



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**10 JUNE 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 10 June 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:**

2.1 Cr Wilcox on approved leave of absence from Thursday 1 May 2014 to Thursday 31 July 2014 (inclusive), due to personal commitments.

2.2 Director Community Services, Mr Rob Boardman on approved sick leave.

**(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 James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Craig Wilson	Acting Director Technical Services (until 8.35 pm)
Jacinta Anthony	Acting Director Community Services (until 8.35 pm)
Petar Mrdja	Acting Director Planning Services (until 7.50 pm)
Sean Doherty	Acting Manager Planning and Building Services (until 7.50 pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until 8.35 pm)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (from 6.09pm until approximately 8.35pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until 8.25pm)

Approximately 32 Members of the Public

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

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

1. Mary Greenshaw – Item 9.2.2 stated the following:
  - I ask that the Councillors support the Council Officer Recommendation to go ahead with this. We have owned our house in Brookman Street for twenty (20) years, it is a beautiful, unique precinct that needs to have underground power to increase the amenity.
  - Brookman Street is a very small street, we have massive power poles and it would be wonderful if they could be underground. I think the cost will just keep increasing as the years go on and with the uncertainty with maybe the amalgamation to the City of Perth, I am worried that this unique precinct will be lost, in the paper work and we won't ever get underground the power again.
  - I know that a lot of people are worried about the cost, you have a payment plan in process which is fantastic. I ask that perhaps you extend that to ten (10) years for people who would struggle rather five (5) years, I ask that perhaps that amendment could be put in.
2. Barry Laphorne of 17 Lynton Street, Mount Hawthorn – Item 9.1.1 stated the following:
  - I refer to the report in relation to the subject property at 24 Lynton Street, the Design Advisory Committee (DAC) notes the immediate area is typically single residential on smaller compact blocks and to follow a patent scale of development that is in keeping with surrounding built from a town house development provides a more appropriate response to the patent scale of development in the area.
  - This view is shared by the local residents as expressed by the petition requesting the City of Vincent reconsider the current application for development at 24 Lynton Street in keeping with the typical density of development that has already occurred in the area.
  - The issue of increased vehicle traffic and demand for on street parking, through an increase in the density of dwellings on the subject site by factor of 4. I feel this has not been considered although the proposed development is compliant in terms of parking according the provisions of the residential design codes, this does not respond to the fact that there will be an increased volume of traffic in the street and naturally a greater demand for street parking by visitors, which will have impact on local residents.
  - Vincent Vision 2024 identifies Mount Hawthorn as a place where family is a corner stone of our neighbourhood orientated environment and Lynton Street is home to many young families, with children who play together in the street. This is why we have chosen to invest and live in the area, we anticipate there will be developments in keeping with typical development that has already taken place and we did not expect to be living amongst blocks of units. This also has the potential to devalue our properties and set a precedent for the development of other multiple dwelling sites in this area in the future.
3. Mathew Farrell of 25 Willow Road, Woodlands – Item 9.1.6 stated the following:
  - I speak on behalf of my daughter, the owner of the adjacent property to the South at 548B Fitzgerald Street. The issue of traffic safety, which was raised on the 13<sup>th</sup> May 2014, has been addressed by the traffic report, which has just been submitted to the Council and the proposal in the report says that it complies with the Australian Standards.
  - One thing that I noticed that is not included in the report is there is no comment on the provision as required by the Department of Planning, that there be a turning area in order to enable vehicles to enter and exit the property in forward gear.

- The issue of plot ratio and subsequent setbacks is still of concern, the ratio exceeds the City of Vincent code by 18%. I understand that Council does not propose to alter the plot ratio of 0.7 in the future, other design codes are subsequently breached, for example the northern first floor boundary setback 40% in breach, second floor 50% in breach, the southern first floor 50% in breach, the eastern second floor 11% maximum breach and the boundary walls, the northern boundary is 22% in breach and the average height for the boundary is 31% in breach.
4. Catherine Perry of 8/552 Fitzgerald Street, North Perth – Item 9.1.6 stated the following:
- I would like to further raise concerns about the lot setbacks, it says that the bulk of them are in the northern eastern side, which is where my unit is. The lift and stairwell are outside my bedroom window, I would like to see them comply.
5. Brad Wright of 14 Ambleside Avenue, Mount Hawthorn – Item 9.1.1 stated the following:
- I am directly across the road from 24 Lynton Street, Mount Hawthorn. I guess we never thought that we would now be having a four (4) unit multi dwelling opposite us proposed.
  - In particular one of our concerns is that if this particular development is approved it will set precedence. As in Lynton Street alone and the cross road Ambleside Avenue, there is actually twenty one (21) blocks available under R 30 to have multi dwellings put on them. What the theme has been so far to date is been that people will be getting demolished in the houses on a 640 dividing it into 2 x 320 lots and then building a two (2) storey town house. As far as we are concerned we have no issue at all, of having a two storey directly opposite us, but having four (4) multi dwelling across the road with tenants we can't control, there is going to be a significant problem.
  - In particular I would like to also refer to the R30 codes by the WAPC, regarding Item 9.1.1 which came out on the 1<sup>st</sup> May 2014 and is pending for approval and that is to amend the codes for R30 blocks to ban multi dwellings going through, I am not too sure how long this will take to come through but probably in the next month or so.
6. Robert Vucemillo of 29 Lynton Street, Mount Hawthorn – Item 9.1.1 stated the following:
- I have come unprepared so mine is a bit of a passionate plea. I have lived in the street for nearly fourteen (14) years, I am a proud Mount Hawthorn community member and my children go to Mount Hawthorn primary school. The only troubles we have ever had is with renters, I had hell for four (4) years at 31 Lynton Street and another for two (2) years at 27 Lynton Street.
  - As the previous speaker stated we have got no problems about new double storey developments being put in the place that are increasing the value, I have seen these pop on the street and we have families come up.
  - We do not want to have renters to have multiple dwellings in our street. We want to retain that feel of community and I can't see how an entire street can be ignored simply because someone is trying to make a dollar on a particular block. We are the community, we are part of Mount Hawthorn and as all these people know we do not want this.
7. Julie Seaton of 17 Lynton Street, Mount Hawthorn – Item 9.1.1 stated the following:
- I would like everyone who is here from Lynton Street to please stand up so the Council can acknowledge how many of us are here tonight.

