway provides clear visual sight into the property at 24 Matlock Street”.</i> • <i>“The height of the stairs creates a “viewing platform” concept into courtyards and the laneway”.</i> • <i>“The sliding folding doors that provide the principle aspect should be located on the facade facing the main house rather than the laneway to reduce overlooking”.</i> • <i>“A cone of vision this large on a block as narrow and close as our two properties this would allow for a precedence of huge future developments”.</i> 	<p>Not supported. The R-Codes prescribe the required cone of vision setback for major openings to bedrooms and studies in areas coded R50 or lower as 4.5 metres. The proposal provides a 7 metres cone of vision setback across the ROW, which is considered to provide a greater than normal setback, to achieve an effective privacy separation distance.</p> <p>Following the Community Consultation process, the plans were amended to relocate the staircase off the side boundary to minimise the perception of a ‘viewing platform’. The platform at the top of the staircase has also been screened to 1.6m to further minimise any impact.</p>
<p>Issue: Aesthetics</p> <ul style="list-style-type: none"> • <i>“The visual impact of this proposed development is not in keeping with the profiles of surrounding and adjacent properties of 22 Matlock Street. The garages to the east of the ROW are all singly storey; with the 2 storey terraced dwellings being well setback within the respective property boundaries. Similarly the properties either side of the applicant dwelling have ROW garages that are all single storey. The proposed development would have a significant visual impact that can be observed from our external and internal living areas”.</i> 	<p>Not supported. The proposed addition is at the rear of the property facing the rear ROW.</p> <p>The proposed addition at the rear of the property will have a lesser impact; compared to if the development was adjacent to the adjoining properties main building footprint.</p> <p>In addition, the City’s Residential Design Element’s Policy permits a two storey building height of 9 metres for a pitched roof. The proposed development’s building height is 7.8 metres to the height of the pitched roof.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Building Mass</p> <ul style="list-style-type: none"> “The suggested massing would have considerable impact on ours and other neighbouring properties solar access and privacy issues”. 	<p>Not supported. The proposed additions are located at the rear of the property in an attempt to minimise any undue overshadowing or privacy issues that could have arisen if the development was located adjacent the main footprint of the adjoining properties.</p>
<p>Issue: Proposed Use</p> <ul style="list-style-type: none"> “This ‘office’ has a complete bathroom. Is this an office or living accommodation”. 	<p>Noted. The proposed development will be used as a personal study for the applicant.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

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 2013-2017 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 2013-2017 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 design of the alterations and additions allow for adequate natural light and ventilation.	
SOCIAL	
Issue	Comment
Nil.	
ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It has been raised during the Community Consultation Process that the proposed development is intended for the purpose of 'Ancillary Dwelling'. As such an assessment has been undertaken of the proposal in regards to the Residential Design Codes 2013 Special Purpose Dwellings Objectives for 'Ancillary Dwelling'.

ASSESSMENT:

R Codes Assessment

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Site area	✓		
Plot ratio	✓		
Parking	✓		
Open Space	✓		
Street Surveillance	✓		
Outdoor Living Areas	✓		

The R-Codes prescribe that Ancillary Dwellings can be used for people who live either independently or semi-dependently to the residents of the single house, sharing some site facilities and services without compromising the amenity of surrounding properties.

Given the above assessment and the R-Codes requirements, if the proposal was to be used as Ancillary Accommodation it is not expected to compromise the amenity of surrounding properties.

CONCLUSION:

It is considered that the proposed development will not have an adverse detrimental impact on the adjoining properties. The applicant has amended their plans to comply with the requirements of the R-Codes 2013 and the City's Policies to minimise any unacceptable impact upon the amenity of the locality and adjoining landowners.

The proposed study addition is designed to maintain and enhance the character and integrity of the existing house and to minimise any impact of new additions on the streetscape and neighbourhood properties, as it is in the rear of the site.

On the above basis, the proposal is considered to be appropriately designed. It is recommended that the proposal be approved subject to relevant conditions and advice notes.

9.1.2 No. 12 (Lot: 2 STR: 50723) Hunter Street, North Perth – Proposed Construction of a Two Storey Plus Basement Grouped Dwelling

Ward:	North	Date:	14 February 2014
Precinct:	North Perth, P8	File Ref:	PRO6172; 5.2013.371.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	J Giguere, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting 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 Ara Casella from AJCD on behalf of owner Natasha Gesualdo for Proposed Construction of a Two Storey Plus Basement Grouped Dwelling at No. 12 (Lot 2 STR: 50723) Hunter Street, North Perth and as shown on plans stamp-dated 11 February 2014, 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. 14 Hunter Street, in a good and clean condition. The finish of the walls is 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 Privacy

2.1.1 The window on the ground floor to the dining area on the eastern elevation, 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 6 metres from a neighbouring boundaries; and

2.1.2 The private open space on the ground floor on the eastern elevation, 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 boundaries. Alternatively, the floor level of the private open space be reduced to achieve privacy compliance with the Residential Design Code 2013.

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 2013; and

3. 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 screening indicated on the approved plans and required in condition 2 above, are to be compliant with the privacy requirements of the Residential Design Codes 2013. However, no screening is required under condition 2.1.1, if screening is provided to the private open space as per condition 2.1.2;
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 Hunter Street;
3. With regard to condition 1 above, 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 wall;
4. Any new street/front wall, fence and gate within the Hunter Street setback areas, including along the side boundaries within these street setback areas, 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.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That the item be DEFERRED to the Ordinary Meeting of Council on 11 March 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination, as six objections were received.

HISTORY:

The lot was previously part of the larger lot with frontage to Redfern Street (No. 56).

DETAILS:

Landowner:	Natasha Gesualdo
Applicant:	AJCD (Ara Casella)
Zoning:	R30/40
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	206 square meters
Right of Way:	N/A

The proposal is for the Construction of a Two Storey plus Basement Grouped Dwelling, with access off Hunter Street.

ASSESSMENT:

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

Design Element	Deemed to Comply or TPS Clause	Design Principles or TPS Discretion Clause
Density	✓	
Streetscape		✓
Front Setback		✓
Street Walls and Fencing	N/A	
Roof Form		✓
Dual Street Frontages	N/A	
Setbacks from Rights-of-Way	N/A	
Lot Boundary Setbacks		✓
Building Height		✓
Number of Storeys	✓	
Open Space	✓	
Landscaping	N/A	
Access	✓	
Parking	✓	
Privacy	✓	
Bicycle Spaces	N/A	
Dwelling Size	✓	
Site Works	✓	
Essential Facilities	✓	
Outdoor Living Areas	✓	
Surveillance	✓	
Overshadowing	✓	

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

Issue/Design Element:	Street Setback – behind the rear of an original corner site
Requirement:	Residential Design Elements Code 7.2.1: Walls on ground floor are to be setback 2 metres Upper floor are to be setback 1.5 metres behind each portion of the ground floor setback Balconies are to be setback 3 metres.
Applicants Proposal:	Walls on ground floor: 2 metres Upper floor: 1 metre behind the ground floor setback Balconies 2 metres
Design Principles:	Residential Design Elements Code 7.2.1: Development is to be appropriately located on site to: (i) 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.

Issue/Design Element:	Street Setback – behind the rear of an original corner site
Applicant justification summary:	The treatment of the street frontage provides variations in materials and sufficient articulation. The use of glass will provide voids and open spaces, which will create visual depth and a sense of openness. The deck/balcony will provide further articulation. The variety of materials such as glass, steel, stone and timber will provide a visual interest and a layered, texture facade which will soften the building on the streetscape.
Officer technical comment:	The proposed street facade is articulated and will provide a variety of depth and materials that will provide adequate articulation.

Issue/Design Element:	Garages
Requirement:	Residential Design Elements Code 7.2.1: Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling (not open verandah, porch, portico and the like).
Applicants Proposal:	No setback from the front main building line.
Design Principles:	Residential Design Elements Code 7.2.1: (i) Garages and carports are not to visually dominate the site or the streetscape.
Applicant justification summary:	Due to the restrictive size of the block and requirement for sufficient length and rear setback, full compliance is not achievable. The proposal will not visually dominate the streetscape.
Officer technical comment:	The proposal will not visually dominate the streetscape. The front facade is sufficiently articulated to soften the visual effect of the garage, which includes architectural elements such as the features around the central window on the front elevation.

Issue/Design Element:	Roof Form
Requirement:	Residential Design Elements Code 7.2.1: The Roof angle is to be between 30 and 45 degrees.
Applicants Proposal:	A concealed roof is proposed
Design Principles:	Residential Design Elements Code 7.2.1: 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:	The proposed roof design is in keeping with the contemporary style and form of the building. The concealed roof will contribute to reduce the bulkiness of the development. There are examples of contemporary designs in the area.
Officer technical comment:	The concealed roof is a common feature of contemporary style which is emerging in the area, and is considered to compliment the streetscape.

Issue/Design Element:	Height
Requirement:	Residential Design Elements Code 7.2.1: The height to the top of external wall (concealed roof) is to be 7 metres.
Applicants Proposal:	Height 7.1 metres
Design Principles:	Residential Design Elements Code 7.2.1: Building height is to be considered to: <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 • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	Due to the high variation of spot levels, only a small part on the southern elevation is not compliant. The strong dip in the middle of the southern elevation causes the development to slightly exceed the maximum height.
Officer technical comment:	The variation in height is minimal and will not be visible from the street, and is supportable on this basis.

Issue/Design Element:	Lot Boundary Setback
Requirement:	Residential Codes Clause 5.1.3 Ground floor: Southern wall: 1.1 metre Upper floor: Southern wall: 1.2 metre Rear: 1.2 metre
Applicants Proposal:	Ground floor: Southern wall: 1 metre Upper floor: Southern wall: 1.1-1.2 metre Rear: 1.1 metre
Design Principles:	Residential Codes Clause 5.1.3 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Applicant justification summary:	The southern wall is minimally non compliant and it a result of the small size of the block.
Officer technical comment:	The proposed variations are minimal and will not create overlooking or inadequate sun or ventilation to the adjoining properties.

Issue/Design Element:	Overlooking
Requirement:	<p>Residential Codes Clause 5.4.1 Ground floor: Eastern elevation: Major opening to the dining room is to be setback 6 metres, in direct line of sight within the cone of vision. Unenclosed outdoor active habitable space is to be setback 6 metres, in direct line of sight within the cone of vision.</p>
Applicants Proposal:	<p>Ground floor: Eastern wall: Dining room window: 1.5 metres</p> <p>Private open space: 0 metres</p>
Design Principles:	<p>Residential Codes Clause 5.4.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	The applicant is agreeable to condition the development.
Officer technical comment:	The proposal is to be conditioned accordingly. There are some difficulties in regards to achieving compliance with overlooking requirements for the private open space. Should the applicant sunk the private open space, the proposal would be able to achieve compliance without the need for additional screening.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	29 November 2013 to 13 December 2013
Comments Received:	A total of Six (6) objections were received. Two of the six objections were from the same property.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Setback:</u></p> <p>Setbacks on the first floor North side are not sufficient to prevent bulkiness and overlooking. The proposed first floor eastern setbacks will affect the amenity on the adjoining property. The reduced setbacks will result in the loss of natural light and ventilation to adjoining properties. It will give the impression of living next to an apartment building.</p>	<p>Noted. The plans were amended to provide appropriate screening which in turn has reduced the requirement for the setbacks, notably on the eastern elevation. The rear articulation is not uncommon in such small block.</p>
<p><u>Height:</u></p> <p>The applicant should not be allowed to exceed 7 metres in height. The height is excessive and will result in a building that will dominate the streetscape and will create unacceptable overlooking issues.</p>	<p>Not supported. The applicant has reduced the height of building since the plans were advertised. The only remaining non-compliant area is the result of a strong dip in the middle of the southern elevation.</p>
<p><u>Overlooking:</u></p> <p>The first floor window on the South elevation will create unacceptable overlooking issues. The high wall on the southern side of the garden deck is inadequate for screening. The eastern elevation would require a significantly higher fence to prevent overlooking. The upper floor balcony will overlook into adjoining properties. Pot plants and glass balustrades are not adequate means of screening. The upper floor bedroom windows will create unacceptable overlooking issues. Privacy of the adjoining properties was not taken into account when the design was made.</p>	<p>Noted. The applicant has amended the plans on the southern elevation to comply with the Residential Design Codes 2013. The remaining overlooking issues are on the eastern elevation for a window and the private open space. Overlooking issues have been discussed above and conditioned appropriately.</p>
<p><u>Bulkiness:</u></p> <p>The combination of reduced setbacks and higher walls will create too much bulk and overshadowing. The reduced setbacks on all sides, the non-compliant height and the reduction of open space demonstrates that this proposed dwelling is too large for a block this size;</p>	<p>Noted. The plans have been amended to reduce the bulk and the height of the building. The open space is also compliant.</p>
<p><u>Inaccuracies:</u></p> <p>It appears that there are some inaccuracies on the plans:</p> <ol style="list-style-type: none"> 1. The boundary to the south is shown as 0.6 m on the site plan and 0.9m on other plans; 	<p>Noted. The inaccuracies have been addressed by the applicant in the revised plans dated 5 February 2014.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>2. The ground floor levels are inaccurate. In particular the elevations shown are incorrect as the FFL of the ground floor is above the screen fence, not below as depicted. The alfresco area is on fill to a height above the dividing fence level which is not accurately depicted;</p> <p>3. The undercroft plan indicates 4.426 m setback to the undercroft whereas the wall above indicates 4 m setback; and</p> <p>4. North and south elevations are reverse.</p>	

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed construction of two storey plus basement grouped dwelling at No. 12 Hunter Street, North Perth:

- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- North Perth Precinct Policy No. 7.1.8; and
- Residential Design Elements Policy No. 7.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 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 2013-2017 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 design of the dwelling allows for adequate natural light and good cross ventilation.	
SOCIAL	
Issue	Comment
The proposal will contribute to the variety of housing available in the City.	
ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The Applicant has addressed the concerns raised in the submissions by amending the plans to remove overlooking issues, reducing the height of the building, the overall bulk and addressing the streetscape.

On the above basis, the proposed construction of the two storeys plus basement grouped dwelling is supportable, subject to relevant conditions and advice notes.

9.1.4 No. 18 (Lots 23 & 24; D/P 956) Burgess Street, Leederville - Proposed Demolition of Existing Single House and Construction of Two-Storey Residential Development Comprising Seven (7) Multiple Dwellings and Associated Ground Floor Parking

Ward:	South	Date:	14 February 2014
Precinct:	Leederville; P3	File Ref:	PRO6081; 5.2013.345.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report		
Tabled Items:	Nil		
Reporting Officer:	D Bothwell, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

CORRECTED 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 applicant/owner Carmelo Musca for Proposed Demolition of Existing Single House and Construction of Two-Storey Residential Development Comprising Seven (7) Multiple Dwellings and Associated Ground Floor Parking at No. 18 (Lots 23 & 24, D/P 956) Burgess Street, Leederville and as shown on plans stamped 17 January 2014, 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. 16A, 16B and 16C Burgess Street, Leederville 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 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 7.4.8 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:

- 2.1.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.1.2 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;
- 2.1.3 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;
- 2.1.4 The location and type of existing and proposed trees and plants;
- 2.1.5 All vegetation including lawns;
- 2.1.6 Areas to be irrigated or reticulated;
- 2.1.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.1.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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).

2.2 Refuse Management

Bin numbers, collection and stores shall meet with the City's minimum service provision to the satisfaction of the City's Technical Services. A waste management plan, prepared by a qualified consultant, is to be prepared and approved by the City's Technical Services Section;

2.3 Schedule of External Finishes

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

2.4 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 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;

2.5 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:

2.5.1 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;

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

2.6 Amalgamation of Lots

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s);

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 Residential Car Bays

A minimum of six (6) and one (1) two (2) car bays shall be provided for the residents and visitors respectively. The one (1) two (2) visitor car parking spaces shall be clearly marked and signposted accordingly;”

That the Car Parking Table on page 32 of the Agenda be corrected to read as follows:

Car Parking	
Small Multiple Dwelling based on size (Less than 75 square metre) – 7 Dwellings – (0.75 Bays per Dwelling) – 5.25 or 6 Car Bays	<u>7</u> 8 Car Bays
Visitors = 0.25 per dwelling (7 dwellings) = 2 Car Bays	1 Car Bay (<u>Variation to visitor car parking</u>)
Total car bays required = 8 car bays	
Total car bays provide	<u>8</u> 9 car bays
<u>Surplus/Shortfall</u>	<u>Nil 1 car bay</u>

That the following additional justification be inserted before the above Car Parking Table:

Issue/Design Element:	Parking
Requirement:	Residential Design Codes Clause 6.3.3 Visitor – 2 car bays (refer to car parking table)
Applicants Proposal:	Visitor – 1 car bay
Performance Criteria:	Residential Design Codes Clause 6.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities. P3.2 In mixed use development, in addition to the above: <ul style="list-style-type: none"> • parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking.