8. Tim Stacey of 77 Lawler Street, Perth – Item 9.1.5 stated the following:
  - That is directly behind me, pretty much my main concern is about vermin in the right of way and coming into the houses being that we have not had any cooking houses on Charles Street or not that I know of anyway.
  - The other thing is the traffic and the right of way, we have enough already, there is development going on but I can just see if there is another eating house or something going into the other side of the right of way we are going to have problems.
  
9. Dudley Maier of 51 Chatsworth Road, Highgate – Item 9.2.4 stated the following:
  - I didn't intend to speak, but the item has a number of concerns for me, firstly the usefulness of the report, but most importantly the appalling consultation process that took place.
  - I support the plan 110% I was here two and half years ago when Warren McGrath came up with the idea, so it is not about the concept it is about the usefulness of the report and my criticism is not aimed at the officer in charge or who is responsible, I have two (2) main gripes.
  - One is the usefulness and the other is the consultation process.
  - The thrust is good but basically it is a little more than motherhood statements, long term targets and really vague actions. Like one of the actions is increase biodiversity that is actually the objective, the actions are something you can do. A good example is that there is a target to increase canopy by twenty or twenty five percent it is not even clear if it is twenty or twenty five percent, by 2015. The report states it takes thirty (30) years for a tree to mature that the benefits of the trees we plant this decade will be felt in the century.
  - A useful plan would say okay we need so many trees, so many square metres to get that percentage increase. We work back we need to plant so many trees per year for the next six (6) to ten (10) years, therefore the plan will be to plant hundred fifty or five hundred trees per year, to get that net increase, there is nothing like there is not targets like that at all.
  - For the plan to be useful it has to have deliverables that can be measured and monitored you can't monitor them, they won't be delivered.
  - I highlight the fact that Cr Peart made a request to get a timeline and budget and the document, they have attached is virtually useless.
  - The other gripe is about consultation and this is not the first time this has happen with Technical Services, two weeks ago there was a plan for the bike cage at Beatty Park Leisure Centre. The staff basically copied and pasted my submission into the attachment and did not address one single point. They wrote the report before the consultation closed that is pretty bad. This time at least there was two week period, they didn't address a single item that I had raised, they copied and pasted, they put a statement in the report were practical these comments will be incorporated into the plan, not one word has changed since the plan went out for comment. At least the Planning staff summarise comments from the community and address them, Technical Services did not have the courtesy to do that.
  - I know the Council is very strong on consultation but consultation is not just about the number of people you consult and contact it is about the respect you show the responses you get.
  
10. Richard Hayes of 12 Ambleside Avenue, Mount Hawthorn – Item 9.1.1 stated the following:
  - I guess that while I don't currently live in the area, I have moved into the area to build a home. My concerns are around in particular the parking and additional vehicles accessing the area. I do have occasion to go there quite frequently at the moment while I am seeing if anything has actually progressed on my building and I am concerned about the impact that this proposed application is going to have on parking in the area. Even if there are a certain number of bays allocated I still think there will be people visiting and I am concerned that this will impact on my property.

11. Ken McFarlane of Proud Property Group – Item 9.1.6 stated the following:
- At the previous meeting we were requested to go and get a traffic report, which we have done as indicated when we designed the building, we actually placed this property as two (2) driveways, one on the north and one on the south, as it was previously used as an office and the back is all paved.
  - This property is located in an area that the Shire has actually requested or proposed higher density's and increased plot ratios etc. It is surrounded by multiple dwellings, there are actually four storey building just behind and on every side we have multiple dwellings. The query has been raised about the plot ratio there is a whole lot numbers that were just quoted by the neighbour's representative and I am not sure of where these came from, but to the north of the property is a block of apartments. This project is being dug into the ground by some two metres, which reduces the height to the northern side.
  - On the east side it is been dug in by two metres and so consequently it only presents a two (2) storey building on the eastern side, both of those sides the property is bounded by car park. It is only on the southern side that properties been cut in partly and slightly raised by less than half a metre to accommodate the natural slope of the ground.
  - The question was raised also about the turning that is not quite correct there is actually a turning bay in the front of the property for vehicles to always egress the property facing forward.
12. Phil Dashan of 67A the Boulevard – Item 9.1.1 stated the following:
- I don't actually live near Lynton Street, Mount Hawthorn, but certainly am concerned about setting the precedent, just wanted to read a statement dated 1<sup>st</sup> May 2014 9.1.1.
  - *"number of Local Governments have raised concerns with the Department of Planning about unintended and undesirable consequences arising from the 2010 changes to the R code related multiple dwellings, there is perception that the R codes encourage inappropriate multiple dwellings densification, that is inconsistent with the amenity and predominantly single dwelling neighbourhoods of the R 30 or R35 coating, in response to the concerns the Department of Planning proposes amendments to the R Codes, the proposed amendment to the R codes require each multiple dwellings under R 30 and R35 to achieve the same side area an open space a minimum of total percentage site requirement and this currently applies for the single and grouped dwellings. This is an important placing a limitation on the maximum number of multiple dwellings and minimum open space in the R 30 and R35 to ensure alignment with the existing R 12.5 and R25 coats and ensuring that dwelling density intended and expected by Local Governments and community is preserved, it is also proposed to increase the minimum parking standards for each multiple dwelling from .75 to 1.00 parking space and to amend several R Code clauses"*.
  - So I think this has been raised before, there is some concern, there is some debate about the current codes here and as you would all be aware that some of the Councils around the place, including the City of Nedlands, has already put a stop to some of this stuff.

There being no further speakers, Public Question Time closed at approx. 6.30 pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.



**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

5.1 Petition received from Mr B. Laphorne of Lynton Street, Mount Hawthorn, along with 109 signatures, from residents of Lynton Street and surrounding streets objecting to the proposal to construct four (4) multiple dwellings with nine (9) car bays at No. 24 (Lot 12) Lynton Street, Mount Hawthorn and requesting that the City of Vincent reconsider the current proposed application in keeping with the typical density of development that has already occurred in the street:

- Development and subdivision in Lynton Street over recent years has resulted in a noticeable difference in the volume of local traffic and the proposal to replace a single dwelling with four dwellings will lead to an ever greater increase in the volume of traffic, along with the number of cars parked in the street and the demand for on-street parking; and
- By increasing the dwelling density on this site, this development has the potential to set a precedent for future developments in the street and surrounding areas.

The Acting Chief Executive Officer advised this will be considered as part of the Agenda Item 9.1.1 listed for tonight's meeting.

**Moved Cr Buckels, Seconded Cr Cole**

**That the petition be received as recommended.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Minutes of the Special Meeting of Council held on 20 May 2014

**Moved Cr Harley, Seconded Cr Buckels**

**That the Minutes of the Special Meeting of Council held on 20 May 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

6.2 Minutes of the Ordinary Meeting of Council held on 27 May 2014

**Moved Cr Buckels, Seconded Cr McDonald**

**That the Minutes of the Ordinary Meeting of Council held on 27 May 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

6.1 Minutes of the Special Meeting of Council held on 3 June 2014

**Moved Cr Pintabona, Seconded Cr McDonald**

**That the Minutes of the Special Meeting of Council held on 3 June 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey read the following:

### 7.1 **Special Electors Meeting held on 9 June 2014**

There were about 90 residents in relation to community debate about City of Vincent's position and strategy, in relation to the forced Council merger reform. I was really heartened by the community support and positive feedback, in relation to the City of Vincent position, which is effectively that we will use every strategy and tactic at hand to defend the interest of City of Vincent ratepayers, knowing very well that the first want of the community is for the City of Vincent to stay as is and that was put up as a motion, but if that is not the case that we want to be kept together and that we want to go to the City of Perth and we discussed that strategy, how this Council came to that strategy and I would say nearly 90 percent of the room endorsed and support that strategy as a way forward.

We all agree and we all understand that the Local Government Reform process is flawed. It's been imposed on us, it is not something we necessarily want or want to do, but we have to deal with it and we have to deal with as smartly as possible and to cut ourselves off and be completely isolated from the process. I think would put us in the weakest position and do us no service to our community or ratepayers. The meeting last night was a great affirmation of the Council's course and strategy.

### 7.2 **Mount Hawthorn Hub Community Engagement Action Stall**

The Mount Hawthorn Hub is one of the new precinct groups that we are supporting through our great Place Managers, who are about activating our Town Centres and making them better places, so there developing an action plan of short term strategies and wins that we can roll out on the street.

There is a lot of Mount Hawthorn residents here tonight, I strongly encourage you to join the Mount Hawthorn hub they are really making things happen. They are a positive force for change and we will see over the next year or whatever time we have left as a Local Government major changes on Mount Hawthorn. We have already got a hundred thousand on budget for streetscapes and improvements which includes in addition to the greening plan and so forth, so I really encourage people to get involved in the Mount Hawthorn Hub.

### 7.3 **City of Vincent New Chief Executive Officer Appointed**

I am very proud to acknowledge and announce that the City of Vincent has appointed a new Chief Executive Officer Len Kosova, who is 38 years old and is the current Director of Planning at the City of Wanneroo, we had fifty three (53) applicants and he was an absolute stand out.

His record of change that we want to grab hold of and make things happen here in Vincent, he stood out because he understood the need for innovation, he understood the need that just because something has been a done a certain way we don't keep on doing it, that way, that we look at every day, how we can improve as an organisation and that is what we want, that is what we want as leadership, for this Council and that is what we are aiming to do.

At only 38 years old he has seventeen (17) years of Local Government experience which I find extraordinary of which twelve (12) is at Executive Level and to give you an inside of how he reformed planning at the City of Wanneroo, he cut the waiting period from sixty (60) days down to I believe fourteen (14) days and he got every member of his planning team to think about how they could improve the services that they gave to the community. So I have to admit regardless of the time we have got left, I am really excited about our new CEO we hope he will be starting in July and I think there will be good things to come and that we get that match between the aspirations of the community, our Administration and the Council.

## 8. DECLARATIONS OF INTERESTS

- 8.1 Cr Cole declared an Impartiality interest in Item 9.4.5 – Paddington Ale House – Extended trading Permits. The extent of her interest being is she works at the Department of Alcohol office, I do not work within the directorate advising on Liquor Licensing matters and will consider the matter in an Impartial manner and on its merits.
- 8.2 Cr Topelberg declared an Impartiality interest in Item 9.1.5 – Nos. 528 & 528A (Lots: 212 & 101) Charles Street, North Perth – Proposed Change of Use from Office/Shop and Single House to Eating House and Single House. The extent of his interest being that the neighbour to the rear is a personal acquaintance and we have not had any discussion or correspondence relating to the proposed change of use.
- 8.3 Acting Director Planning Services declared an Impartiality interest in Item 9.1.1 - No. 24 (Lot 12; D/P 6152) Lynton Street, Corner of Ambleside Avenue, Mount Hawthorn– Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking. The extent of his interest being that he has engaged the consultant that the owners have used to prepare a contour survey he owns for a property he owns in Embleton. He states he has no dealing in the assessment or the Officer Recommendation on this report and only once sat in the DAP presentation on this proposal.