Issue/Design Element:	Parking
	<p>P3.3 In activity centre locations there may be consideration given to a reduction in on-site car parking provided:</p> <ul style="list-style-type: none"> • available street parking in the vicinity is controlled by local government; and • the decision-maker is of the opinion that a sufficient equivalent number of on-street spaces are available near the development. <p>P3.4 Some or all of the required car parking spaces located off-site, provided that these spaces will meet the following:</p> <ol style="list-style-type: none"> i. the off-site car parking area is sufficiently close to the development and convenient for use by residents and/or visitors; ii. any increase in the number of dwellings, or possible plot ratio, being matched by a corresponding increase in the aggregate number of car parking spaces; iii. permanent legal right of access being established for all users and occupiers of dwellings for which the respective car parking space is to be provided; and iv. where off-site car parking is shared with other uses, the total aggregate parking requirement for all such uses, as required by the R-Codes and the scheme being provided. The number of required spaces may only be reduced by up to 15 per cent where the non-residential parking occurs substantially between 9 am and 5 pm on weekdays.
Applicant justification summary:	No justification provided.
Officer technical comment:	Supported. The variation to the visitor car bays is supported in this instance as the subject properties location is within close proximity to major transport links. In addition, the availability of street car parking on Burgess Street with 2 hour time restrictions is considered adequate in this instance for the visitor car parking. In addition, 1 visitor car bay has been provided on-site for the proposed development.

Issue/Design Element:	Roof Form
Requirement:	<p><u>Residential Design Elements Policy 7.2.1 Clause 7.4.3</u></p> <ul style="list-style-type: none"> • The use of appropriate materials, colour and roof pitch; • The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and • The use of lower pitched roofs where they are compatible with existing development and streetscape.
Applicants Proposal:	Skillion roof proposed
Performance Criteria:	<p>BDPC 3</p> <ol style="list-style-type: none"> (i) 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.

Issue/Design Element:	Roof Form
<u>Applicant Justification</u>	<u>Nil</u>
<u>Officer Technical Comment</u> <u>Applicant Justification Summary</u>	<p>The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building. It is considered that in this instance that a traditional pitched roof may increase the bulk and scale of the building.</p> <p>As the building height complies with the Performance Criteria provisions of Clause BDPC 5 'Building Height' of the City's Policy No. 7.2.1 relating to Residential Design Elements and Clause 2.2 'Building Height' of the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, it is 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 Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes.</p>

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

3.3 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;

3.4 Clothes Drying Facilities

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 6.4.6 "Utilities and Facilities" C6.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; and

3.5 Bicycle Parking

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

3. Any new street/front wall, fence and gate within the Burgess 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. 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; and
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-7)

For: Cr Pintabona

Against: Presiding Member Mayor Carey Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

THE CARPARKING, LANDSCAPING AND SETBACK WERE NOT ACCEPTABLE.

PURPOSE OF REPORT:

The application is referred to the Council for determination given the proposal comprises seven (7) multiple dwellings in total.

BACKGROUND:

History:

Date	Comment
7 July	The application was referred to the DAC for their consideration.

DETAILS:

The proposal involves demolition of existing single house and the construction of two-storey residential development comprising seven (7) multiple dwellings and associated ground floor parking.

Landowner:	C Musca
Applicant:	C Musca
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Vacant Lot
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	715 square metres
Right of Way:	Not applicable

ASSESSMENT:

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' 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	✓		
Street Surveillance			✓
Landscaping			✓
Outbuildings			✓
Energy Efficient Design	✓		

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

Issue/Design Element:	Plot Ratio
Requirement:	Residential Design Codes Table 1 Plot Ratio – 0.6 or 491.4m2
Applicants Proposal:	Plot Ratio – 0.59 or 483.4 m2
Performance Criteria:	Residential Design Codes 6.1.1 Building Size P1
Applicants Justification	'Nil' as compliant
Officer Technical Comments	Compliant

Issue/Design Element:	Street Setbacks
Requirement:	<u>Residential Design Elements Policy 7.2.1 Clause 6.4.2 (i)</u> Ground floor – 6.6 metre minimum street setback Upper floor– 2.0 metres behind the ground floor setback at all points
Applicants Proposal:	Ground floor – 4.18 metre minimum street setback Upper floor – in-line with the ground floor setback
Performance Criteria:	P3 Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they: <ul style="list-style-type: none"> • contribute to the desired streetscape; • provide articulation of the building on the primary and secondary streets; • allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site; • are appropriate to its location, respecting the adjoining development and existing streetscape; and

Issue/Design Element:	Street Setbacks
	<ul style="list-style-type: none"> • facilitate the provision of weather protection where appropriate. <p>SPC 5</p> <p>(i) 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.
Applicant Justification Summary	<ol style="list-style-type: none"> 1. The proposed development has been designed with a variable setback along its Burgess Street frontage to help provide an interesting and articulated front facade. 2. The proposed development has been designed to make a positive contribution to the local streetscape and an 'active frontage' to Burgess Street. 3. The proposed development will not have an adverse impact on the Burgess Street streetscape in terms of its overall bulk and scale and is generally consistent with other similar residential developments approved by the City in the immediate locality. 4. The proposed variation to the upper floor setback from the ground floor will not have any adverse impacts on the amenity of any adjoining properties along Burgess Street.
	<ol style="list-style-type: none"> 5. The variation to the upper floor front setback for the proposed development will not have an adverse impact on any major openings to habitable rooms or any outdoor living areas associated with any dwellings on the adjoining properties. 6. The proposed variation to the upper floor setback will significantly improve current levels of passive surveillance over Burgess Street. 7. Sufficient space is available within the front setback area on the ground floor to accommodate gardens and landscaping, all of which will be designed and constructed to ensure that the development is visually attractive and makes a positive contribution to the local streetscape. 8. Having regard for all of the above, it is contended that the proposed variations to the upper floor setbacks for the new multiple dwelling development on Lots 23 & 24 satisfy the 'performance criteria' of SPC 5 of the City's Residential Design Elements Policy, and may therefore be supported and approved by the City.
Officer Technical Comment	<p>The proposal complies with the Performance Criteria of Clause SPC 5 'Street Setbacks' of the City's Policy No. 7.2.1 relating to Residential Design Elements in this instance as it is considered to maintain the streetscape character of Burgess Street.</p> <p>The proposal is considered to maintain the existing streetscape, as there are properties with the upper floors and balconies flush with the ground floor within the immediate locality for example No. 12 Burgess Street.</p> <p>The proposed front elevation incorporates a number of architectural features including contrasting building materials,</p>

Issue/Design Element:	Street Setbacks
	roof pitches, feature wall, balcony, windows and open style fencing creating an interesting façade, providing visual articulation and reducing any perception of building bulk as viewed from the street.
	In light of the above, the proposal is considered to maintain the amenity of surrounding properties and the streetscape, as the proposed upper floor setback variation results in is keeping with the evolving Burgess Street streetscape.

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<u>Residential Design Codes Clause 6.1.4</u> Upper Floor East – 1.5 metre setback South – 2.2 metre setback
Applicants Proposal:	Upper floor East – 1.35 to 2.19 metre setback South – 1.2 to 3.6 metre setback
Performance Criteria:	P4.1 Buildings set back 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 between adjoining properties.
Applicant Justification Summary	<ol style="list-style-type: none"> 1. The proposed setback variation to the southern side boundary will not have an adverse impact on the local streetscape in terms of its bulk and scale. 2. It is considered that the portion of the development proposing a reduced setback from the southern side boundary is consistent in terms of its design, bulk and scale with other similar residential developments recently approved by the City in the immediate locality. 3. The proposed development complies with the 'Deemed-to-Comply provisions' relating to Solar access for adjoining sites of the R-Codes as it will not have a detrimental impact on access to light and ventilation for the existing dwellings on any adjoining properties. 4. The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas which will benefit all future occupants. 5. The proposed development complies with the 'Deemed-to-Comply provisions relating to Visual Privacy as it provides privacy to indoor habitable spaces and enhances the overall amenity for future occupants. 6. With respect to any potential impacts the development may have on the amenity of the adjoining No. 16 Burgess Street, Leederville, the following points are submitted in support of the proposal: <ol style="list-style-type: none"> i) That portion of the proposed development with a reduced setback from the southern side boundary abuts the side setback and covered courtyard areas of the existing grouped dwelling development on the adjoining southern property. Given this fact it is

Issue/Design Element:	Lot Boundary Setbacks
	<p>contended that the proposed development on Lots 23 & 24 will not have any adverse impacts on the existing grouped dwelling development on the adjoining southern property;</p>
	<p>ii) The ground level setbacks for the proposed development from the southern side boundary complies with the 'Deemed-to-Comply' provisions of the R-Codes;</p> <p>iii) The proposed development has been designed with a variable upper floor setback, providing an interesting and articulated façade;</p> <p>iv) Parts of the recessed areas of the upper floor of the proposed development comply with the 'Deemed-to-Comply provisions' of the R-Codes; and</p> <p>v) Having regard for the above it is contended that the portions of the proposed development with a reduced setback from the southern side boundary satisfy the 'Design Principles' of Element 7.1.4 of the R-Codes and may therefore be approved by the City.</p>
Officer Technical Comment	<p>Amended plans received by the City on 17 January 2014, addressing the proposed setback variations on the ground floor and on the northern elevation on the upper floor.</p>
	<p>The setback variation proposed on the upper floor on the right (south) side boundary is not considered to have an undue impact on the amenity of the adjoining property to the south in terms of privacy, ventilation or building bulk. It is also to be noted the proposal meets the acceptable development standards relating to the design for climate provisions set out in the R - Codes.</p> <p>The proposed reduced setback to the rear (east) is also not considered to have any adverse impact on the neighbouring property in terms of access to direct northern sunlight, ventilation or privacy.</p>

Issue/Design Element:	Roof Form
Requirement:	<p><u>Residential Design Elements Policy 7.2.1 Clause 7.4.3</u></p> <ul style="list-style-type: none"> • The use of appropriate materials, colour and roof pitch; • The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and • The use of lower pitched roofs where they are compatible with existing development and streetscape.
Applicants Proposal:	Skillion roof proposed
Performance Criteria:	<p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <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	<p>The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building. It is considered that in this instance that a traditional pitched roof may increase the bulk and scale of the building.</p>
	As the building height complies with the Performance Criteria

Issue/Design Element:	Roof Form
	provisions of Clause BDPC 5 'Building Height' of the City's Policy No. 7.2.1 relating to Residential Design Elements and Clause 2.2 'Building Height' of the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, it is considered that the proposal will not have an undue impact on the existing and desired future streetscape.
	It is also noted that the overshadowing complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes.

Issue/Design Element:	Surveillance of Street
Requirement:	<p><u>Multiple Dwellings Policy 7.4.8 Clause 3.1</u> The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</p>
Applicants Proposal:	Parking located within the street setback area.
Performance Criteria:	P1.1 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.
	<p>P1.3 Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.</p> <p>P1.4 Ground Floor Activation: The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.</p> <p>P1.5 Streetscape Integration: Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.</p>
Applicant Justification Summary	<ol style="list-style-type: none"> 1. The Burgess Street verge area adjoining the subject land comprises a width of approximately five (5) metres which will be comprehensively landscaped and maintained to help soften any potential negative visual impacts that the hardstand may have on the local streetscape. 2. The design, width and scale of the proposed hardstand for the new development is consistent with other similar residential developments approved by the City in the immediate locality. 3. The proposed development has been designed to integrate with the street through providing a clear and identifiable entry from the street, with the proposed carports and car parking bay not having a detrimental impact on the streetscape. 4. The proposed development has been designed to address the street and provide passive surveillance Burgess Street. 5. Having regard for all of the above it is contended that the proposed location of a carport and car parking bay within the front setback area of the proposed development satisfy the 'Design Principles' of Clause 3.1 of the City's Guidelines for Multiple Dwellings in Residential Zones and may therefore be supported and approved by the City.

Issue/Design Element:		Surveillance of Street
Officer Comment	Technical	The proposed area set aside for the visitor bay within the street frontage consists of minimal area of the overall lot frontage and is partially screened by the proposed street wall/fence. It is considered that this location does not reduce the ground floor activation proposed by the site and still affords a clear and identifiable entry to the site.

Issue/Design Element:		Landscaping
Requirement:		<u>Multiple Dwellings Policy 7.4.8 Clause 4.2</u> <ul style="list-style-type: none"> • Minimum 30% site area to be landscaped • Minimum 10% site area to contain soft landscaping within common property • Minimum 5% site area to contain soft landscaping within private outdoor living areas
Applicants Proposal:		<ul style="list-style-type: none"> • 6.8% site area provided as landscaping • 4.1% site area provided as soft landscaping within common property • 0% site area provided with soft landscaping within private outdoor living areas
Performance Criteria:		<p>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. • 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. <p>Assists in increasing tree and vegetation coverage.</p>
Applicant summary	Justification	<ol style="list-style-type: none"> 1. The proposed variation to the total hardstand within the street setback area of the new development is considered minor and therefore unlikely to have a detrimental impact on the amenity of the local streetscape or any adjoining properties. 2. The Burgess Street verge area adjoining the subject land comprises a width of approximately five (5) metres which will be comprehensively landscaped and maintained to help soften any potential negative visual impacts that the hardstand may have on the local streetscape. 3. All proposed car parking bays and crossovers for the new development have been designed to ensure safe and convenient vehicle access on the subject land. 4. The proposed new development has been designed to ensure safe and convenient access for pedestrians. 5. The design, width and scale of the proposed hardstand for the new development is consistent with other similar residential developments approved by the City in the immediate locality. 6. Having regard for all of the above, it is contended that the width of the proposed hardstand for the new multiple dwelling development on Lots 23 & 24 satisfy the relevant 'Design Principles' of the R-Codes and may therefore be approved by the City.[]

Issue/Design Element:	Landscaping
Officer Technical Comment	Not supported. Considered to have an undue impact on the immediate locality. Condition applied for the provision for Landscaping set out on the City's Policy 7.4.8 Clause 4.2 to be outlined in a Landscaping Plan prior to the issue of a Building Permit.

Car Parking	
Small Multiple Dwelling based on size (Less than 75 square metre) – 7 Dwellings – (0.75 Bays per Dwelling) – 5.25 or 6 Car Bays	8 Car Bays
Visitors = 0.25 per dwelling (7 dwellings) = 2 Car Bays	1 Car Bay
Total car bays required = 8 car bays	
Total car bays provided	9 car bays
Surplus	1 car bay

Bicycle Parking	
<ul style="list-style-type: none"> 1 bicycle space to each 3 dwellings for residents (2 required) and 1 bicycle space to each 10 dwellings proposed) – (1 required) – Total – 3 required 	8 bicycle spaces proposed.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	14 November 2013 to 5 December 2013
Comments Received:	nine (9) objections to the proposal were received.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Street Setback:</u></p> <p>Will be detrimental to streetscape, too bulky, not in keeping with streetscape.</p> <p>Trees will be removed altering streetscape.</p>	<p>Not supported. The proposal complies with the Performance Criteria of Clause SPC 5 'Street Setbacks' of the City's Policy No. 7.2.1 relating to Residential Design Elements in this instance as it is considered to maintain the streetscape character of Burgess Street.</p> <p>The proposal is considered to maintain the existing streetscape, as there are properties with the upper floors and balconies flush with the ground floor within the immediate locality for example No. 12 Burgess Street.</p> <p>The proposed front elevation incorporates a number of architectural features including contrasting building materials, roof pitches, feature wall, balcony, windows and open style fencing creating an interesting façade, proving visual articulation and reducing any perception of building bulk as viewed from the street.</p> <p>Noted. There are no existing street/verge trees within the Burgess Street Road Reserve.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Visual Privacy:</u></p> <p>Overlooking issues, does not comply. Windows of Unit 5 and 6 will overlook the courtyard and living room of the property at 16A Burgess Street.</p> <p>Concern over audio privacy and the significant increase in the quantity of noise likely to be generated by the 7 units.</p> <p>Buildings too close to boundary will cause neighbour to be overlooked. Proposed detail of screening needs to be clear.</p>	<p>Noted Amended plans have been received from the applicant which meet the 'deemed to comply requirements' of Element 6.4.1 C1.1 ('Visual Privacy') of the R-Codes.</p> <p>Noted. It is considered that some ambient noise from day to day habitation of the premises will occur.</p> <p>Noted. Amended plans submitted showing detail of the proposed privacy screens to the balconies which demonstrate compliance with the relevant provisions of the Residential Design Codes.</p>
<p><u>Surveillance of Street:</u></p> <p>Car parking will dominate streetscape. Will diminish the aesthetic value of the street.</p>	<p>Not supported. The proposed area set aside for the visitor bay within the street frontage consists of minimal area of the overall lot frontage, and is partially screened by the proposed street wall/fence. It is considered that this location does not reduce the ground floor activation proposed by the site and still affords a clear and identifiable entry to the site.</p>
<p><u>Lot Boundary Setbacks:</u></p> <p>Will not allow adequate daylight, direct sun and ventilation into adjoining properties.</p> <p>Only 1 metre setback from the boundaries at property at 16A Burgess Street, plants will die of heat and lack of sunlight.</p> <p>Will have visual impact on neighbouring property. Too close to boundary.</p>	<p>Not supported. The proposed development meets the 'deemed to comply requirements' of Element 6.4.2 C2. 1 ('Solar access for adjoining sites') of the R-Codes.</p> <p>Not supported. Comment is unsubstantiated and is not a valid planning consideration.</p> <p>Noted. Amended plans received by the City showing compliant ground floor setbacks. The upper floor setback variations are considered to satisfy the relevant design principles for the reasons outlined above.</p>
<p><u>Landscaping:</u></p> <p>Development significantly reduces the tree and vegetation coverage of the area. Minimal space around the building designed to allow planting. Will significantly alter the impermeable area of the lot. Insufficient landscaping in stark contrast to all other properties in the street. No pedestrian path shown on plans. Mature trees to be removed. No provision for landscaping at front will alter streetscape. Inconsistent with City's Policy.</p>	<p>Supported. Condition applied for the required provisions required for Landscaping set out in the City's Policy No. 7.4.8 to be included in a Landscaping Plan and approved by the City's Parks Services prior to the issue of a Building Permit.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Car Parking:</u></p> <p>Increase local traffic by 30%. Worsen the current parking congestion on Burgess Street.</p> <p>No off-site car parking for additional 6 households on Burgess Street.</p> <p>Access to the street for some cars can only be achieved by reversing.</p>	<p>Not supported. The increase in traffic generated from the proposed development is considered to be minimal and not cause an undue impact on the immediate locality.</p> <p>Not supported. The Burgess Street road reserve comprises on-street parking bays which are considered to facilitate any potential overflow.</p> <p>Not supported. Burgess Street is a local access road and, as such, vehicles are permitted to reverse out and do not have to enter in forward gear. However, with the exception of the car bay to unit 1, all other cars enter the street in forward gear.</p>
<p><u>Roof Pitch:</u></p> <p>Would significantly devalue the street.</p>	<p>Not supported. Devaluation of the street is not a valid planning consideration.</p>
<p><u>Excavation:</u></p> <p>We are worried if any excavating is to be carried out, as we have a parapet wall (over 70 years old) on part of the divide.</p>	<p>Noted. This matter will have to be considered by the applicants/owners as part of the Building Permit application.</p>
<p><u>Overshadowing:</u></p> <p>Concern with height of fences and the considerable restriction on sunlight. Bad design if it does not comply with provisions of the R-Codes. Will overshadow my property and devalue it.</p>	<p>Not supported. The overshadowing complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