## 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 Acting 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, 9.1.5, 9.1.6, 9.2.2 & 9.2.4

### 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:

Item 9.4.1

### 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	9.1.2, 9.1.3, 9.2.3 & 9.4.4
Cr Cole	9.4.4 & 9.4.5
Cr Harley (Deputy Mayor)	9.4.5
Cr McDonald	Nil
Cr Peart	Nil
Cr Pintabona	Nil
Cr Topelberg	9.4.3
Cr Wilcox	On Approved Leave of Absence

The Presiding Member, Mayor John Carey, requested that the Acting Chief Executive Officer to advise the meeting of:

**10.5 Unopposed items which will be moved "En Bloc" and the following was advised:**

Items 9.1.4, 9.2.1, 9.2.5, 9.4.2, 9.5.1 & 9.5.2

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

Item 14.1.

**New Order of Business:**

The Acting 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 9.1.4, 9.2.1, 9.2.5, 9.4.2, 9.5.1 & 9.5.2

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

Items 9.1.1, 9.1.5, 9.1.6, 9.2.2 & 9.2.4

**(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 McDonald, Seconded Cr Peart**

**That the following unopposed items be approved "En Bloc", as recommended;**

**Items 9.1.4, 9.2.1, 9.2.5, 9.4.2, 9.5.1 & 9.5.2**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

**9.1.4 No. 22 (Lot: 57 D/P: 6049) Jugan Street, Corner Anderson Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two-Storey Multiple Dwelling comprising of Six (6) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO6278; 5.2014.121.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Application Submission <a href="#">003</a> – Application Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Rasiah, 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 A Gauci on behalf of the owner Jugan Pulse Pty Ltd for Proposed Demolition of Existing Single House and Construction of Two-Storey Multiple Dwelling Development Comprising of Six (6) Multiple Dwellings And Associated Car Parking, at No. 22 (Lot: 57 D/P:6049) Jugan Street, corner Anderson Street, Mount Hawthorn, and as shown on plans stamp-dated 9 April 2014 and amended plans dated 27 May 2014, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 13 Anderson Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **On-Site Parking Provision**

A minimum of six (6) residential bays and one (1) visitor bays are to be provided on site for the residential component of the development;

3. **Car Parking and Accessways**

3.1 The car park shall be used only by residents and visitors directly associated with the development;

3.2 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890.1;

3.3 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of parking area onto the right-of-way; and

4. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

4.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

**4.2 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.

**4.3 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 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:

- 4.3.1 Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 4.3.2 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;
- 4.3.3 The location and type of existing and proposed trees and plants;
- 4.3.4 All vegetation including lawns;
- 4.3.5 Areas to be irrigated or reticulated;
- 4.3.6 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 4.3.7 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).

**4.4 Refuse Management**

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

**4.5 Schedule of External Finishes**

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

**4.6 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:

4.6.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the multiple dwellings. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 7.7.1 relating to Parking and Access.

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

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

**5.1 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;

**5.2 Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential units at all times, shall be submitted to and approved by the City;

**5.3 Clothes Drying Facility**

Each multiple dwelling shall be provided with drying facilities in accordance with the Residential Design Codes of WA 2013 and City's Policy No. 7.4.8 in relation to Development Guidelines for Multiple Dwellings;

**5.4 Bicycle Bays**

A minimum of two (2) bicycle bays for residents, and one (1) visitor bicycle bay is to be provided on-site. Bicycle bays for the residents must be located within the development, and bicycle bays for visitors must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

**5.5 Visitor Bays**

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

6. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Acting 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 Jugan Street and Anderson Street;
3. Any new street/front wall, fence and gate within the Jugan Street and Anderson 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;
4. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; 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.

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr McDonald, Seconded Cr Peart**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination; given the proposal is a multiple dwelling development.

**BACKGROUND:**

Nil.

**Previous Reports to Council:**

Nil.

**DETAILS:**

<b>Landowner:</b>	Jugan Pulse Pty Ltd
<b>Applicant:</b>	A Gauci
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	751 square metres
<b>Right of Way:</b>	N/A



**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	✓		
Front Fence	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Building Height	✓		
Building Storeys	✓		
Roof forms			✓
Open Space	✓		
Outdoor Living Areas	✓		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Dwelling Size	✓		
Site Works	✓		
Utilities and Facilities	✓		
Essential Facilities	✓		
Energy Efficiency	✓		
Surveillance	✓		
Landscaping			✓

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

Issue/Design Element:	Street Setback
Requirement:	<p><b>Residential Design Elements Policy No. 7.2.1 SADC 5 Ground Floor</b> An average of Five (5) Properties Either Side of Subject Lot – 5.2 metres</p> <p><b>Upper Floors</b> Walls a minimum of two metres behind each portion of the ground floor setback.</p> <p><b>Balconies</b> a minimum of one metre behind ground floor.</p> <ul style="list-style-type: none"> <li>• Upper floors – 7.2 metres</li> <li>• Balcony – 6.2 metres</li> </ul>
Applicants Proposal:	<p><b>Ground floor</b> – 3.1 metres to 3.5 metres</p> <p><b>Upper floor</b> – Apartment 1: 0.8metre setback from ground floor</p> <p><b>Balcony -</b></p> <ul style="list-style-type: none"> <li>• Apartment 2: Balcony directly above ground floor.</li> <li>• Apartment 3 and 4: Balcony overhangs ground floor by 0.7 metres.</li> <li>• Apartment 5: Balcony overhangs ground floor by 0.4 metres.</li> </ul>
Design Principles:	<p><b>Residential Design Elements Policy No. 7.2.1 SPC 5</b> Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> </ul>

Issue/Design Element:	Street Setback
	<ul style="list-style-type: none"> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“The proposed street setback requires assessment under the Design Principles of the Residential Design Elements. The emerging streetscape within Anderson Street is that of two storey grouped and multiple dwellings. This is evident in the four adjoining properties to the east No.’s 7, 9, 11 and 13. Other than the recent approval of No. 13, the other developments were assessed under the City of Stirling’s District Planning Scheme which does not have any regard to the upper floor setbacks of the Residential Design Elements and as such requiring full compliance would not be in keeping with the existing development character of the emerging streetscape character.</i></p> <p><i>In addition, the proposed development underwent an extensive amendment through the DAC process which altered the upper floors in line with the DAC’s view to characterise the development as “terrace style” form”.</i></p>
Officer technical comment:	<p>Supported. The existing front setbacks along this part of Anderson Street vary with a mix of older buildings, newer grouped dwellings and the presence of a number of secondary street frontages. It is considered that due to a number of recent grouped dwellings and multiple dwelling developments being approved along this side of Anderson Street, the street frontages will soon be under a state of transition which will lead to a changing nature of the street in the short term. The design of the front of the building provides for an articulated and active street frontage through the use of landscaping and differing building materials.</p> <p>In addition, the reduction to the upper floor setbacks is consistent with these adjoining developments. Substantial amendments have been made to the upper floor setbacks to provide a balance between both the single and double storey dwellings in the immediate local area. The upper storey includes a number of open balconies, design features, and window openings which ameliorate the impact of the front setback variation.</p>

<b>Issue/Design Element:</b>	<b>Lot Boundary Setbacks</b>
Requirement:	<b>Residential Design Codes Clause 6.1.4 (C4.1)</b> <b>East (Ground Floor)</b> 1.5 metres <b>East (First Floor)</b> 3.1 metres
Applicants Proposal:	<b>East (Ground Floor)</b> 0.52 metre to 1.51 metre <b>East (First Floor)</b> 1.19 metres to 4.04 metres
Design Principles:	<b>Residential Design Codes Clause 5.1.3 P3.1</b> Buildings set back from boundaries or adjacent buildings so as to:
	<ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	Ground floor: <i>"The proposed setbacks require assessment under the Design Principles of the Residential Design Codes. The Building is setback adequately from the boundary and adjacent buildings to ensure adequate daylight, direct sun and ventilation for the buildings and the open space associated with them. The neighbouring development has one major opening and a balance of boundary wall. The major opening is a minimum of 2.5m away and therefore has substantial setback".</i> Upper floor: <i>"The proposed setbacks require assessment under the Design Principles of the Residential Design Codes. The Building is setback adequately from the boundary and adjacent buildings to ensure adequate daylight, direct sun and ventilation for the buildings and the open space associated with them. The neighbouring development has no major changes and setback a minimum 2.7m away and therefore has substantial setback".</i>
Officer technical comment:	Supported. The setback variations are considered minor in nature. The setbacks ensure that adequate direct sunlight and ventilation to the adjoining properties is maintained, with the application fully complying with the R-Codes solar access requirements. Setbacks to the upper floor have been increased from the ground floor which reduces visual impacts and allows for additional direct sunlight and ventilation to adjoining properties.

Issue/Design Element:	Roof Forms
Requirement:	<b>Residential Design Elements Policy No. 7.2.1 BDADC 3. Roof Forms</b> 30- 45 degrees
Applicants Proposal:	Flat roof
Design Principles:	<b>Residential Design Elements Policy 7.2.1 BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• in areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• it does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>“The streetscape along Anderson Street and Jugan Street is varied with a mixture of roof forms. The most recent development is at 11 Anderson Street which incorporated a low pitched skillion roof form. Our proposed contemporary elevation will not only add to the mix but create a high standard of development for Anderson and Jugan Streets and has been endorsed by the DAC. The majority of developments were assessed under the City of Stirling’s District Planning Scheme which does not have any regard to the roof forms of the Residential Design Elements and as such requiring full compliance would not be in keeping with the existing development character or the emerging streetscape in character”.</i>
Officer technical comment:	Supported. The proposed flat roof is a common feature of a contemporary style roof design which is emerging in the area. The flat roof form is functional in this instance as a pitched roof would increase the bulk and overshadowing of this development.

Issue/Design Element:	Landscaping
Requirement:	<b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b> A minimum of 30 percent of the total site area shall be provided as landscaping (225.6m <sup>2</sup> ). A minimum of 10 percent of the total site area shall be provided as soft landscaping within the common property area of the development (75.2m <sup>2</sup> ). A minimum of 5 percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings (37.6m <sup>2</sup> ).
Applicants Proposal:	Landscaping – 18.1% or 136.21m <sup>2</sup> total landscaping provided 18.1% or 136.21m <sup>2</sup> total soft landscaping provided 3.3% or 24.9m <sup>2</sup> total soft landscaping in Private Outdoor Living areas
Design Principles:	<b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8</b> <ul style="list-style-type: none"> <li>• Assists in contributing to the amenity of the locality;</li> <li>• Assists in providing a landscaped setting for the building;</li> <li>• Assists in the protection of mature trees;</li> <li>• Maintains a sense of open space between buildings; and</li> <li>• Assists in increasing tree and vegetation coverage.</li> </ul>

Issue/Design Element:	Landscaping
Applicant justification summary:	<i>"The proposed landscaping provided exceeds that on any grouped dwelling development currently within the vicinity. We have maintained 4 verge trees and planted an additional 10 trees within the site. The provision of a communal herb garden has also been incorporated. The corner property adjoins large grassed and reticulated verge areas enhancing the landscape amenity".</i>
Officer technical comment:	<p>Not supported. The proposal conveys insufficient landscaping over the total site therefore this development will be conditioned to meet the 30% landscaping requirement prior to submission of a building permit.</p> <p>Landscaping as proposed could be significantly increased through the reduction of hard paving.</p>