The proposal was referred to the DAC meeting held on 3 July 2013. The following comments were provided:

Discussion:

- *Clarify the plot ratio.*
- *Introduce northern light to ground floor living spaces as light quality to lower units is of concern.*
- *Consider materiality.*

Mandatory:

- *Reduce the roof overhangs/patios over the southern spaces to increase natural light and reduce the length of parapet walls.*
- *Increase the amount of north facing windows in to living areas.*

Design Considerations:

- *Redesign with more north facing dwellings.*
- *Increase the size of the windows, add highlight windows for additional light, view and cross ventilation units.*
- *Improve the light and ventilation to bathrooms.*
- *Remove areas of roof to southern areas to increase air/light access to ground floor apartments.”*

Following the DAC meeting, the applicant submitted amended plans addressing the mandatory items from the DAC minutes. The applicant subsequently met with the City’s Officers, where it was acknowledged that the mandatory items had been addressed with the amended plans and therefore a development application could be lodged.

LEGAL/POLICY:

The following legislation and policies apply to the proposed Demolition of Existing Single House and Construction of Two-Storey Residential Development Comprising Seven (7) Multiple Dwellings and Associated Ground Floor Parking.

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Precinct Policy No. 7.1.3;
- Residential Design Elements Policy No. 7.2.1; and
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 7.4.8.

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 2013-2017 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 2013-2017 states:

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation, with all the dwellings provided with good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating and cooling, as well as high levels of artificial lighting.	
SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City, which are anticipated to increase in the near future.	
ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The applicant has provided amended plans demonstrating compliance with the setbacks on the ground floor as well as amending the locations of and screening the balconies to protect the privacy of the adjoining properties.

In light of this, the proposal is considered to be in keeping with the streetscape and the existing and desired future development of the locality. The proposed front elevation incorporates a number of architectural features including contrasting building materials, roof pitches, feature wall, balcony, windows and open style fencing creating an interesting façade, providing visual articulation and reducing any perception of building bulk as viewed from the street.

With the regard to the provision of landscaping, the applicant is agreeable for a condition to be applied for the required Landscaping provisions to be provided in the form a Landscaping Plan prior to the issue of Building Permit to the satisfaction of the City's Parks Services.

CONCLUSION:

In view of the above, proposed demolition of the existing single house and construction of two (2) two-storey buildings comprising seven (7) multiple dwellings, is supportable in this instance.

9.1.5 No. 17 (Lot 27; D/P 1744) Gladstone Street, Perth – Proposed Construction of Four (4) Storey Multiple Dwelling Development Comprising of Eight (8) Multiple Dwellings and Associated Home Office and Car Parking

Ward:	South	Date:	17 February 2014
Precinct:	Claisebrook North; P15 (EPRA)	File Ref:	PRO4077; 5.2013.433.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory) T Elliott, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, REFUSES the application submitted by Urban Concepts on behalf of the owners, AllModern Corporation, for Proposed Construction of a Four (4) Storey Residential Development comprising Eight (8) Multiple Dwellings and Associated Home Office and Car Parking at No. 17 (Lot 27; D/P 1744) Gladstone Street, Perth, and as shown on amended plans stamp-dated 3 February 2014, for to the following reasons:

1. The proposal does not satisfy Clause 1.10 relating to Scheme objectives of the East Perth Redevelopment Scheme No. 1, as the development does not comply with the development standards and does not respect the orderly and proper planning, development and management of the Scheme Area and the objectives of the Scheme;
2. The proposal does not satisfy Clause 1.10.2 (6) of the East Perth Redevelopment Authority Scheme No. 1 as the development specifically does not ensure that individual developments can occur without detriment to the integrity of the Scheme area;
3. Non-compliance with the Deemed to Comply Provisions and Design Principles provisions of the Residential Design Codes 2013, with regard to the following Clause:
 - 3.1 Clause 6.1.4 “Lot Boundary Setbacks” relating to the building setbacks of the proposed building;
4. Non-compliance with the following Clauses relating to Gladstone Street Requirements;
 - 4.1 EPRA Guidelines Precinct 15 – Claisebrook North - Clauses 2.2.3 & 3.2.5 Gladstone Street Building Height;
5. Non-Compliance with the Mandatory and Design considerations recommended by the City of Vincent Design Advisory Committee (DAC); and
6. Consideration of the number of objections received.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That the Item be DEFERRED and reported to the Ordinary Meeting of Council to be held on 25 March 2014.

**PROCEDURAL MOTION PUT AND CARRIED (ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-3)**

For: Presiding Member, Mayor John Carey (two votes – deliberative and casting vote), Cr Cole, Cr Harley, Cr McDonald and Cr Topelberg

Against: Cr Buckels, Cr Pintabona and Cr Wilcox

PURPOSE OF REPORT:

The proposal is referred to Council for determination, given the proposal is a four (4) storey residential development, consisting of eight (8) multiple dwellings and associated home office.

BACKGROUND:

Nil.

DETAILS:

The subject site is within the former East Perth Redevelopment Authority area, and has been assessed under the East Perth Redevelopment Authority Scheme No. 1, Residential Design Codes (R-Codes) 2013, Planning Policy No. 2.15 Precinct 15: Claisebrook Road North and Claisebrook Road North Design Guidelines.

The proposed application is for the Proposed Construction of a Four (4) Storey Residential Development Comprising Eight (8) Multiple Dwellings and Associated Home Office and car parking. The property is serviced by a right-of-way at the rear of the property and is currently a vacant site. The proposed associated home office is located on the ground floor of the proposed development, however how it functions has not yet been determined by the applicant.

Landowner:	AllModern Corporation
Applicant:	Urban Concepts – H Bethlehem
Zoning:	Residential R80
Existing Land Use:	Vacant
Use Class:	N/A
Use Classification:	Multiple Dwellings
Lot Area:	402 square metres
Right of Way:	West, 3.0 metres, Sealed

ASSESSMENT:

East Perth Redevelopment Scheme/Residential Design Codes Assessment

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Solution' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Front Fence	N/A		
Front Setback			✓
Lot Boundary Setbacks			✓
Building Height/ Number of Storeys			✓
Open Space	N/A		
Bicycles			✓
Access & Parking			✓
Privacy			✓
Solar Access	N/A		
Site Works	N/A		
Utilities & Facilities			✓
Surveillance	N/A		

East Perth Redevelopment Scheme/Residential Design Codes Assessment

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>R-Codes Clause 6.1.4 C4.2</p> <p><u>Ground Floor</u> South – 3.0 metres North – 3.0 metres West – 2.0 metres</p> <p><u>First Floor</u> South – 3.0 metres North – 3.0 metres West – 2.0 metres</p> <p><u>Second Floor</u> South – 3.0 metres North – 3.0 metres West- 2.0 metres</p> <p><u>Third Floor</u> South – 3.0 metres North – 3.0 metres West – 2.0 metres</p> <p><u>Boundary Walls</u> One Boundary Wall Maximum – 7.0 metres Average – 6.0 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Nil</p> <p><u>First Floor</u> Nil</p>

Issue/Design Element:	Lot Boundary Setbacks
	<p><u>Second Floor</u> Nil</p> <p><u>Third Floor</u> Nil</p> <p><u>Boundary Walls</u> Two Boundary Walls Maximum - 12.4 metres Average - 9.5 metres</p>
Design Principles:	<p>R-Codes Clause 6.1.4 P4.1 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 existing developments on either side of the proposed development are built to their respective boundaries, as are the majority of developments along Gladstone St, with 2 storey blank masonry walls; approximately 6.5-7m high on Lot 26 (north of site), and 5-5.5m high on Lot 28 (south of site). As such, and given the narrow width of the site (10.46m), the development has been designed with a zero setback to both side boundaries to abut the existing walls, utilising internal light wells and steps in the facade of the internal built form to promote the penetration of daylight into the residences within the development and facilitate cross ventilation.</i></p> <p><i>In relation to boundary wall heights; the Residential Design Code limits the height of boundary walls to a maximum height of 7m and an average height of 6m for land zoned R80, which is associated with a plot ratio of 1:1. Given that the plot ratio applicable to this site is 1.5:1, as stated in the East Perth Planning Policies, and the narrow width of the site; a height of 4-5 storey would be required to utilise the applicable plot ratio and maintain the above boundary setbacks and maximum boundary wall heights. This would result in a podium and tower type of built form, and in increased overshadowing of the neighbouring sites, which would not be consistent with the desired outcomes of the planning policies and guidelines.”</i></p> <p><i>As such, the proposed development utilises a more compact built form, with the majority of the proposed development being a maximum of 3 storeys built to the boundary. The proposed development incorporates a boundary wall of maximum height 12.4m, with an average height of approximately 8.5m to the North; and a boundary wall of maximum height 10m, with an</i></p>

Issue/Design Element:	Lot Boundary Setbacks
	<p><i>average height of approximately 9.5m to the South. As such, we request the City apply its discretion in assessing the boundary wall heights of the development in order to approve an increase in the maximum boundary wall heights applicable to the site to match the 3-4 storey aspirations of the design guidelines.”</i></p>
	<p><i>“However, the laneway behind Lot 27 Gladstone Street is a private laneway, and therefore is not deemed to constitute a Secondary Street under the Residential Design Codes, and the existing developments along the laneway typically maintain a zero setback. As such, the proposed development is in line with these existing developments and with a minimal number of zero setback points to the laneway and the majority of the façade setback varying distances behind the property boundary through the use of a stepped or staggered façade, due to the angle of the rear property boundary. A relaxation of the on-site parking requirements for the development would be required to facilitate a greater setback from the rear property boundary.”</i></p>
<p>Officer technical comment:</p>	<p>Not Supported. The proposed development is not considered to comply with the Residential Design Principles due to the following:</p> <p>The proposed side setbacks are substantial, and will in effect reduce the ability for the future redevelopment of the adjoining site. Any proposed buildings will be compromised by the boundary, to boundary build proposed especially in the areas of provision of light and ventilation.</p> <p>The proposed boundary walls are not considered unreasonable development, if they were reduced to three storeys, given the site is limited in size and width and the property abuts two buildings on either side which have ‘nil’ boundary walls for a substantial length of the boundary.</p>

Issue/Design Element:	Street Setbacks
<p>Requirement:</p>	<p>EPRA Guidelines – Precinct 15- Claisebrook North – Clause 2.2.4 1.5 metres (ground floor)</p>
<p>Applicants Proposal:</p>	<p>‘Nil’ (minimum)</p>
<p>Design Guideline Requirement</p>	<p>N/A</p>
<p>Applicant justification summary:</p>	<p><i>“The proposed development complies with this requirement for the home office. Full height glazing provides visual connections and surveillance between the office interior and the streetscape, as per the Built Form Guidelines in the Claisebrook Road North Design Guidelines. The upper levels also comply with the stipulated zero front setback. The bin store and pedestrian entry are located within the setback, with a zero setback to the front boundary. This is required to meet the City’s waste removal requirements, provide secure pedestrian access to Level 1, and facilitate the inclusion of the prescribed number of car bays within the development. The security gate for the on grade car</i></p>

Issue/Design Element:	Street Setbacks
	<i>park has been setback more than the prescribed 1.5m in order to mitigate these incursions into the setback zone, such that the average setback is approximately 1.5m."</i>
Officer technical comment:	Supported. The proposed development provides for an articulated frontage at street level with a section of the front of the building (Home Office) setback at 1.5 metres. It is considered that whilst the remainder of the ground floor has a 'nil' setback, it will not significantly impact the adjoining properties.

Issue/Design Element:	Building Height
Requirement:	EPRA Guidelines Precinct 15- Claisebrook North - Clause 2.2.3 & 3.2.5 Gladstone Street Three Storeys plus Loft or Roof Garden
Applicants Proposal:	Four (4) Storeys
Design Guideline Requirement:	N/A
Applicant justification summary:	<i>"The proposed development has a home office space at ground floor for street activation, two levels of residential, with the street front upper apartment having a mezzanine level setback behind a roof terrace, which reflects the requirements of the Design Guidelines."</i>
Officer technical comment:	Not Supported. The proposed height at four (4) storeys is considered to provide an undue impact to the adjoining properties given the presence of only single and double storey buildings either side of the subject lot. It is also noted if the southern lot was to be developed in the future that the location of any multiple dwellings, especially on the northern side, would be severely compromised.

Issue/Design Element:	Privacy
Requirement:	R-Codes Clause 6.4.1 C1.1 Balconies – 6.0 metres
Applicants Proposal:	<u>First Floor</u> Balcony – 1.28 metres (North) <u>Second Floor</u> Balcony – 1.28 metres (North) <u>Third Floor</u> Balcony – 1.28 metres (North)
Design Principles:	R-Codes Clause 6.4.1 P1.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;

Issue/Design Element:	Privacy
	<ul style="list-style-type: none"> • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	No Justification provided by Applicant.
Officer technical comment:	Not supported. The proposed balconies are required to comply with the R Codes screening requirements, in the event of any approval.

Issue/Design Element:	Utilities and Facilities
Requirement:	Residential Design Codes Clause 6.4.6 C6.3 Clothes Drying Area – To be provided
Applicants Proposal:	No Clothes Drying Area Shown
Design Principles:	Residential Design Codes Clause 6.4.6 P6 P6 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> • convenient for residents; • rubbish collection areas which can be accessed by service vehicles; • screened from view; and • able to be secured and managed.
Applicant justification summary:	No Justification provided by applicant.
Officer technical comment:	Not supported. The applicant is required to provide clothes drying area/drying with each multiple dwelling proposed in the event the application is approved.

Issue/Design Element:	Vehicular Access
Requirement:	EPRA Guidelines – Precinct 15- Claisebrook North – Clause 2.1.5 Vehicular access from the right-of-way only.
Applicants Proposal:	Access from street and the right-of-way.
Design Guideline Requirement:	N/A
Applicant justification summary:	<i>“Resident and Visitor vehicle access is proposed to be via Gladstone Street, with egress via the rear lane. Cyclist’s access to the site is proposed to be via Gladstone Street. All resident, visitor and cyclist parking requirements are proposed to be located behind a secure gate, with visitor access provided via an intercom with resident monitored CCTV and remote operation of the entry security gate. The rear roller shutter is intended to be controlled via a button and infra-red sensors within the parking area. Resident Bay No. 4 is accessible via rear loading, with the perforated roller shutter open.”</i>
Officer technical comment:	Supported. Whilst the requirement is for all vehicular access to be provided from the rear existing right-of-way, the proposed development provides for egress from the right-of-way but access from Gladstone Street. This will limit the amount of traffic accessing Gladstone Street, as well as enabling sufficient access from the narrow right-of-way at the rear of the property.

Issue/Design Element:	Awnings
Requirement:	EPRA Guidelines – Precinct 15- Claisebrook North - Clause 2.1.8 Awnings to be provided for weather protection.
Applicants Proposal:	No awnings provided.
Design Guideline Requirement:	N/A
Applicant justification summary:	No justification provided by applicant.
Officer technical comment:	Not supported. An awning is required to be provided, in the event the application is approved over the Gladstone Street frontage.

Car Parking

The East Perth Area remains within the Perth Parking Management Act 1999 area and any parking is to be assessed against the Perth Parking Policy 2012. However the car parking required for the residential component is calculated as per the 2013 Residential Design Codes.

Residential Car Parking	
Small Multiple Dwelling (75 square metres or less)- 0.75 bay per dwelling (7 dwellings)= 5.25 car bays or 6 car bays Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (1 dwelling)= 1 car bay Visitors= 0.25 per dwelling (8 dwellings) = 2 car bays Total= 8 car bays (6 Residential/2 Visitors)	Proposed Eight (8) residential car bays and one (1) visitor car bay. (Total -9 car bays provided)
Shortfall	Nil car bays

It is considered that given the property is in close proximity to public transport and specifically within 200 metres from the train station and 100 metres from Lord Street, any visitors can access the site by alternative modes of public transport. Hence one (1) visitor bay in lieu of two (2) visitor bays is supported in this instance, given the proximity of the site to public transport.

Bicycle Parking		
Bicycle Parking	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors): Three (3) bicycle bays for the residents and one (1) bicycle bay for the visitors.	No bike facilities have been provided. The applicant is required to provide the required number of bicycles in the event of approval.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	22 November 2013 to 6 December 2013		
Comments Received:	One (1) objection and One (1) general concern.		

Summary of Comments Received:	Officers Technical Comment:
<u>Issue: Future Development of Adjoining Site</u> The proposal will affect the development potential of the adjoining site.	Supported. The proposed design will compromise the availability of light and ventilation of any future northern facing units.
<u>Issue: Height</u> The proposed height is non-compliant.	Supported. The height of the development at four storeys is considered to impact the adjoining property to the south.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Overshadowing</u></p> <p>The proposed development proposes a significant overshadowing of the adjoining property.</p>	<p>Noted. The proposed development abuts a property although zoned Residential R80, which is currently used for commercial purposes. The overshadowing will not occur over any substantial parts of the adjoining property other than the roofed area. Any future development of the adjoining site to the south is likely to replicate this development and provide boundary walls of some description that would cancel out the overshadowing created by the development.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was referred to the DAC on 1 May 2013, 3 July 2013, 6 November 2013 and 5 February 2014.

Summary of Design Advisory Committee Comments from 5 February 2014:

“Discussion:

The current scheme was lodged as a Development Application in November.

The applicant chose to lodge the DA prior to DAC consideration on November 6, 2013 without representation. A series of recommendations were drafted.

At this meeting, plans with minimal changes were submitted however the designer did not attend. The applicants attended, though frustrations regarding communications with Vincent were misdirected at the DAC and became the focus. The applicants were informed that the DAC have no role in directly communicating with applicants.

The discussion that followed was not constructive and attempts to discuss design issues had limited success.

A number of design issues remain unaddressed.

- *It has always been a focus of the DAC to encourage active uses to be located at ground floor street front to activate and provide passive surveillance to the street. A home office is proposed.*
- *The DAC recognises the competing demand for frontage to be devoted to vehicular access, building entry, access to bin store and ideally: some activated space. The DAC believes that this balance can be resolved in a more effective manner. The current design solution is not considered satisfactory. The DAC encourage the CoV to allow minimisation of the frontage required for bins store to optimise the opportunity for activation of the building at street level.*
- *If the above is resolved, consider services to this space to allow it to be sublet or operate independently.*
- *Consider more efficient circulation: Only a portion of apartments are serviced by the lift. Access to upper rear apartments could be improved. Access to the top floor bedroom currently via lift or external stair only.*
- *Lightwell sizes have not increased.*
- *Access to daylight for the bathrooms is reported to have been improved but isn't clear on drawings.*
- *Store accessed from the lobby is not desirable.*

Recommendation:

The current scheme was lodged as a Development Application in November.

The applicant chose to lodge the DA prior to DAC consideration on Nov 6, 2013. No representatives attended that meeting. Without a presentation or opportunity to discuss this proposal, a series of recommendations were drafted.

At this meeting, plans with minimal changes were submitted. The applicants (owners) attended, though frustrations regarding communications with Vincent were misdirected at the DAC and unfortunately became the focus. The discussion that followed was not constructive and attempts to discuss design issues had limited success.

This scheme has not been presented to the DAC nor has there been opportunity for constructive discussion and so has not yet sufficiently undertaken the DAC process. A number of the mandatory recommendations and design considerations remain unaddressed. For these reasons above the DAC does not support this proposal.

The applicant has the option to proceed with the DA without DAC support, or to participate in the DAC process with a presentation of the scheme (as is the usual process) and discussion with the designer present.

This proposed development will be one of the first 4-storey mixed use developments on Gladstone St and the DAC believe it is important to set a good precedent.

Mandatory:

- *Explore, with the CoV, the minimisation of the frontage required for bin store to optimize the opportunity for activation of the building at street level. The DAC recognises the competing demand for frontage to be devoted to vehicular access, building entry, access to bin store and ideally: some activated space. The DAC believes that this balance can be resolved in a more effective manner. The current design solution is not considered satisfactory.*
- *Introduce natural light and ventilation to bathrooms.*
- *Increase void/light well sizes.*

Design Considerations:

- *Provide more efficient circulation: Consider; increasing the number of apartments serviced by the lift; simplifying the circulation to upper rear apartments (currently lift access to first floor only, then stairs to second floor access); providing internal access to top floor via internal stairs in addition to the lift.*
- *If there is opportunity to increase the size of the ground floor street front 'home office', consider adding services; such as kitchenette/bathroom, to the ground level office space. This will provide flexibility and increase the number of uses this space may accommodate."*

In response to the comments from DAC the applicant has made the following amendments:

- Whilst the applicant has attempted to take into account the comments as noted by the DAC, the proposal remains unsupported by DAC.
- It is considered the circulation of future residents within the building remains a concern.

It is noted that the requirement of Design Excellence is not required in this instance given the properties location within the EPRA Normalised Area.

LEGAL/POLICY:

The following legislation and policies apply to the proposed Construction of a Four (4) Storey development comprising Eight (8) Multiple Dwellings and Associated Home Office and Car Parking at No. 17 Gladstone Street, Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- EPRA Normalised Area – Claisebrook North – Precinct 15; and
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 7.4.8.

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 2013-2017 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 2013-2017 states:

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

ENVIRONMENTAL

The design of the dwellings allow for limited adequate light and ventilation.

SOCIAL

The proposal provides for an increase in housing diversity and provides housing for smaller households within the City which are anticipated to grow and become a significant proportion of the households.

ECONOMIC

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The development proposed at No. 17 Gladstone Street is contemporary in nature and attempts to utilise the site which has a narrow 10.46 metre frontage and is currently vacant. It is noted however the design is currently flawed in nature and has been highlighted by the City's Design Advisory Committee.

The City's Design Advisory Committee has noted that the design does not currently address well with the street, provides limited accessibility internally both by stairway and lift, ventilation and light is limited internally and the location of services areas such as stores and bin areas compromises the design.

However until the applicant's present a design which enables good circulation of residents, street activation and appropriate location of services at ground floor level, the design cannot be supported. It is also considered that the height, presently at four (4) storeys, will have a negative impact on future development of the adjoining properties.

Conclusion

In light of the above, it is recommended that the proposed development be refused for the above mentioned reasons.

9.1.6 Nos. 12-16 (Lot: 26 D/P: 13767) Cleaver Street, West Perth - Proposed Change of Use from Showroom/Warehouse to Place of Public Worship (Sonlife Church)

Ward:	South	Date:	12 February 2014
Precinct:	Cleaver; P5	File Ref:	PRO5392; 5.2013.439.1
Attachments:	001 – Property Information Report and Development Assessment 002 – Applicant's Submission 003 – Applicant's Response to Community Submissions		
Tabled Items	Nil		
Reporting Officer:	D Bothwell, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting 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 Reid Ballantine on behalf of the owners A Percudani and L Ricciardi for Proposed Change of Use from Showroom/Office to Place of Public Worship (Sonlife Church) at Nos. 12-16 (Lot: 26 D/P: 13767) Cleaver Street, West Perth, and as shown on plans stamp-dated 3 October 2013, for the following reasons:

1. The Proposal does not comply with the following objectives and general provisions of Clause 6 'Objectives and Intentions' of the City of Vincent Town Planning Scheme No. 1, in that it:
 - 1.1 DOES NOT protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 1.2 DOES NOT ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework;
 - 1.3 DOES NOT recognises the individual character and needs of localities with the Scheme zone area;
2. The proposal does not comply with the following provisions of Clause 38 "Determination of Application – general Provisions" of the City of Vincent Town Planning Scheme No. 1;
 - 2.1 The orderly and proper planning of the locality as it is considered that the additional number of cars being parked on the surrounding streets will have an adverse affect on the locality;
 - 2.2 The conservation of the amenity of the locality as it is considered that the intensification of use would be detrimental to the conservation of the amenities of the locality;
3. The application is considered an intensification of use with increased patronage highly likely to result in an increase in the number of parking complaints and traffic congestions. This will have an adverse and detrimental effect on the amenity of the residents in the locality; and
4. Consideration of objections received.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

OFFICER RECOMMENDATION PUT AND LOST (0-8)

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

That the Council believe that it is an inappropriate use but fitting for the current use of the area.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr Harley

ALTERNATIVE 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 Reid Ballantine on behalf of owners A Percudani and L Ricciardi for Proposed Change of Use from Showroom/Office to Place of Public Worship (Sonlife Church) at Nos. 12 – 16 (Lot: 26 D/P: 13767) Cleaver Street, West Perth and as shown on plans stamp-dated 3 October 2013, subject to the following conditions:

1. Place of Public Worship

- 1.1 The approval for the place of public worship is valid for a period of five (5) years only, until 25 February 2017. After the period of five years the applicant is required to submit and approve by the City an application for continuation of the Place of Public Worship;
- 1.2 This approval is for Place of Worship use only, and any change of use from Place of Public Worship shall require Planning Approval to be applied for and obtained from the City prior to commencement of such use;
- 1.3 A maximum of 20 people at any one time shall be permitted at the premises from Monday to Saturday;
- 1.4 A maximum of 125 people shall be permitted at the premises on Sundays and Public Holidays;
- 1.5 The operating hours of the Place of Public Worship shall be limited to 8.00 am to midnight Monday to Saturday and 8:00 am to 3pm on Sunday inclusive of public holidays;

2. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City:

2.1 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the 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; and

2.2 **Blind Crossover**

The blind crossover adjacent to the subject property off Cleaver Street to be made redundant to the satisfaction of Technical Services;

3. Prior to the submission of an Occupancy Permit, the following shall be completed to the satisfaction of the City;

3.1 **Bicycle Bays**

A total of seven (7) bicycle bays shall be provided with two (2) class 1 or 2 facilities and 5 Class 3 facilities. The bicycle facilities shall be designed in accordance with AS2890.3; and

4. The development is to comply with all Building, Health and Engineering 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 Cleaver Street;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning; and
3. 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.
4. Permission has been given by adjacent landowners to use their car parking spaces on Sunday. However, this is not a legal agreement and permission may be revoked at any time.

ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

Landowner:	A Percudani and L Ricciardi
Applicant:	Reid Ballantine
Zoning:	Commercial
Existing Land Use:	Showroom/Warehouse
Use Class:	Place of Public Worship
Use Classification:	"AA"
Lot Area:	1682 square metres
Access to Right of Way	Nil

PURPOSE OF REPORT:

This proposal requires referral to the Council given the interest of the matter by the community.

Furthermore, six (6) objections and one (1) submission in support have been received.

BACKGROUND:

Date	Comment
21 April 2011	The City under delegated authority from the Council resolved to approve an application for a change of use from showroom to showroom and warehouse.

DETAILS:

The proposal involves a change of use from showroom/warehouse to place of worship (Sonlife Church). The building is part of a larger building complex, which house other businesses.

The details of the Place of Public Worship are outlined in the attached applicant's submission, and are summarised as follows:

Proposed hours of operation:

- Church Office Monday-Friday 10:00am – 4:00pm.
- Sunday Service: Sunday 9:30am – 1:00pm.

Expected employees:

- The maximum number of expected employees at the premises at any one time is 4.

Expected visitors:

- The maximum number of expected visitors at the premises at any given time is 125 people, primarily during the Sunday Morning Service. During the week is expected to be a maximum of 12 people.

ASSESSMENT:

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

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Plot Ratio	N/A		
Street Walls and Fencing	N/A		
Roof Form	N/A		
Street Setback	N/A		
Dual Street Frontage	N/A		
Side and Rear Boundary Setbacks	N/A		
Building Height	N/A		
Number of Storeys	N/A		
Open Space	N/A		
Access & Parking	N/A		
Bicycle Parking			✓
Privacy	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Outdoor Living Areas	N/A		
Surveillance of Street	N/A		
Overshadowing	N/A		

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

Issue/Design Element:	On-Site Parking
City of Perth Planning Scheme No. 2 Requirements Tenant Parking Policy	
<ul style="list-style-type: none"> Cleaver Street is Category 4 (Streets with relatively low concentrations of pedestrians at this stage) 	
Maximum Negotiable Allowance:	
<ul style="list-style-type: none"> Cleaver Street is classified as 'At Grade Access' Therefore as Category 4, the maximum number of car bays is based on 200 cars per hectare (10, 000 square metres) 	
Maximum Car Parking Allowed:	
<ul style="list-style-type: none"> 1682 square metres in site Area/10, 000 x 200 = 33.64 	Maximum Car Bays allowed is 34 car bays
Parking Provided	'Nil'

The City of Perth Car Parking Policy is based on a maximum required car parking provision, as opposed to a minimum requirement of car bays. As such, the proposed car parking provision of "nil" car bays on-site for the proposal, complies with the maximum number of car bays (34 car bays) allowed as per the City of Perth Car Parking Policy requirements.

Issue/Design Element:	Bicycle Bays
Parking and Access Policy No. 7.7.1 Bicycle Bay requirement (nearest whole number)	
<ul style="list-style-type: none"> Place of Worship – (1 space per 20 persons) – 125 persons = 6.25 spaces required – 7.0 spaces required 	
35%- Class 1 or 2 – 2.45 or 2 spaces 65%- Class 3 – 4.55 or 5 spaces	7.0
Bicycle Parking Provided	Nil
Resultant Shortfall	2 Class 1 or 2 Bicycle Bays; and 5 Class 3 Bicycle Bays

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	24 January 2014 – 7 February 2014		
Comments Received:	Six (6) objections and One (1) support.		

Summary of Comments Received:	Officers Technical Comment:
<p><u>Car Parking and Traffic</u></p> <p>Concern for lack of car parking, which is not enough for existing patronage let alone a congregation.</p> <p>Proposal for 125 people on Sundays equates to approximately 60 cars parking on street and congesting streets.</p> <p>Existing car parking is at a premium in the locality during weekdays and even on weekends.</p>	<p>Supported. The City has concern over the lack of on-site parking available for the proposed use.</p> <p>Supported. It is acknowledged that there would be a significant amount of cars parking in the area, associated with the proposed Sunday Service, resulting in an increase in vehicular traffic in Cleaver and surrounding streets.</p> <p>Supported. It is noted that there is no on-site car parking available for the use, resulting in an increased demand for car parking in the surrounding streets.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Concern that if the congregation increases available car parking on Newcastle Street, Cleaver Street and Strathcona Street will be taken up, thus restricting the parking availability to existing and future residents.</p> <p>No car parking on-site, as all parking during office hours would need to be street parking.</p> <p>There was previously a place of worship at 16 Cleaver Street. Although it was argued that traffic impact would only occur on Sunday, this was not the case and the street became congested mid-week as well. Forced to close our gates to stop the congregation parking in our car parks as street parking cannot be found.</p>	<p>Supported. The City's Officers are of the view that if the numbers and activities of the proposed use increase at any time, the street parking from the proposed use would have the potential to spill into surrounding streets.</p> <p>Noted. The applicant has advised that there will be a maximum of four (4) office staff on-site during business hours. As there is no car parking on-site, these four (4) staff members are likely to park on the street, if required.</p> <p>Noted.</p>

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Cleaver Street Precinct Policy No. 7.1.5;
- Perth Parking Management Act 1999; and
- Perth Parking Policy 2012.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment"

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 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
Results in the use of an existing building. Will also result in an increase in vehicular traffic in the immediate and surrounding area.	

SOCIAL	
Issue	Comment
The proposed place of worship would result in an undue impact on the immediate residents, having to deal with greater amount of vehicular traffic movements. However, it is acknowledged that it will provide a place for worship.	

ECONOMIC	
Issue	Comment
Financial benefit to owners.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

Technical Services

Given that the area in which the church is to be located is predominately service/industrial and that the church services are generally held on a Sunday (when businesses tend to be closed), then the existing on-road parking within the immediate area should be adequate.