<b>Residential Car Parking</b>	
Residents car parking requirement <ul style="list-style-type: none"> <li>• Medium (75 -110 square metres) – 1 space per dwelling 4 Dwellings = 4 car bays</li> <li>• Large (&gt;110 square metres) – 1.25 space per dwelling 2 Dwellings = 2.5 car bays</li> </ul>	Proposed
Total car bays required = 6.5 car bays = 7 car bays	
<ul style="list-style-type: none"> <li>• Visitors 0.25 spaces per dwelling 6 dwellings = 1.5 car bays = 2 car bays</li> </ul>	6 residential car bays and 2 visitor car bays = 8 car bays
Total car bays required = 7 car bays + 2 car bays (Total = 9 car bays)	
<b>Resultant Deficit</b>	1 car bay

<b>Residential Bicycle Parking</b>
<p><b>Residential Design Codes Clause 6.3.3 C3.2</b> 1 bicycle space to each 3 dwellings for residents (6 dwellings); and 1 bicycle space to each 10 dwellings for visitors (6 Dwellings), and designed in accordance with AS2890.3.</p> <p><u>Required</u> Residents: 2 bicycle spaces Visitors: 1 bicycle spaces Total: 3 bicycle spaces</p> <p><u>Provided</u> 3 Bicycle Spaces plus Storeroom space for bicycles.</p>

The proposed deficit of one (1) residential car bay will not have a detrimental impact on the development or the adjoining properties. Each unit within the development has one (1) car bay specifically devoted to their use with the inclusion of one (1) car parking bays for visitors. One (1) of the two (2) visitor car parking bays at the front of the development is supportable in this instance. It is noted that the one (1) visitor bay within the front set back area is required to be deleted and the area be landscaped. This will still provide one (1) visitor bay for the development which is considered appropriate in this instance. Given the location of the development to public transport it is not anticipated that the site would generate a higher parking requirement than what is being provided on site.

Bicycle parking for the multiple dwellings is required to be provided in accordance with the Deemed to Comply provisions of Clause 6.3.3 "On-Site Parking Provision" of the R-Codes.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	22 April 2014 – 7 May 2014
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<b>Comments Received:</b>	Three (3) objections and One (1) general concern
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<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
Issue: Street Setback Concern over the reduced street setback on adjoining development.	Not supported. Anderson Street is constantly evolving to incorporate grouped dwellings and multiple dwellings, all which are creating a diverse streetscape pattern. The lot sizes along Anderson Street and Jugan Street are substantial in size, thereby allowing the older dwellings to be setback further from the street. The newer more dense development has sufficiently changed those street setback patterns to allow the site to be used more efficiently.
	The proposed design of the development has incorporated varying finishes and articulation to create an active street frontage. The upper storey includes a number of open balconies, design features, and window openings which ameliorate the impact of the front setback variation.
Issue: Landscaping Concerns over substantial reduction in required landscaping on 'Vincent Greening Plan'.	Supported. The landscaping has been conditioned to meet the 30% requirement.
Issue: Lot Boundary Setbacks Concerns over impact on direct neighbours.	Not supported. The setback variations are considered minor in nature with adequate direct sunlight and ventilation being maintained to the adjoining properties. The obscure shape of the block with an angled lot boundary in relation to the building has resulted in reduced setbacks to the eastern boundary only. The eastern elevation does not include any major openings to ensure that there is no undue impact on No. 13 Anderson Street. In addition, the application is fully compliant with the R-Codes solar access requirements, and the increased upper floor setbacks allows for additional direct sunlight and ventilation to adjoining properties.
Issue: Car Parking Concern in relation to the proposed car parking and the impact it may have on surrounding streets.	Not supported. The car parking provided on site will permit each unit to have exclusive use of one (1) car bay. It is considered that this development will not have a significant impact on the street parking in the vicinity.  In addition, the City will not issue a residential or visitor car parking permit to any owner or occupier of the multiple dwellings.

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

**Design Advisory Committee:**

The proposal was referred to the Design Advisory Committee on 5 February 2014. The following comments are from the meeting of 5 February 2014.

Summary of Design Advisory Committee Comments:

**“Discussion:**

*The ground floor plans are well planned and efficient. Front private courtyards face north for good solar aspect. Dual aspect floor plans optimise opportunity for cross ventilation and views out front and rear, main entries are located to the street, secondary entry from rear, carpark is located behind away from the street.*

*The proposed upper floor layouts “shift” in direction, creating complex and inefficient circulation and spaces, limiting opportunity for cross ventilation and northern solar access to living areas and balconies. Some upper floor balconies overlook ground floor courtyards belonging to other apartments.*

*This is due in part to the overlapping requirement, for multi-residential development by the superseded R-Codes.*

*The new R-Codes have revised the definition of “multi-residential”; “dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other”.*

*Vincent confirm they will now accept as little as 1 sq.m of plot ratio area overlapping between floors.*

*This allows for a “townhouse” style approach where the upper floor is (mostly) located directly above the ground floor, allowing for the same positive attributes of the ground floor of this proposal, at the upper level.*

*Consider a townhouse approach to assist address the issues outlined above.*

*Applicant happy to pursue this.*

*Consider developing the front elevation to respond to the pattern and scale of the surrounding area. The applicant to explore. Whilst six clearly delineated units would provide a more “honest” approach (as noted by Ahmad) 3 or so larger townhouses may be more responsive to the surrounding context and less likely to trigger objections such as the recent sensitivities in Mt Hawthorn about multi-residential development.*

*Develop the side elevation to Jugan Street to respond to the surrounding pattern and scale of development. Articulate well to reduce the mass of this long elevation, and explore potential for this apartment to front and address Jugan Street.*

*Provide shade protection to west facing windows, such as ground floor to apartment 1.*

*Landscaping is not compliant, however retention of mature trees is commended.*

*Bicycle parking is required.*

**Recommendation:**

*This ground floor of this proposal is well designed, however the upper floor plan is compromised – in part – by the R-Codes requirements for apartments to overlap. As a result the DAC do not yet support this project. The DAC advised the applicant that the new R-Codes have reduced this requirement considerably which now allows for a townhouse approach which would align with the architects intent and assist to address issues. Applicant pleased with this advise and will pursue this approach.*