However, to ensure that its operations do not impact upon the amenity of the residents to the north of Newcastle Street, if the Council is inclined to approve the application, it is recommended that as a condition of approval that the Church lodge a "*Parking Management Statement*" to the effect that that the parishioners will be requested to confine their parking to the area south of Newcastle Street.

Building Services

An Occupancy Permit will be required for the change in the classification of the building. A Building Permit is required to be privately certified and submitted to the City for approval for the above change in classification, if the application was approved.

Ranger Services

The City's Ranger Services have advised that they are not supportive of the proposed Place of Public Worship, due to the current 2 hour limitation of car parking in Cleaver Street and surrounding streets.

Health Services

The City's Health Services have advised that the proposal and the building is compliant with the relevant Health standards, with regards to exits and toilets. However, they have noted that if the Council is inclined to support the application, than an acoustic report would need to be provided.

Planning Services

As the subject property does not have any on-site car parking, the proposed use is considered to have an adverse impact on the amenity of Cleaver Street and surrounding streets, as it will be relying 100 per cent on-street car parking.

The proposed maximum number of people attending the place of worship is anticipated by the applicant to grow to approximately 125 people for the Sunday Service, over the next 4-5 years period, which will significantly rely on place additional pressure on available on-street car parking bays.

It has been noted that Cleaver Street and surrounding streets are relatively quiet on Sundays, however is within close proximity to the residents living on the northern side of Newcastle Street.

The City's Officers are of the view that the on-street car parking and traffic impact would occur largely on weekends with no on-site parking available, and have a negative impact on the amenity of residents and businesses in the area.

CONCLUSION:

On the above basis, the proposal is recommended for refusal for the reasons outlined above.

9.1.7 Nos. 514 & 516 (Lot: 14 D/P: 1106, Lot: 15 D/P: 1106, Lot: 16 D/P: 1106) William Street, Highgate – Change of Use from Two (2) Single Houses to Lodging House and from Existing Ancillary Accommodation to Single Bedroom Dwelling (Retrospective Application)

Ward:	South	Date:	14 February 2014
Precinct:	Hyde Park; P12	File Ref:	PRO5001; 5.2013.317.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification dated 15 November 2013		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting 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 L K Xa on behalf of the owners, L K Xa, T K Hua & V Hua for Proposed Change of Use from Two (2) Single Houses to Lodging House and from existing Ancillary Accommodation to Single Bedroom Dwelling (Retrospective) at Nos. 514-516 (Lots 14, 15 & 16; D/P 1106) William Street, Highgate, as shown on plans stamp-dated 15 November 2013, for the following reasons:

1. The Proposal does not comply with the following objectives and general provisions of Clause 6 'Objectives and Intentions' of the City of Vincent Town Planning Scheme No. 1, in that it:
 - 1.1 does not protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 1.2 does not ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework;
 - 1.3 does not recognises the individual character and needs of localities with the Scheme zone area;
2. The proposal does not comply with the following provisions of Clause 38 "Determination of Application – general Provisions" of the City of Vincent Town Planning Scheme No. 1;
 - 2.1 The conservation of the amenity of the locality as it is considered that the intensification of use would be detrimental to the conservation of the amenities of the locality;
3. The proposed development does not comply with the following objectives of the City's Policy No. 7.4.5 relating to Temporary Accommodation:
 - 3.1 Ensure properties used for temporary accommodation purposes do not
4. Non-compliance with the City's Policy No. 7.7.1 relating to Parking and Access, with respect to the 0.8 on-site car parking bay shortfall;
5. The proposed change of use from two (2) single houses to lodging house and from existing ancillary accommodation to single bedroom dwelling would create an undesirable precedent; and
6. Consideration of the objections received.

ADVICE NOTES:

1. **Within twenty-eight (28) days from the date of the refusal:**
 - 1.1 **The unauthorised lodging house use is to cease operating;**
 - 1.2 **Modify the ancillary accommodation to comply with the approved plans dated 27 April 2010, Serial Number 5.2010.58.1; and**
2. **With regards to Advice Note 1 and non-compliance, the City will have limited option other than to commence enforcement and legal proceedings in accordance with the City's Prosecution and Enforcement Policy. On conviction, offences under Section 214 of the Planning and Development Act may be liable of a penalty of \$200,000 for each offence and a daily penalty of \$25,000 for each day during which each offence continues. In addition, the maximum fine for a Corporation is increased five times by virtue of Section 40, Sub-section 5, of the Sentencing Act 1995; and**
3. **In accordance with the Residential Design Codes of Western Australia 2013, a single house is a dwelling standing wholly on its own green title or survey strata lot. A dwelling is a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.**

COUNCIL DECISION ITEM 9.1.7

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Cr Harley departed the Chamber at 7.55pm.

Debate ensued.

Cr Harley returned to the Chamber at 7.56pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The application is referred to the Council for determination given the proposal relates to an 'SA' use whereby five (5) objections were received.

BACKGROUND:

History:

Date	Comment
27 April 2010	A development application for the proposed conversion of the garage and carport at the existing single house to ancillary accommodation and store room at No. 514 William Street, Highgate, was approved under delegated authority.
12 February 2013	The Council at its Ordinary Meeting refused the development application for the proposed change of use from Two (2) Single Houses and Ancillary Accommodation to Lodging House and Associated Alterations (Retrospective).

DETAILS:

Landowner:	L K Xa, T K Hua & V Hua
Applicant:	L K Xa
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Two Single Houses and Ancillary Accommodation
Use Class:	Lodging House and Ancillary Accommodation
Use Classification:	'SA' & 'P'
Lot Area:	1041 square metres (combined site area)
Right of Way:	South-eastern side, 3 metres wide, sealed, Council owned

The City received a retrospective development application on 15 November 2013 for the proposed change of use from two (2) single houses to lodging house and from ancillary accommodation to a single bedroom dwelling, both being retrospective in nature.

The development application plans depict thirteen (13) beds within No. 514 William Street and twelve (12) beds within No. 516 William Street and one (1) bed within the single bedroom dwelling at the rear of the property.

The approved plans show that the ancillary accommodation contained one (1) bedroom, one (1) bathroom, a separate laundry and a kitchen, dining and living area; with a store room to the rear of the building.

ASSESSMENT:

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Roof Forms	N/A		
Front Setback	N/A		
Lot Boundary Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Carports and Garages	N/A		
Garage Width	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		
Communal Open Space	✓		

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"> Lodging House 1 space per 4 beds provided 25 Beds = 6.25 car bays 	
Total car bays required = 6.25 car bays = 6 car bays	= 6 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.80 (the proposed development is within 400 metres of a bus route) 	(0.80) 4.8 car bays
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Single House – 1 bedroom dwelling 1 space within Location A = 1 car bay 	
Total car bays required = 1 car bay	1 car bay
Total number of Car Bays Required (after adjustment factors)	5.8
Minus the car parking provided on-site	5
Minus the most recently approved on-site car parking shortfalls	Nil
Resultant shortfall	0.8 car bays

Bicycle Bays	
Bicycle bay requirement (nearest whole number) <ul style="list-style-type: none"> 1 space per 8 beds (26 beds) 26/8 = 3.25 bicycle bays = 3 bicycle bays 	
Required – 0.35 (Class 1 or 2 bicycle bays) = 1 bicycle bay – 0.65 (Class 3 bicycle bays) = 2 bicycle bays	= 3 bicycle bays
Minus the bicycle bays provided on-site	= 4 bicycle bays
Resultant Surplus	= 1 Class

The subject site is only able to provide five (5) compliant car parking bays on site; therefore resulting in a shortfall of 0.8 car bays. An adjustment factor of 0.80 has been taken into consideration due to the subject sites proximity to public transport; however on-site parking has not been provided at a rate that adequately meets the demands of the proposed use.

It is considered in this instance, that approving a lodging house, which may accommodate up to twenty-five (25) lodgers, with five (5) car parking spaces on-site is not considered adequate. Although the car parking shortfall is not substantial, in this instance it will have a detrimental impact on the adjoining residents. Car parking is already restricted on the site, particular due to the requirement for cars to enter William Street in a forward gear. This not only has safety concerns to the adjoining properties with residents currently parking on the verge but substantially limits the amount of useable on-street car parking provided on William Street, excluding peak hour clearways.

The application is also considered an intensification of the use and the increased patronage will likely result in an increase in the number of parking complaints and traffic congestions in the immediate area. This will have an adverse and detrimental impact on the amenity of the residents in the locality.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	20 January 2014 to 11 February 2014
Comments Received:	six (6) objections

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Preservation of the residential character, family focus and loss of amenity.</p> <p><i>“Not in keeping with the objectives of the Town of Vincent with respect to preserving the residential character and family focus of the area”.</i></p> <p><i>“Development proposing such high occupancies are better suited to the mixed-use areas closer to the commercial heart of Northbridge. Lower occupancy operations, such as Pension of Perth on Throssell Street are well-established, well-operated, and much more suited to the area”.</i></p>	<p>Supported. The proposal is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting and enhancing the health, safety and physical welfare of the City’s inhabitants.</p> <p>Supported. In this instance the proposal is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting the amenity of the locality. The current management of the lodging house does not ensure that the use will be controlled in an effective and efficient manner, especially failure to recognise and respect the amenity of surrounding residents.</p>
<p>Issue: Poor appearance</p> <p><i>“The front of the property...is not maintained and not in keeping with the surrounding area”.</i></p> <p><i>“Many local residents investing in restoring their properties to a high standard creating a strong sense of community pride in the locality”.</i></p> <p><i>“The verge fronts are regularly churned into a dust bowl”.</i></p> <p><i>“Veranda spaces at the front heave with mounting rubbish and once well-kept gardens are now weeds, dried grass, littered scraps and items strewn”.</i></p> <p><i>“The right of way is also not maintained with foliage and branches protruding from the property into the right of way, and a broken fence”.</i></p> <p><i>“The back fence for example slopes heavily into the property”.</i></p>	<p>Noted.</p> <p>Noted. In the event that a development was to be approved, a condition would be imposed that the verge be upgraded and maintained.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>Issue: Car Parking</p> <p><i>“Temporary residents and their visitors to the property also create safety concerns parking on verges and footpaths and continue to take up parking spaces on the neighbouring streets meant for residents. Parking is in short supply and adding another 26 people and their guests would impact residents”.</i></p>	<p>Supported. The shortfall in car parking is not supported in this instance, and can be accommodated if the use is scaled down in size.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><i>"Current 3 bay driveway used for parking of 5 vehicles with frequent coming and going".</i></p> <p><i>"Broadened driveway will reduce available verge and street parking without alleviating congestion".</i></p> <p><i>"Increased hazard risk [pedestrian and traffic] from proposed development in a high-risk traffic area. This is already problematic with the numbers of cars that park on the verge and is exacerbated by the fact that the property fronts on to a peak hour clearway".</i></p>	<p>Noted.</p> <p>Noted.</p> <p>Noted. As above.</p>
<p>Issue: Waste Management</p> <p><i>"Insufficient bin storage for existing...residents".</i></p>	<p>Noted. In the event that a development approval was to be issued, waste management is required to be in compliance with the City's requirements.</p>
<p>Issue: Social Impact</p> <p><i>"A lodging house, meant for backpackers and travellers would not support the type of Environment and Accommodation suitable for a student to be able to study".</i></p> <p><i>"This application appears to represent an attempt to exploit an amendment to the parking requirements without making any serious effort to address the overwhelming majority of concerns raised by residents and the Council less than a year ago".</i></p>	<p>Not Supported. This is non-planning consideration matter.</p> <p>Supported. The proposed lodging house does not comply with the City's Car Parking requirements.</p>
<p>Issue: Lack of Compliance with Previous Requests</p> <p><i>The previous application "was rejected unanimously on the grounds of undesirable precedent and due to four issues of non-compliance. Four advise notes were also provided to the applicants, including the demand that the unauthorized lodging house cease operating within 28 days".</i></p>	<p>Noted. This is a Compliance matter and will be dealt with accordingly if the proposal is refused.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the lodging house at Nos. 514-516 William Street, Highgate:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy No. 7.1.12;
- Exercise of Discretion for Development Variations Policy No. 7.5.11;
- Temporary Accommodation Policy No. 7.4.5;
- Single Bedroom Dwellings Policy No. 7.4.7; and
- Parking and Access Policy No. 7.7.1.

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 2013-2017 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.*

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:

The City's Strategic Plan 2013-2017 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 uses an existing building. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for these purpose.	
SOCIAL	
Issue	Comment
The application provides for temporary accommodation within the locality; however the scale of the development will have a negative impact on the amenity of the adjoining residential properties, as stated above.	
ECONOMIC	
Issue	Comment
The proposed land use provides employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered that the proposed change of use from two (2) single houses to lodging house and ancillary accommodation to a single bedroom dwelling would create an undesirable negative precedent and have a significant adverse impact on the amenity of surrounding residents. The proposed lodging house is not in the interest of orderly and proper planning for the locality; which is clearly evident by the significant number of objections received before and during the community consultation period.

CONCLUSION:

On the above basis it is recommended that the application be refused for the reasons outlined above.

9.2.2 Alternative Uses for On Road Parking Bays, Adoption of Policy No. 2.2.13 - Progress Report No. 7

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	PLA0084
Attachments:	001 – Draft Policy 002 – Draft Guidelines 003 – Draft Application Form		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY To adopt Draft Policy No. 2.2.13 'Alternative Uses for On Road Parking Bays and Guidelines' as shown in appendix 9.2.2;**
2. **Subject to clause 1 above being approved:**
 - 2.1 **ADVERTISES the Draft Policy for a period of fourteen (14) days, seeking public comment;**
 - 2.2 **After the expiry of the period of submissions, AUTHORISES the Chief Executive Officer to:**
 - 2.2.1 **review the Draft Policy No. 2.2.13 'Alternative Uses for On Road Parking Bays and Guidelines"', having regard to any written submissions; and**
 - 2.2.2 **determine to proceed with, or not to proceed with, the Draft Policy No. 2.2.13 'Alternative Uses for On Road Parking Bays and Guidelines"'; and**
3. **AUTHORISES the Chief Executive Officer to include the above Policy in the City's Policy Manual if no submissions are received from the public, or report to the Council to consider any submissions received; and**
2. ~~**ADVERTISES the Policy and Guidelines in accordance with the Council's Community Consultation Policy;**~~
4. **LISTS an amount of \$30,000 for consideration in the 2014/2015 Draft Budget for fabrication/installation of a number of Parklets at suitable locations within the City;**
5. **RECEIVES a further report on the matter should any public submissions be received.**

6. APPROVES BY AN ABSOLUTE MAJORITY to adopt the following new fees and charges;

WORKS FEES AND CHARGES:

ON ROAD CAFÉ FEES	2013/2014	GST
Preliminary Application Fee	\$200.00	No
Approval Fee (one off payment)	\$1,000.00	No
Annual Renewal Fee	\$500.00	No

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

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Cole, Seconded Cr Buckels

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

7. Include a compulsory design element to the on-road cafe, to include planter boxes or greenery of any kind.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (5-3)

For: Presiding Member Mayor Carey, Cr Cole, Cr Harley, Cr McDonald and Cr Wilcox
Against: Cr Buckels, Cr Pintabona and Cr Topelberg

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

“That Clause 11.2 in the Draft Policy No. 2.213 ‘Alternative Uses for On Road Parking Bays and Guidelines’ be amended to read as follows:

- 11.2 A permit for an ‘On Road’ Café shall be valid for ~~12~~ 24 months after which the applicant will need to apply for another permit (refer clause 3.3).”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (7-1)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox
Against: Cr Harley

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

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT Draft Policy No. 2.2.13 'Alternative Uses for On Road Parking Bays and Guidelines' as shown in appendix 9.2.2;**
2. **Subject to clause 1 above being approved:**
 - 2.1 **ADVERTISES the Draft Policy for a period of fourteen (14) days, seeking public comment;**
 - 2.2 **After the expiry of the period of submissions, AUTHORISES the Chief Executive Officer to:**
 - 2.2.1 **review the Draft Policy No. 2.2.13 'Alternative Uses for On Road Parking Bays and Guidelines"', having regard to any written submissions; and**
 - 2.2.2 **determine to proceed with, or not to proceed with, the Draft Policy No. 2.2.13 'Alternative Uses for On Road Parking Bays and Guidelines''; and**
3. **AUTHORISES the Chief Executive Officer to include the above Policy in the City's Policy Manual if no submissions are received from the public, or report to the Council to consider any submissions received; and**
4. **LISTS an amount of \$30,000 for consideration in the 2014/2015 Draft Budget for fabrication/installation of a number of Parklets at suitable locations within the City;**
5. **RECEIVES a further report on the matter should any public submissions be received.**
6. **APPROVES BY AN ABSOLUTE MAJORITY to adopt the following new fees and charges;**

WORKS FEES AND CHARGES:

ON ROAD CAFÉ FEES	2013/2014	GST
Preliminary Application Fee	\$200.00	No
Approval Fee (one off payment)	\$1,000.00	No
Annual Renewal Fee	\$500.00	No

7. **Include a compulsory design element to the on-road cafe, to include planter boxes or greenery of any kind; and**
8. **AMENDS Clause 11.2 in the Draft Policy No. 2.213 'Alternative Uses for On Road Parking Bays and Guidelines' to read as follows:**
 - 11.2 **A permit for an 'On Road' Café shall be valid for 24_months after which the applicant will need to apply for another permit (refer clause 3.3).**

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress regarding the On Road Café's (ORC's) and seek the Council's approval to re-allocate funds to enable the Council's previous decision to be implemented.

BACKGROUND:

The Council previously requested that Expressions of Interest (EOI's) be received from interested businesses regarding the placement of an On Road Café (ORC) outside their premises.

This proceeded; however, following the close of the EOI's and once the actual cost of implementing the ORC's was determined, the Council decided to defer the matter and at its Ordinary Meeting held on 19 November 2013 made the following decision (*in part*):

"AUTHORISES the Chief Executive Officer to:

- 4.1 *REMOVE the On-Road Cafe located outside Foam Cafe, 128-130 Oxford Street, Leederville, as soon as practicable;*
- 4.2 *RELOCATE the On-Road Cafe (as referred to in Clause 4.1)...*
- 4.5 *Prepare a draft Policy Relating to On Road Cafe's (parklets) including but not limited to the following items;*
 - 4.5.1 *how locations will be determined for any future ORCs;*
 - 4.5.2 *duration/time in any specific location;*
 - 4.5.3 *conditions of use by business proprietors;*
 - 4.5.4 *maintenance and upkeep;*
 - 4.5.5 *financial/cost implications to the City;*
 - 4.5.6 *whether any financial contributions should be made by business proprietors for the duration that the ORC is located outside their premises;*
and
 - 4.5.7 *any other relevant matters; and*
5. *REQUESTS the matter be listed for the 10 December 2013 Forum (for discussion with an alternate model base on the Vancouver parklet project) and for a report to be submitted to the Council at the Ordinary Meeting to be held on 25 February 2014."*

DETAILS:

Removal/Relocation of the On Road Cafe:

The ORC (previously located outside 128-130 Oxford Street) was removed in December 2013 and located on the opposite side of the street (not adjoining a café). However due to the lead up to Christmas etc., the relocated ORC was not made operational until early February 2014.



This structure (in accordance with the proposed new policy) is now being referred to as a 'PARKlet' as it is not located outside of a café. Structures outside cafés will continue to be referred to as On Road Café's.

Council Forum - 10 December 2013:

As requested, the matter was presented to the Council Forum where the following was presented for consideration:

- How locations will be determined for any future ORC's;
- Duration/time in any specific location;
- Conditions of use by business proprietors;
- Maintenance and upkeep;
- Financial/cost implications to the City; and
- Whether any financial contributions should be made by business proprietors for the duration that the ORC is located outside their premises.

Some locations are simply not suitable, i.e. four (4) lane District Distributor roads with clearway restrictions e.g. Beaufort Street, Fitzgerald Street, Loftus Street, London Street, Walcott Street, Lord Street or Charles Street

Other locations are not suitable due to either the geometry of the road and/or gradient steep of the road. In addition, the posted speed of the road needs to be taken into account and traffic calming measures need to be in place

The following assessment criterion was used when assessing the recent EOI's received for ORC's:

Existing on road car parking	Yes/No
Protected embayed parking	Yes/No
Existing parking bay width	m
Carriageway width	m
Accident history	List of accidents
Risk assessment	Low/medium/high
Road geometry	Straight/curved/other?
Agree to enter into a formal agreement:	Yes/No
Licensed premises?	Yes/No
Willing to make a financial contribution?	Yes/No
Acknowledge the ORC will be a 'public space'?	Yes/No
Can demonstrate a wide span of operation 7 days per week	
Posted speed limit?	
Existing traffic calming?	Yes/No
Existing on road parking availability?	
Vertical road alignment	flat/sloping>5%

Vancouver City model:

The applicant/s is required to look after the 'ORC/PARKlet' for a minimum period of three (3) years. The applicant* is required to enter into an agreement and commit to:

- The applicant can comprise one (1) or more business and/or business/community group who will fund/take ownership of the ORC/Parklet;
- Applicant paying a preliminary application fee of \$200 upon submitting a preliminary application;
- Upon approval of the design by the City the applicant paying a one-off fee of \$1,000;
- Annual Renewal fee of \$500;
- Applicant responsible for all costs associated with the design and installation of the ORC/PARKlet costing anywhere between \$10,000 to \$20,000 depending on design factors and material choice etc (Vancouver City model);
- City retains ownership of the 'ORC/PARKlet' and is responsible for any major repairs;
- The applicant* is responsible for overseeing/cleaning the 'ORC/PARKlet' and maintaining any plants etc.;
- Providing liability insurance;
- Cleaning;

- Landscaping maintenance;
- Movable furniture – locked down or taken in at night;
- No table service – open to the public; and
- No smoking/consumption of alcohol.

City of Fremantle model:

- Adopted a PARKlets Policy on 13 November 2013;
- PARKlet approval valid for two (2) years;
- Applicant to fund fabrication/installation;
- No fee applies however other fees may apply;
- Additional permits and approvals where the PARKlet will be used for other purposes i.e. outdoor dining;
- Consultation with businesses/residential premises adjoining the proposed PARKlet and opposite the Parklet;
- Results reported to Council;
- Application form/plans/management plan/public indemnity insurance \$10,000,000/bond or bank guarantee to cover cost of removal/maintenance/removal in case of default;
- PARKlets are temporary structures located in an on-street parking space under a twelve (12) month permit issued by Council. Provided the PARKlet is operating in an acceptable manner, the permit will be renewed for a further twelve (12) months subject to continued good management and maintenance by the owner; and
- The design and installation of a PARKlet is fully funded by the applicant. Once installed, the applicant acts as the host and is responsible for the day to day maintenance and to ensure the area remains clean and attractive.

City of Adelaide model:

Undertaking a Pilot PARKlet Program based on a model developed in San Francisco where since 2010 approximately forty (40) PARKlets have been installed under the city's 'Pavements to Parks' program where the applicant is required to pay for the PARKlet the design (and cost) would vary.

Possible way forward:

Based on what others are doing, the following 'possible' design guidelines could be included in the policy:

- The ORC/PARKlet to be interesting/welcoming to encourage passersby to pause, sit, relax, interact;
- Seating to be durable/comfortable for individuals and groups of all ages;
- Should be able to withstand the rigors of everyday outdoor use;
- Character of the design should be unique;
- Signage to clearly show the ORC/PARKlet is for public use;
- The design would respond to surrounding conditions;
- The design would promote visibility to passing traffic and maintain clear sightlines near intersections;
- The design would consider travel patterns and behaviour of people to minimise potential conflicts and maximise the contribution to the public realm;
- The design would afford protection from moving vehicular traffic and be assessable from the existing footpath;
- To be located where permanent parking is permitted;
- Take up a maximum of two (2) car bays; and
- The traffic lane should be a minimum of 3.0m, set back 1.5m from the nearest parking bay, located on a street not exceeding a grade of 5% etc.

Proposed Policy:

It is considered that the 'Alternative Uses for On Road Car Bays' Policy should allow the following:

- On Road Cafés – Funded by the Applicant.
- PARKlets – Funded by the City.

On Road Cafés (ORC's)

It is proposed that this part of the policy be based largely on the Vancouver Model with parts based on other policies, e.g. Fremantle, Adelaide etc. where by the applicant/s would be responsible for all costs associated with the design and installation of the ORC.

They would also be required to oversee/clean the ORC and maintain any plants etc for a minimum period of two (2) years and commit to, via a formal agreement, to a number of conditions.

The applicant would also be required to pay a preliminary application fee upon submitting a preliminary application and upon approval of the design by the City, the applicant would be required to pay a one-off fee and an annual renewal fee (as determined in the City's Schedule of fees and charges).

A legal agreement would be entered into between the City and the applicant which would deal such matters as:

- Responsibilities of the City;
- Responsibilities of applicant;
- Duration;
- Assignment of Lease - sale of business;
- City may remove On Road Café at its discretion;
- No claims against City; and
- Costs.

PARKlets:

The ORC installed outside a café for the trial in Oxford Street was constructed 'in - house' by the City's Property Maintenance Officer at a cost of approximately \$3,000 made from second hand timber etc.

As mentioned above, the ORC was removed in December 2013 and located on the opposite side of the street (not adjoining a café). As this is no longer outside a café and in accordance with the proposed policy, this will now be considered as a PARKlet.

PARKlets will be installed by the City at predetermined locations (subject to funding availability) and they will be:

- Installed by the City;
- Maintained by the City;
- Be a public space;
- Locations to be predetermined; and
- Duration of installation - to be determined.

The Draft 'Alternative Uses for On Road Car Bays' Policy and Guidelines is attached.

RISK MANAGEMENT IMPLICATIONS:

High: Each location will be assessed on a case by case basis and appropriate safety measures designed into the proposed installation.

CONSULTATION/ADVERTISING:

The Policy will be advertised in accordance with the Council's Consultation Policy.

LEGAL/POLICY:

Local Roads and Local and District distributors are under the care, control and management of local government. Any event on a road needs not only the approval of the local government but depending on the event may also require endorsement by the Police and/or Main Roads WA.

Laws that apply include the City's relevant local laws, the Road Traffic Act and/or the Local Government Act.

STRATEGIC IMPLICATIONS:

No specific area within the City's *Strategic Plan 2013-2023* matched this proposal; however, the closest states:

"Objective 4.1.4 Focus on stakeholder needs, values, engagement and involvement

- (a) Ensure stakeholders are effectively engaged on issues that may affect them."*

SUSTAINABILITY IMPLICATIONS:

Raises awareness of the importance of urban public spaces, rethinking the way streets are used and creating diverse conversations about making cities more sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above, a total of \$30,000 was allocated in the 2013/2014 Budget for ORC's, part of this is being used for the relocation/upgrading of the Oxford Street PARKlet (definition as per the proposed policy).

In accordance with the Policy ORC's will be funded/constructed/maintained by the applicant and PARKlets will be funded/constructed/maintained by the City.

It is recommended that \$30,000 be allocated in the 2014/2015 budget for PARKlets.

COMMENTS:

The ORC or PARKlet concept has been popular in Europe and in parts of the US, initially as a response to narrow footpaths preventing outdoor dining. In these situations, outdoor public seating is permitted to be provided 'on road' in the kerb side lane, generally only during the warmer months of the year. The cost of design, construction and maintenance of each On Road Café is generally paid for by the sponsoring café(s); 'the applicant'.

The consumption of alcohol and smoking is not permitted. Seating is normally open to the general public and is not solely reserved for customers of any one particular café. A café does not generally provide table service at an ORC, however patrons using the café can order and pay for food inside the café and bring it outside to the ORC.

An ORC was successfully trialled in Leederville and it is therefore recommended that the Council adopts the 'Alternative Uses for On Road Parking Bays Policy and Guidelines, Policy No. 2.2.13'.

9.2.4 Wade Street Reserve – Proposed Improvements associated with the Vietnamese Monument – Progress Report No. 5

Ward:	South	Date:	14 February 2014
Precinct:	Hyde Park (12)	File Ref:	RES0124
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. NOTES;

1.1 the further requests received from the Vietnamese Community in Australia for additional works to be undertaken at the Wade Street Reserve as follows;

- 1.1.1 lighting;
- 1.1.2 lifting the bronze ring/drum around the sculpture;
- 1.1.3 re-placing the existing limestone capping with black granite;
- 1.1.4 removal or relocation of existing bus stop;
- 1.1.5 renaming of the park;
- 1.1.6 co-naming of part of Brisbane Street; and
- 1.1.7 installation of additional plaques.

1.2 that the existing Adshel bus shelter, located on William Street adjacent to the newly installed monument, will be relocated further to the south as part of the new Adshel contract with the City; and

1.3 item 1.1.2 will be further investigated; however, items 1.1.3 and 1.1.6 cannot be supported;

2. APPROVES IN PRINCIPLE renaming the Wade Street Reserve either 'Boat People Park' or 'Tu Do Park' (Liberty Park) subject to the;

2.1 Vietnamese Community consulting with its members regarding the proposal/s; and

2.2 matter being referred to the Geographic's naming committee;

3. APPROVES BY AN ABSOLUTE MAJORITY to allocate \$30,000 from the Capital Reserve Fund install lighting at Wade Street Reserve;

3.1 lighting of the park, estimated to cost \$25,500;

3.2 the installation of additional plaques' estimated to cost \$4,500; and

4. ADVISES the Vietnamese community of its decision.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Harley

“That Clause 2.1 be amended to reads as follows:

- 2.1 consulting with the community ~~Vietnamese Community consulting with its members~~ regarding the proposal/s; and**

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.2.4

That the Council;

1. NOTES;

- 1.1 the further requests received from the Vietnamese Community in Australia for additional works to be undertaken at the Wade Street Reserve as follows;**
- 1.1.1 lighting;**
 - 1.1.2 lifting the bronze ring/drum around the sculpture;**
 - 1.1.3 re-placing the existing limestone capping with black granite;**
 - 1.1.4 removal or relocation of existing bus stop;**
 - 1.1.5 renaming of the park;**
 - 1.1.6 co-naming of part of Brisbane Street; and**
 - 1.1.7 installation of additional plaques.**
- 1.2 that the existing Adshel bus shelter, located on William Street adjacent to the newly installed monument, will be relocated further to the south as part of the new Adshel contract with the City; and**
- 1.3 item 1.1.2 will be further investigated; however, items 1.1.3 and 1.1.6 cannot be supported;**
- 2. APPROVES IN PRINCIPLE renaming the Wade Street Reserve either ‘Boat People Park’ or ‘Tu Do Park’ (Liberty Park) subject to the;**
- 2.1 consulting with the community regarding the proposal/s; and**
 - 2.2 matter being referred to the Geographic’s naming committee;**
- 3. APPROVES BY AN ABSOLUTE MAJORITY to allocate \$30,000 from the Capital Reserve Fund install lighting at Wade Street Reserve;**
- 3.1 lighting of the park, estimated to cost \$25,500;**
 - 3.2 the installation of additional plaques’ estimated to cost \$4,500; and**
- 4. ADVISES the Vietnamese community of its decision.**

PURPOSE OF REPORT:

The purpose of the report is to seek the Council’s approval for further improvements to Wade Street Reserve/Vietnamese Boat Peoples Monument of Gratitude as recently requested by the Vietnamese Community in Australia (WA Chapter Inc.)

BACKGROUND:

Previous progress reports have been presented to the Council over the past years in relation to the proposal to install a Vietnamese Monument of Gratitude on a site within the City of Vincent.

Ordinary Meeting of Council	Outcome
14 July 2009	The Council approved 'in principle' installation of the Vietnamese monument at Weld Square and NOTED that the location of Hyde Park is not supported by the Heritage Council of WA.
27 July 2010	The Council approved further investigation in relation to the location of the Vietnamese Monument in either Robertson Park or Wade Street Reserve.
9 November 2010	The Council approved 'in principle' to locate the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park and to CONSULT with the local community surrounding Robertson Park for a period of twenty-one (21) days seeking their views in relation to the proposals and obtain comments from the Heritage Council of Western Australia with respect to the proposal.
22 March 2011	After considering the comments received from the community, the Council approved the installation of the Vietnamese Boat People Monument of Gratitude, 'Option 2' within Robertson Park.
26 June 2012	The Council approved 'in principle' the installation of the Vietnamese Boat People Monument of Gratitude, within the Wade Street Reserve, subject to undertaking consultation with the Vietnamese Community and the adjoining residents.
4 December 2012	The Council approved 'in principle' the initial design concept for the Vietnamese Monument to be located at Wade Street Reserve and that upon receipt of a more detailed Concept Plan of the Monument; the matter would be further reported to the Council.
18 December 2012	The Council approved 'in principle' the final design of the Vietnamese monument to be located on Weld Square Reserve and authorised to advertise the design for public comment for twenty-one (21) days from 8 – 29 January 2013.
26 February 2013	The Council approved the design of the Vietnamese Monument of Gratitude and its location on Wade Street Reserve and authorised the work to begin on the monument to be installed and launched during Refugee Week from Sunday 16 June 2013 to Saturday 22 June 2013.
23 July 2013	The Council approved the redevelopment of Wade Street Reserve at an estimated cost of \$82,000 and noted that the Vietnamese community have requested works commence as soon as possible to enable the works to be completed prior to the monument launch date scheduled for mid October 2013.

DETAILS:

Two (2) letters have recently been received from the Vietnamese Community in Australia (WA Chapter) requesting additional works at Wade Street Reserve where the Vietnamese Boat People Monument of Gratitude is located. In addition they have requested the Council give consideration to renaming the park and a part of Brisbane Street between William Street and Palmerston Street (exerts from those letters are used below).

Lighting:

Lighting was originally proposed as part of the initial upgrade; however, due additional ground works this was put on hold in view that it would be included in the draft 2014/15 budget. The proposed lighting will consist of two (2) spotlights lighting up the monument and some low level bollard lighting along the access paths. This request is therefore supported.