**Mandatory:**

*Rationalise the upper floor plans to improve efficiency of circulation and spaces, improve opportunity for cross ventilation and northern solar access to living areas and balconies. Consider pursuing a townhouse typology to assist in addressing these.*

*Reduce overlooking from balconies to courtyards below in different ownership. Again, a townhouse typology would alleviate this by placing balconies over courtyards in the same ownership.*

*Maintain the strengths of this proposal as outlined in discussion notes.*

*Articulate the front elevation (in plan and in elevation) to respond to the pattern and scale of the surrounding area. Whilst six clearly delineated units would provide a more "honest" approach, 3 or so larger townhouses may be more responsive to the surrounding context. The applicant to explore.*

*Develop materials palette to also relate/reinterpret the surrounding context.*

*Develop the side elevation to Jugan Street to respond to the surrounding pattern and scale of development. Articulate well to reduce the mass of this long elevation, and explore potential for this apartment to front and address Jugan Street.*

*Provide shade protection to west facing windows.*

*Develop landscaping proposal.*

*Bicycle parking required.*

The applicant has addressed the above design requirements by amending the earlier versions of the plans to achieve all the mandatory requirements. These include:

- Rotation of the upper floor apartments to reflect a townhouse style design, resulting in greater efficiency and circulation of spaces, opportunity for cross ventilation and northern solar access to living areas and balconies and restricted views into courtyard of same ownership as apartment.
- Further articulation built into front elevation, including material palette reflective of surrounding context.
- Awnings included along windows fronting Jugan Street (west).
- Landscaping includes 4 verge trees and an additional 10 substantial trees within the site.
- Bicycle parking provided to R-Code requirements.

Given the proposal is a two (2) storey development, no design excellence is required in this instance.

**LEGAL/POLICY:**

The following legislation and policies apply to the Proposed Demolition of Existing Single House and Construction of Two-Storey Multiple Dwelling comprising of Six (6) Multiple Dwellings and Associated Car Parking at No. 22 Jugan Street, Mount Hawthorn:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy No. 7.1.1;
- Development Guidelines for Multiple Dwellings No. 7.4.8; 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 dwellings allow 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	
Issue	Comment
	The provision of multiple dwellings provides for greater housing choice.

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject dwelling at No. 22 Jugan Street, Mount Hawthorn is a single storey brick and tile dwelling constructed after 1949 in the Post-war Conventional Suburban Style Bungalow. The subject place does not appear in the WA Post Office Directories which ceased its publication in 1949. There is limited information available which documents the ownership of the dwelling. The house has a main hipped tile roof and brick exterior walls. The front elevation of the dwelling demonstrates a simplicity design with no significance decorative elements. The front rooms have aluminium windows and the front garden is delineated from the footpath by a timber fence.

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 7.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition.

### **Planning**

The subject planning application, and in particular the built form, is considered to generally improve the streetscape, is articulated in design to provide for minimum impact to the adjoining properties and allows for the dwellings to be afforded good light and ventilation. In effect the design will improve the surrounding area through the redevelopment of an underutilised site, which will provide a catalyst for other sites to be developed in the future in the same manner.

The design has been through modifications through the DAC process which has enabled a more effective design outcome and presentation. The front setbacks are articulated with good street activation, whilst the bulk of the building is concentrated to the north to reduce the scale and overshadowing to the southern property.

### **CONCLUSION:**

The location of the proposed development originally formed part of the City of Stirling District Town Planning Scheme No. 2, with much of the existing and recently approved development reflecting those requirements as opposed to the City's requirements. As such, Anderson Street and Jugan Street present variations to the street setback requirements of the Residential Design Elements Policy and have been assessed utilising design solutions in the context of the emerging streetscape.

In light of the above, the proposal is considered to have minimal impact on the adjoining properties and is in line with the emerging development type of the area. As such the application is recommended for conditional approval.

**9.2.1 Reintroduction of Two Way Traffic on Brisbane and William Streets, Perth - Progress Report No. 10**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Beaufort (13)	<b>File Ref:</b>	TES0473
<b>Attachments:</b>	<a href="#">001</a> – Brisbane Reconfiguration (Plan No. 2740-CP-01D) <a href="#">002</a> – Brisbane Street Upgrade (Plan No. 3056-CP-01A)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the proposed Brisbane Street upgrade between Beaufort Street and Stirling Street as shown on attached Plan Nos. 2740-CP-01A and 3056-CP-01A;
2. **ADVISES** the respondents of its decision; and
3. **RECEIVES** further progress reports on the other aspects of the ‘Two Way Street’s’ proposal as required.

**COUNCIL DECISION ITEM 9.2.1**

**Moved** Cr McDonald, **Seconded** Cr Peart

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of the reintroduction of two way traffic in the City’s of Vincent and Perth Streets.

**BACKGROUND:**

Nine (9) progress reports on the two-way streets proposal have previously been considered by the Council. The latest report, Progress Report No. 9 (OMC 22 April 2014) gave an overview of the following

- Reconfiguration of the Intersection Beaufort and Brisbane Street – Update:
- Brisbane Street – Stirling Street to Beaufort Street:
- Intersection Brisbane Street/William Street:
- Brisbane Street two way – Beaufort Street to William Street:
- William Street – Brisbane to Newcastle Street:
- Summary/Way Forward:

After considering the report the Council made the following decision (in part):

*“That the Council;*

2. *APPROVES IN PRINCIPLE* the proposed Brisbane Street upgrade between Beaufort Street and Stirling Street as shown on attached Plan No. 3056-CP-01A subject to consulting with affected businesses/residents; and...”

**DETAILS:**

On 5 May 2014 371 consultation packs were distributed to all Brisbane residents/businesses i.e. between Lake Street and Bulwer Street.

Residents were advised that several years ago, the Council, in agreement with the Public Transport Authority, Main Roads WA and the City of Perth, endorsed a plan to convert a number of streets from one way to two way traffic.