Lifting the bronze ring/drum around the sculpture:

There has been concern raised that the bronze ring or drum around the sculpture may be damaged over the longer-term due to water collecting in the basin it sits in; however, bronze should not corrode or deteriorate significantly. This matter will be investigated; however, it's likely to be an issue with the overall design. It may be possible to lift the bronze ring and this will be discussed with the artist. Costs associated with this work if necessary can be sourced from the Artworks maintenance budget.

Re-placing the existing limestone capping with black granite:

This request is not supported by the officers as the monument was approved originally using the limestone capping pavers; however, as indicated in their letter if the Vietnamese community wish to progress this change they can cover the entire cost.

Removal or relocation of existing bus stop:

The bus stop cannot be removed; however, the request to relocate the bus stop request is supported as has been outlined previously to the Vietnamese community. Adshel are currently in the process of changing their shelters and have been advised that there is a requirement to relocate this shelter closer to Brisbane Street.

Renaming of the park:

"Renaming Wade Street Reserve with a name meaningful to the Monument. Proposed names currently include:

- (a) *[Vietnamese] Boat People Park; and*
- (b) *Tu Do Park (in Vietnamese, "Cong Vien Tu Do" means Liberty Park. This name would symbolise our exodus from Vietnam in the quest for liberty. The suggested "Tu Do Park" would make it easier for English speaking people to pronounce)."*

Officers Comments:

This request is supported and will be forwarded through to the Geographic Naming Committee for their consideration and comment.

Co-naming of part of Brisbane Street:

"Co-naming or naming the Brisbane Street section between William Street and Palmerston Street as "Little Saigon" to highlight/emphasis the Vietnamese business and cultural aspects of that precinct".

Officers Comments:

This would not be possible and cannot be supported.

Installation of additional plaques:

This request is supported and will involve the installation of plaques supplied by the Vietnamese community around the inside of the limestone seating which surrounds the large Port Jackson fig tree located at the southern end of the park.

CONSULTATION/ADVERTISING:

Consultation in relation to the installation of the monument and proposed redevelopment of the park to include new paths, park furniture, gardens and lighting has been undertaken. A public meeting was also held on site on Sunday 26 August 2012.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective 1 states:

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

1.1.4(b) Continue to implement both minor and major improvements in public open spaces and progressively extend the wetlands heritage trail/greenway and develop a City "Greening Plan" including the continual beautification and landscaping of public open space, roads and car parks, and other City owned land.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs for the various requests are as follows:

Lighting:	\$25,000
Renaming of the park (administration costs & signage):	\$ 500
Installation of additional plaques :	<u>\$ 4,500</u>
Total:	\$30,000

COMMENTS:

The recent improvements to this park have been well received and it is therefore recommended that the Council approve the further improvement works and investigate the other matters identified by the Vietnamese Community.

9.2.5 Vincent Greening Plan – Proposed Streetscape Enhancements – Progress Report No. 3

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	TES0234; PLA0253
Attachments:	001 – Draft Vincent Greening Plan 002 – Proposed Oxford Street Streetscape 003 – Proposed Bulwer Street Streetscape 004 – Proposed Vincent Street Streetscape 005 – Proposed Anzac Road Streetscape 006 – Proposed Corner of Scarborough Beach Road and Oxford Street Enhancements		
Tabled Items:	Nil		
Reporting Officers:	J Parker, Project Officer – Parks and Environment J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- APPROVES IN PRINCIPLE** the implementation of the following works in 2014/2015;

No	Project	Plan No.	Cost
2.1	Oxford Street Streetscape Enhancements	3122-CP-01	\$70,000
2.2	Bulwer Street Streetscape Enhancements	3123-CP-01	\$44,000
2.3	Vincent Street Streetscape Enhancements	3124-CP-01	\$45,000
2.4	Anzac Road Streetscape Enhancements	3125-CP-01	\$26,000
2.5	Corner of Scarborough Beach Road and Oxford Street Enhancements	3126-CP-01	\$65,000
Total Estimated Cost			\$250,000

- NOTES** that the Council at its Ordinary meeting held on 11 February 2014 approved the upgrade of Newcastle Street, between Carr Place and Loftus Street, as shown on attached Plan No. 3105-CP-01A with the greening component to be funded from the 2013/2014 Greening Plan Budget;
- CONSULTS** with adjoining residents and business owners in relation to the proposal as outlined in clause 1;
- AUTHORISES** the Chief Executive Officer to implement the works as outlined in clause 1, subject to appropriate funding being allocated and should no adverse comments be received; and
- LISTS** \$250,000 for consideration in the Draft 2014/2015 budget for the implementation of the Greening Projects as shown in clause 1.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Buckels, Seconded Cr McDonald

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The purpose of this report is to seek approval to progress with the proposed 'greening' works as outlined in the report.

BACKGROUND:

As per the City's recent focus on greening and creating more liveable neighbourhoods, several streetscape improvements have been implemented.

With the introduction of the Vincent Greening Plan as a guide to works, projects will be identified and implemented annually, as the annual budget allows.

Ordinary Meeting of Council - 23 July 2013:

The Council approved the implementation of the streetscape enhancements occurring on Brady Street, Charles Street and Claisebrook Road.

DETAILS:

Oxford Street, Leederville, between Bourke Street and Vincent Street:

It is proposed that fifty two (52) trees be installed in the road median of Oxford Street between Bourke Street and Vincent Street at a spacing of approximately fifteen (15) to twenty (20) metres.

The proposed tree species selected for this location is *Melaleuca quinquenervia* (Broad Leaf Paperbark) to complement the existing intact streetscape.

Bulwer Street, Perth, between Palmerston Street and Beaufort Street:

It is proposed that twenty nine (29) trees be installed in the road median of Bulwer Street between Palmerston Street and Beaufort Street at a spacing of approximately twelve (12) to fifteen (15) metres.

The proposed tree species selected for this location is *Angophora costata* (Apple Gum) to complement the existing intact streetscape.

Vincent Street, Mount Lawley, between Fitzgerald Street and Beaufort Street:

It is proposed that thirty nine (39) trees be installed in the road median of Vincent Street between Fitzgerald Street and Beaufort Street at a spacing of approximately fifteen (15) to twenty (20) meters.

The proposed tree species selected for this location is *Jacaranda mimosifolia* (Jacaranda) to complement the existing intact streetscape.

Anzac Road, Mount Hawthorn, between Sasse Avenue and Buxton Street:

It is proposed that nineteen (19) trees be installed in the road median of Anzac Street between Sasse Avenue and Buxton Street at a spacing of approximately twelve (12) to fifteen (15) meters.

The proposed tree species selected for this location is *Jacaranda mimosifolia* (Jacaranda) to complement the existing streetscape.

Corner of Scarborough Beach Road and Oxford Street, Mount Hawthorn:

It is proposed that the median island on the Corner of Scarborough Beach Road and Oxford Street measuring at 248m² be removed of paving and planted out. The proposed plant species for this location are mix of native grasses comprising Dianella sp. and Lomandra sp. to complement the surrounding streetscape. This will be undertaken once the signal modification works have been completed.

Newcastle Street, Leederville, between Oxford Street and Loftus Street:

The Council at its Ordinary meeting held on 11 February 2014 approved the upgrade of Newcastle Street Between Carr Place and Loftus Street, as shown on attached Plan No. 3105-CP-01A, with the greening component to be funded from the 2013/2014 Greening Plan Budget.

Twenty-three (23) trees are proposed to be installed as part of the proposed upgrade of Newcastle Street, between Oxford and Loftus Streets at a spacing of approximately twelve (12) to fifteen (15) metres. The proposed tree species selected for this location is Angophora costata (Apple Gum) to complement the existing streetscape.

Additionally, a garden bed measuring 124m² in the existing median island at the Loftus Street end is to be installed. The plant species will be Lomandra longifolia 'Tanika' (Lomandra) to compliment the surrounding streetscape.

CONSULTATION/ADVERTISING:

The City will consult with adjoining residents and business owners in accordance with the City's Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

The proposed Vincent Greening Plan projects will be undertaken in accordance with the City's relevant policies and procedures.

RISK MANAGEMENT IMPLICATIONS:

Low: The Vincent Greening Plan will enhance the design and cohesion of future greening projects within the City of Vincent. The plan will assist the City in taking steps towards environmentally sustainable practices and landscape installations. The formulation of the plan represents a low risk to the City.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.3 *Take action to reduce the City's environmental impact and provide leadership on environmental matters.*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

SUSTAINABILITY IMPLICATIONS:

With the creation of the Vincent Greening Plan, the City is upholding the very principles of sustainability. The Vincent Greening Plan document will guide the City in its future endeavours to build upon and enhance the environmental value of the City. The document will strictly adhere to the sustainability principles as outlined in the City's *Sustainable Environment Strategy 2011-2016*. The Vincent Greening Plan will assist the City in its capacity to support and maintain the sophisticated integration of economic, social and environmental dimensions.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$66,000 remains in the 2013/2014 Greening Plan account which will be utilized for the implementation of the planned Newcastle Street enhancements as approved at the Ordinary Meeting of Council held 11 February 2014.

The proposed 2014/2015 projects are as follows:

Location	Project	Number of Trees	Number of Cutouts	Shrubs (sqm)	Traffic Management	Total Cost
Oxford Street	Median	49	49	0	\$5,000	\$70,000
Bulwer Street	Median	28	28	0	\$5,000	\$44,000
Vincent Street	Median & Verge	26	26	0	\$5,000	\$45,000
Anzac Road	Median	17	17	0	\$2000	\$26,000
Cnr Scarborough Beach Road and Oxford Street	Median Island Planting	0	0	248	\$2000	\$65,000
					TOTAL:	\$250,000

COMMENTS:

It is therefore recommended that the Council approve in principle the streetscape enhancement plans for Oxford Street, Bulwer Street, Vincent Street, Anzac Road and the corner of Scarborough Beach Road and Oxford Street.

9.3.1 Investment Report as at 31 January 2014

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 January 2014 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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 the short term 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 31 January 2014 were \$17,811,000 compared with \$17,811,000 at 31 December 2013. At 31 January 2013, \$20,711,000 was invested.

Investment comparison table:

	2012-2013	2013-2014
July	\$18,211,000	\$9,611,000
August	\$30,511,000	\$21,411,000
September	\$28,511,000	\$20,411,000
October	\$26,711,000	\$20,411,000
November	\$24,711,000	\$19,811,000
December	\$20,711,000	\$17,811,000
January	\$20,711,000	\$17,811,000

Total accrued interest earned on Investments as at 31 January 2014:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$281,340	\$232,321	\$222,916	79.23
Reserve	\$386,610	\$260,113	\$205,974	53.28

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 interest earned is below budget. This is due to the decrease in the Reserve Bank of Australia cash rate from 3.50% in September 2012 to 2.50% in September 2013. Current cash rate is maintained at 2.50%.

The funds invested have remained unchanged from previous period.

The report comprises of:

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

9.5.1 Minutes of the Annual General Meeting of Electors held on 3 February 2014

Ward:	Both	Date:	14 February 2014
Precinct:	All	File Ref:	ADM0009
Attachments:	001 – Minutes of Annual General Meeting		
Tabled Items:	-		
Reporting Officer:	Mike Rootsey, Acting Chief Executive Officer		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** and **CONFIRMS** the Minutes of the Annual General Meeting of Electors (AGM) held at 6.00pm on Monday 3 February 2014, attached at Appendix 9.5.1.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive and confirm the Minutes of the Annual General Meeting of Electors 2014, held on 3 February 2014 and consider any decisions made at that meeting.

BACKGROUND:

The Annual General Meeting of Electors of the City of Vincent was held on Monday 3 February 2014 at 6.00pm. It was attended by the Mayor John Carey, seven (7) Councillors, the Chief Executive Officer – John Giorgi, Director – Mike Rootsey, Acting Directors Jacinta Anthony and Petar Mrdja and three Electors (3) as shown in the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information.

In accordance with the Local Government Act 1995, Section 5.33.

All decisions made at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. No decisions were made at that meeting, however several questions were asked, as detailed in the Minutes.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in the local newspapers and "The West Australian" Newspaper. Notices were displayed on all notice boards. It was also displayed on the City's website.

LEGAL/POLICY:

The Local Government Act 1995 states:

- “5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.”*
- “5.33 (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*
- (b) *at a special meeting called for that purpose,*
whichever happens first.
- (2) *If at a meeting of the council a Local Government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receive the report concerning the Annual General Meeting, as required by the Local Government Act 1995.

9.5.2 Delegations for the Period 1 October 2013 to 31 December 2013

Ward:	Both	Date:	7 February 2014
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Tabled Items:	Nil		
Reporting Officers:	S Butler, Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the delegations for the period 1 October 2013 to 31 December 2013 as shown at Appendix 9.5.2; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$51,260 for the reasons as detailed below:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$160
Details Unknown/Vehicle Mismatched	\$1,235
Equipment Faulty (Confirmed by Technicians)	\$715
Failure to Display Resident or Visitor Permit	\$12,270
Interstate or Overseas Driver	\$8,035
Ranger/Administrative Adjustment	\$16,400
Signage Incorrect or Insufficient	\$1,665
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$3,190
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$5,860
Penalties Modified	\$0
Litter Act	\$400
Dog Act	\$0
Planning Act	\$0
Health Act	\$0
Pound Fees Modified	\$1,330
TOTAL	\$51,260

COUNCIL DECISION ITEM 9.5.2

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 October 2013 to 31 December 2013 and to obtain the City's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter are shown at Appendix 9.5.2.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2013-2017* - Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise 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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

COMMENTS:

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

**9.5.6 Audit Committee Meeting – Receiving of Unconfirmed Minutes -
4 February 2014**

Ward:		Date:	14 February 2014
Precinct:		File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	Mike Rootsey, Acting Chief Executive Officer		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the Audit Committee Unconfirmed Minutes dated 4 February 2014, as shown in Appendix 9.5.6.

COUNCIL DECISION ITEM 9.5.6

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Cole

That the item be **DEFERRED** and reported back to the Audit Committee to consider, endorse and subsequently be reported to the Ordinary Meeting of Council to be held on 22 April 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 4 February 2014.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

RISK MANAGEMENT IMPLICATIONS:

High: Failure to consider and review the Audit Committee Minutes would be a breach of Section 7.12A of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the City's internal Audit Committee minutes to the Council Meeting is a legal requirement of the Local Government Act 1995 and regulations and in keeping with the Audit Charter.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Mayor John Carey - High Pressure Cleaning Of Major Town Centres in the City Of Vincent

ITEM WITHDRAWN BY THE MAYOR

10.2 NOTICE OF MOTION: Mayor John Carey – Ban on Expenditure for Interstate Travel by Council Members

That the Council INSTITUTES a ban on expenditure for any interstate travel by Council Members to attend Conferences for the duration of the current Mayoral and Councillor Terms.

COUNCIL DECISION ITEM 10.2

Moved Cr Harley, Seconded Cr McDonald

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

10.3 NOTICE OF MOTION: Mayor John Carey – Audit of all Pedestrian Facilities at Signalised Intersections

That the Council REQUESTS the Chief Executive Officer to conduct an Audit of all pedestrian facilities at signalised intersections, including but not limited to the following:-

- The number of intersections with and without pedestrian phase signals;
- The number of slip lanes that could have zebra crossings;
- The potential to increase the length of parallel pedestrian phases to maximise the safety of pedestrians, especially seniors and people with disabilities; and
- The potential to improve signage or marking to increase driver awareness of the requirement to give way to pedestrians when turning

COUNCIL DECISION ITEM 10.3

Moved Cr Cole, Seconded Cr Harley

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr Cole, Seconded Cr Buckels

“That a new dot point be inserted as follows:

- a funding source as determined by the Chief Executive Officer”

Debate ensued.

PROCEDURAL MOTION

Moved Cr Cole, Seconded Cr Harley

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona and Cr Wilcox

Against: Cr Topelberg

10.4 NOTICE OF MOTION: Mayor John Carey – Local Government Advisory Board Submissions

That the Council; REQUESTS the Chief Executive Officer to encourage residents and ratepayers to make submissions on all five (5) Local Government amalgamation proposals. By making available on the City's website the following:

- A user friendly template for submissions;
- Precise information on each of the five (5) proposals that could be included in each submission; and
- Ensure such information reflects the City's revised position on amalgamation from 5 November 2013 and overwhelming majority view on the plebiscite of 19 October 2013 for Vincent to remain its own Local Government entity.

Moved Cr Buckels, Seconded Cr Wilcox

That the motion be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Harley

"That the third dot point be amended to read as follows:

- Ensure such information reflects the city's ~~revised~~ position on amalgamation from 5 November 2013 and overwhelming majority view on the plebiscite of 19 October 2013 for Vincent to remain its own Local Government entity.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Harley

"That a new dot point be inserted to read as follows:

- It appears on the City's website by Friday 28 February 2014."

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

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

COUNCIL DECISION ITEM 10.4

That the Council; REQUESTS the Chief Executive Officer to encourage residents and ratepayers to make submissions on all five (5) Local Government amalgamation proposals. By making available on the City's website the following:

- A user friendly template for submissions;
- Precise information on each of the five (5) proposals that could be included in each submission;
- Ensure such information reflects the City's position on amalgamation from 5 November 2013 and overwhelming majority view on the plebiscite of 19 October 2013 for Vincent to remain its own Local Government entity; and
- It appears on the City's website by Friday 28 February 2014.

14.2 Transport, Home Care and Gardening Assistance and Community and Welfare Grants – Progress Report No. 1

Ward:	All	Date:	14 February 2014
Precinct:	All	File Ref:	FIN0207
Attachments:	001 – Amended Policy No. 3.10.4 – Provision of Assistance for Aged People and People with Disability; and 002 – Amended Policy No. 3.10.6 – Community and Welfare Grants		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Acting Senior Community Development Officer A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** progress report No. 1 regarding Transport, Home Care and Gardening Assistance and Community and Welfare Grants;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the amended Policy No. 3.10.4 retitled ‘Provision of Assistance for Aged People and People with Disability’ and Policy No. 3.10.6, ‘Community and Welfare Grants’ as shown in Appendices 14.2A and 14.2B; and
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 advertise amended Policy No. 3.10.4 ‘Provision of Assistance for Aged People and People with Disability’, and Policy No. 3.10.6 ‘Community and Welfare Grants’, for a period of twenty-one (21) days, seeking public comment;
 - 3.2 report back to the Council with any public submissions received; and
 - 3.3 include the amended Policies in the City’s Policy Manual if no public submissions are received.

COUNCIL DECISION ITEM 14.2

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

For: Presiding Member Mayor Carey, Cr Cole, Cr McDonald, Cr Topelberg and Cr Wilcox

Against: Cr Buckels, Cr Harley and Cr Pintabona

PURPOSE OF REPORT:

The purpose of this report is to update the Council on budget changes for Transport Assistance Donations, and Welfare Grants and to seek the Council’s approval for amendments to Policy No. 3.10.4, which has been retitled ‘Provision of Assistance for Aged People and People with Disability’ to reflect not only the changes to transport assistance but to also include the provision of welfare assistance for home care and gardening services to pensioners and people with disability. This report is also to seek Council approval on amendments to Policy No. 3.10.6 ‘Community and Welfare Grants’.

BACKGROUND:

At the Ordinary Meeting of Council held on 3 December 2013, the following resolution was adopted;

"That the Council

1. *RECEIVES the report regarding the allocation of funds to the Transport Assistance Donations, and Community and Welfare Grants;*
2. *APPROVES BY AN ABSOLUTE MAJORITY;*
 - 2.1. *to revise the budget amounts, effective immediately, as detailed in this Confidential Report; and*
 - 2.2 *to re-allocate an amount of \$10,000 (saved from the Transport Assistance Donations budget), to provide a new service for assistance to the City's pensioners for gardening and cleaning; and*
3. *REQUESTS that;*
 - 3.1 *Policy No. 3.10.4 Relating to 'Aged People and People with Disability – Provision of Transport Assistance' and Policy No. 3.10.6 Relating to 'Community and Welfare Grants' will be reviewed to reflect the actual needs of the community; and*
 - 3.1.1 *reallocate the saved \$10,000 from the Transport Assistance donations to a tender for a new service provider for gardening and cleaning for pensioners; and*
 - 3.2 *a further Progress Report with the above amended Policies be submitted to the Ordinary Meeting of Council in February 2014; and*
4. *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time".*

DETAILS:

Transport Assistance

The City currently provides Transport Assistance to eligible residents in way of pre-paid taxi vouchers. Eligible residents can receive up to \$100 per financial year in assistance, and couples can receive up to \$150 per financial year in assistance. These amounts have recently changed after a Council resolution at the Ordinary Meeting of Council held 3 December 2013 as outlined above.

With the approved change to taxi voucher allocation amounts, there is a \$10,000 surplus available in the Transport Assistance budget. This amount has been reallocated to a new programme which will permit the City to assist aged pensioners and people with disability with gardening and home care.

The fund allocation will go to a service or agency that is able to meet the needs of aged pensioners and people with disability in the City of Vincent. This service or agency will be selected via a request for quotation which will outline the budgeted amount and the services required.

Queries raised by Councillor Harley at the Ordinary Meeting of Council held on 3 December 2013 in relation to Confidential Item 14.2 – ‘Transport Assistance Donations, and Community and Welfare Grants Update’ were ‘Taken on Notice’, as the information was unavailable at the time. A response was sent in an email dated 9 January 2014 7:56PM.

Further questions were raised. These were further researched and the following is advised:

Question 1

What proof does the City of Vincent have that the person allocated the taxi vouchers is the actual end user?

Response

During the assessment the person who is being allocated vouchers has their personal information including name, address, phone number, pension card, and medical history recorded. Moreover, the applicant is queried on their use of vouchers prior to being issued assistance. Anecdotally, the City’s officers can conclude that the person being issued the vouchers is more than likely the end user.

Question 2

Can you please provide a statistical report showing how many residents and households are using the vouchers more than once per year and the amount of times the repeat users are allocated taxi vouchers?

Response

Please see the below table outlining the statistics of how many residents and households are repeatedly accessing taxi vouchers, this data reflects the statistics from the 2012-2013 financial year.

2012-2013 Financial Year - Residents					
Total number of residents who accessed taxi vouchers	Number of Residents who accessed taxi vouchers multiple times	Number of residents who accessed taxi vouchers 2 times	Number of residents who accessed taxi vouchers 3 times	Number of residents who accessed taxi vouchers 4 times	Number of residents who accessed taxi vouchers 5 times
161	76	43	22	9	2
2012-2013 Financial Year - Households					
Total number of Households who accessed taxi vouchers	Number of households that accessed taxi vouchers multiple times	Number of Households that accessed taxi vouchers 2 times	Number of households that accessed taxi vouchers 3 times	Number of households that accessed taxi vouchers 4 times	Number of households accessed taxi vouchers 5 times
134	64	35	19	8	2

Question 3

When did the City of Vincent commence this taxi voucher program?

Response

The City of Vincent Transport Assistance programme was first adopted at the Ordinary Meeting of Council held 8 March 2005.

Question 4

Can you please provide the number of residents with a disability pension who are provided vouchers?

Response

Please see the below table outlining the statistics of how many residents who accessed taxi vouchers had an Aged Pension, Disability Support Pension and Seniors Health Care Card, this data reflects the statistics from the 2012-2013 financial year.

2012-2013 Financial Year - Statistics on Pension Types		
Number of Residents who accessed taxi vouchers who have an Aged Pension	Number of Residents who accessed taxi vouchers who had a Disability Support Pension	Number of Residents who accessed taxi vouchers who had a Seniors Health Care Card
153	4	4

Question 5

Can you please provide a breakdown of the reasons given for the voucher use: For example, number for social outings, number for shopping outings, number for medical appointments?

Response

Please see the below table outlining the statistics of why residents were accessing taxi vouchers, this data reflects the statistics from the 2012-2013 financial year.

2012-2013 Financial Year - Statistics on Taxi Voucher Use		
Number of residents who accessed taxi vouchers for medical appointments	Number of residents who accessed taxi vouchers for social support (ie Church)	Number of residents who accessed taxi vouchers for shopping
133	13	15

Community and Welfare Grants

At the Ordinary Meeting of Council held 3 December 2013, the Council resolved to cancel the Memorandum of Understanding (MOU) with People Who Care and Volunteer Task Force. The original purpose of the MOU's was to fund both organisations to provide Vincent residents with Home and Community Care (HACC) services via direct referral to either agency.

These two (2) organisations are now Home and Community Care (HACC) organisations whereby to be eligible for services, individuals must be assessed by a State based assessment body. This removes the ability of the City to make direct referrals to either agency and, as such, funding is being provided but Vincent residents are unable to access the services more directly than a non resident.

The cancellation of both MOU's was effective immediately and both organisations have been notified that the City will no longer be providing funding for HACC services. The cancellation of both MOU's leaves a surplus of \$11,000 in the Community Welfare Grants budget, this amount will be reallocated and added to the \$10,000 surplus from the Transport Assistance budget savings to create a new programme to provide Welfare Assistance to seniors and people with disability for the provision of home care and gardening services.

The total \$21,000 reallocation will go to a service or agency that is able to meet the needs of aged pensioners and people with disability in the City of Vincent. This service or agency will be selected via a request for quotation which will outline the budgeted amount and the services required.

Welfare Assistance for Home Care and Gardening Services for Aged People and People with Disability

With the savings listed above the City will begin a new programme for eligible residents to receive welfare assistance for the purposes of home care and gardening services. Residents that meet the eligibility criteria set out in the amended and renamed Policy No. 3.10.4 'Provision of Assistance for Aged People and People with Disability' may receive up to \$600 per financial year to assist with gardening care and general home maintenance. These services may include but are not limited to, gardening care and cleanup, tree lopping or pruning, small home repairs, and removal of waste produced by the above services. The welfare assistance for home care and gardening service will be provided for a one-off case by case basis and is not intended for recurring assistance.

Residents that require assistance will need to be assessed by the City Officers to ensure they are in genuine need of assistance and have exhausted other resources. If the resident is assessed as eligible, the City Officers will liaise directly with the appropriate service or agency to have the works carried out. The City will be invoiced directly up to a maximum of \$600 and the resident will be responsible for remaining costs. Retrospective services will not be eligible under this Policy.

CONSULTATION/ADVERTISING:

The amended and renamed Policy No. 3.10.4 'Provision of Assistance for Aged People and People with Disability', and Policy No. 3.10.6 'Community and Welfare Grants' as shown in Appendices 14.2A, and 14.2B will be advertised for a period of twenty-one (21) days, seeking public comment.

A request for quotation for the amount of \$21,000 for a service or agency to meet the needs of aged pensioners and people with disability in the City of Vincent will be advertised. The request for quotation will outline the required services and invite relevant agencies and organisations to submit a service plan and quotation to the City. The service will be selected based on their ability to carry out the required service within the allocated budget, more than one service or agency may be selected.

LEGAL/POLICY:

- Policy No. 3.10.4 – Provision of Assistance for Aged People and People with Disability; and
- Policy No. 3.10.6 – Community and Welfare Grants.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of this project, it has been deemed as low risk.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2013-2017* where the following objective states:

"Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing;*

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 proposed amendments to Policy No. 3.10.4 'Provision of Assistance for Aged People and People with Disability' and Policy No. 3.10.6 'Community and Welfare Grants' include the changes to transport assistance as well as the provision of welfare assistance for home care and gardening services to pensioners and people with disability. These changes and additions allow for equitable distribution of available funds and resources. The proposed reallocation of funds will ensure residents will receive essential services via the appropriate agencies.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter is as outlined below:

General Donations:	\$12,500
Memorandum of Understandings':	\$18,000
Transport Assistance:	\$10,000
Gardening and Home Care Assistance (new)	<u>\$21,000</u>
Total Budget for Transport Assistance Donations and Community and Welfare Grants:	\$61,500

Breakdown of Funds Allocated in Current 2013/2014 Budget (as of 3 December 2014)

Item	Current Amount
Sundry Donations	\$ 2,500
Transport Assistance	\$10,000
Special Welfare Assistance	\$ 5,000
People Who Care MOU	\$0
Welfare Grants	\$ 5,000
Volunteer Task Force MOU	\$ 0
ARAFMI MOU	\$ 6,000
Carers WA MOU	\$ 6,000
Salvation Army MO	\$ 6,000
Gardening and Home Care Services	<u>\$21,000</u>
Total Budget for Transport Assistance Donations and Community and Welfare Grants	\$61,500

COMMENTS:

The proposed amendments to Policy No. 3.10.4 'Provision of Assistance for Aged People and People with Disability' and Policy No. 3.10.6 'Community and Welfare Grants' will not only distribute funds in a sustainable and equitable manner, but will allow the City to provide services to residents that more accurately reflect a Community Development based model. The above changes will allow the City to work in conjunction with community service organisations that provide essential services as their core business, giving residents the best opportunity to receive assistance.

14.3 “Crab Riders” – Progress Report No. 1

Ward:	South	Date:	14 February 2014
Precinct:	Forrest (14)	File Ref:	CVC0008
Attachments:	001 – Artwork Images 002 – Proposed Location		
Tabled Items:	Nil		
Reporting Officer:	Y Coyne, Coordinator Arts & Creativity		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to allocate additional estimated funding of up to \$8,000, for the additional costs associated with freight and installation of “Crab Riders” from the Public Community Artworks budget.

Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Harley

“That the Officer Recommendation be amended as follows:

That the Council ~~APPROVES BY AN ABSOLUTE MAJORITY~~ DEFERS consideration of the additional estimated funding of up to \$8,000, for the additional costs with freight and installation of “Crab Riders” from the Public Community Artworks budget and writes to the artist to express its significant concern relating to the lack of information, process and expectation to the City to bear the costs associated with relating to the installation of the artwork and will RECEIVE a further report once comment has been received from the artist.”

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

AMENDMENT 2

Moved Cr Harley, Seconded Cr McDonald

“That a new Clause 2 be inserted to read as follows:

2. AUTHORISE for each Council Member to view the contract.”

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

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

COUNCIL DECISION ITEM 14.3

That the Council;

1. DEFERS consideration of the additional estimated funding of up to \$8,000, for the additional costs with freight and installation of “Crab Riders” from the Public Community Artworks budget and writes to the artist to express its significant concern relating to the lack of information, process and expectation to the City to bear the costs associated with relating to the installation of the artwork and will RECEIVE a further report once comment has been received from the artist; and
2. AUTHORISES for each Council Member to view the contract.

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for additional funding for installation costs for the artworks "Crab Riders", gifted to the City by artists Gillie and Marc.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 September 2013, the Council resolved as follows:

"That the Council approves;

- 1. the recommendation of the Art Advisory Group to locate "Crab Riders" by artist Gillie and Marc as shown in Appendix 9.4.3A, at locations on Beaufort Street, adjacent to Birdwood Square, in consultation with the Acting Mayor, as shown in Appendix 9.4.3B; and*
- 2. BY AN ABSOLUTE MAJORITY to allocate additional estimated funding of up to \$10,500 towards the freight and installation of "Crab Riders", from the 'Arts Workshops' expenditure which is listed as a total of \$16,000 in the 2013/14 Budget".*

In July 2013, Artists Gillie and Marc contacted the City's Officers on 22 July offering a long term loan of the works. The images of the sculptures entitled "Crab Riders" as shown in Appendix 14.3A were presented to the Arts Advisory Group at the meeting held on 22 July 2013. The Group resolved to accept the loan of artwork and suggested Birdwood Square on the corner of Beaufort and Bulwer Streets as a possible location, as shown in Appendix 14.3B.

There are three separate sculpture components:

- 'Dogman on Crab': Length 215cm x Width 270cm x Height 236cm, Weight 450kgs;
- 'Rabbit Girl on Crab': Length 200cm x Width 230cm x Height 240cm, Weight 350kgs; and
- Small Crab: Length 160cm x Width 210cm x Height 110cm, Weight 245kgs.

It is the artist's intention that the sculptures be placed together.

The area of turf at Birdwood Square will need to be prepared with a concrete slab, due to the weight of the works. The installation process will involve the placement of the sculptures via cranes onto the site.

DETAILS:

To ensure structural integrity of the structures and to incorporate anti theft strategies, quotations were obtained from three (3) art installers to affix the artwork bases onto concrete bases. Gillie and Mark were asked for a structural certification of the Art Work; however, they are unable to provide this information.

A photograph of the underside of the base of the artworks as shown in Appendix 14.3A was subsequently provided which showed rods protruding at right angles. Further works may be required to straighten the rods prior to installation.

In addition drilling into the bases cannot be undertaken on site as this would increase installation costs as it would require the removal of the Art Works from the crates and moving them multiple times using a crane.

The City has determined that the most cost effective way is for the one company to receive and store the works, alter the base fixing points, deliver to site and install.

Quotations have been received however, as the art works are still in NSW, the quotes have been prepared with the limited information available, therefore the actual cost could vary.

The alternative is not to proceed with the loan of the artwork.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Moderate: Given the amount of interaction the previous Gillie & Marc sculpture has received, one of these pieces are at a height where they may be climbed upon by children

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objective of the City's '*Strategic Plan – Plan for the Future 2013-2017*':

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Current proposed expenditure is:

Freight & Delivery	\$7,755	Quoted
Concrete Footings & Installation	<u>\$10,362</u>	Quoted
Total Estimate	\$18,117	

The Council approved \$10,500 towards the freight and installation from the 'Arts Workshops' expenditure is listed in the 2013/2014 Budget. To date \$3,025 has been spent for lawyers to draw up an Agreement and a further estimated cost of \$2,000 on preparing the turf on-site at Birdwood Square.

To install the artworks will require an additional funding of up to \$8,000 which could be taken out of the remaining budget for Public Community Artworks.

COMMENTS:

The receipt of this artwork has exceeded the estimated costs of installation mainly due to the distance, lack of detailed information received from the artists on the technical specifications of the artworks and complicated base plates of the artwork requiring alteration.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.