The City of Perth has converted Beaufort Street and William to two ways and the City of Vincent has converted Beaufort Street between Brisbane Street and Newcastle Street to two way traffic.

The residents were further advised that as part of the overall proposal the Council at its Ordinary Meeting held on 22 April 2014 approved in principle to the upgrade of Brisbane Street between Beaufort and Stirling Streets and to convert the section of Brisbane Street from one way to two way (with angle parking) terminating with a cul-de-sac at Beaufort Street.

In addition they were advised that while it was considered that this proposal (conversion of the section of Brisbane Street east of Beaufort Street from one way to two ways) would have little or no impact on the section of Brisbane Street, west of Beaufort Street the Council decided that all Brisbane Street residents should be consulted regarding this proposal.

Residents were also advised that the proposed two way street proposal would have minimal traffic impacts on Brisbane Street west of William Street.

- The section of Brisbane Street west of William Street is *not being altered*.
- At present traffic north bound on Beaufort Street can turn left into Brisbane Street travel west across William Street into the section of Brisbane Street west of William Street. *This will not change.*
- At present traffic travelling south on William Street can turn right into the section of Brisbane Street west of William Street. *This will not change.*
- When William Street reverts to two way, traffic heading north on William will be able to turn right into Brisbane Street west of William Street. However as William Street north of Brisbane comprises a four lane road there is ample road capacity and there is little point in rat running along Brisbane Street west of William Street. Also the section of Brisbane Street west of William Street (to Lake Street) has traffic calming (speed humps) which most motorists would tend to avoid.
- Traffic on Brisbane Street (west of William Street) will be able to cross William Street and continue along Brisbane Street to Beaufort Street. Some local residents may do this but as Bulwer Street is rarely congested between Fitzgerald and William Street we cannot see the advantage off 'rat running' along Brisbane Street east of Palmerton Street (over the speed humps east of Lake Street) to access Beaufort Street.

At the close of consultation on 21 May 2014 only six (6) responses were received with five (5) in favour and one (1) against the proposal to upgrade Brisbane Street between Beaufort and Stirling Streets and to close Brisbane Street at Beaufort Street.

The ones in favour merely ticked the box with minor comments including that the proposal will benefit them etc.

The one (1) comment against indicated that "*since Brisbane Street had been blocked off at Beaufort Street, the other ways back to my work from the city involve congested intersections at Newcastle or Bulwer Streets. Before the closure of Brisbane St it was a much quicker and easier route for myself and my customers so Brisbane St closure can only have a negative effect. We were led to believe Brisbane St was going to always be open to traffic....Not to become another car park. This discussion is the direct result of poor planning by the Council when the upgrade of Beaufort St was done...*"

Officers Comments:

The Council previously supported the amended 'draft' changes to the Brisbane/Beaufort Street intersection. The City's officers and PTA have now agreed to an alternate design for the intersection as shown on attached Plan No. 2740-CP-01D and it is intended that the work be implemented in the next few months. As previously reported to the Council prior to Beaufort Street being converted to two-way traffic, Brisbane Street between Beaufort and Stirling Streets, was a one-way street east bound.

Brisbane Street has been closed to traffic (at Beaufort Street) since May 2013 with one (1) complaint being having been received during this period, which was from the above respondent.

The closure has resulted in simplified, more efficient and safer intersection by eliminating a traffic movement thereby reducing the signal phasing and cycle times. The proposal also provides a fully protected (i.e. all traffic stops) east-west pedestrian crossing on the southern side of the intersection and by virtue of the road closure a protected pedestrian north-south crossing on the eastern side.

Further, if the proposed changes are approved pedestrian lanterns/parallel crossing phases will also be added to the north-south pedestrian crossing on the western or park side of the intersection and the east-west crossing between the park and the Brisbane Hotel.

**CONSULTATION/ADVERTISING:**

The businesses/residents in Brisbane Street between Palmerston Street and Bulwer Street consulted regarding the proposal.

**LEGAL/POLICY:**

The roads in question are all under the care control and management of 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.*

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

**SUSTAINABILITY IMPLICATIONS:**

Providing improved public transport access.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds remaining in the City's budget are as follows:

Beaufort/Brisbane Intersection Improvements*	\$234,000
Brisbane Street, Beaufort Street to William Street:	\$135,000
Beaufort Street, Brisbane Street to Parry Street**:	\$160,000

Note: \* PTA have committed to funding a portion of these works.

\*\*A 2/3 State to 1/3 Local Government funded project.

**COMMENTS:**

The City is getting closer to converting William and Brisbane Streets to two-way traffic. This report signs off on another project required to complete the overall project.

**9.2.5 Leederville Town Centre Enhancement Project – Oxford Street Reserve Redevelopment – Progress Report No. 7**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	ADM0106, RES0059
<b>Attachments:</b>	<a href="#">001</a> – Photos		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	K Bilyk, Property Officer; J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council

1. **RECEIVES** the first (1<sup>st</sup>) of the monthly progress reports in relation to the Oxford Street Reserve Redevelopment Project as at 30 May 2014;
2. **NOTES** that the works are progressing on schedule as outlined in the report and shown in the attached photographs; and
3. **CONTINUES** to receive monthly progress reports until the project has been completed.

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**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr McDonald, Seconded Cr Peart**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to update the Council on the progress of the Oxford Street Reserve Redevelopment project.

**BACKGROUND:**

Previous reports have been presented to the Council in relation to the progress of the Leederville Town Centre Enhancement (LTCWG) projects as follows:-

**Ordinary Meeting held on – 26 March 2013:**

The Council approved in principle the City's LTCWG preferred option for the proposed improvements to Oxford Street Reserve.

**Ordinary Meeting held on – 23 April 2013:**

A further report was presented to the Council following the reserve redevelopment public consultation period where the Council considered the submissions received in relation to the Oxford Street Reserve and authorised the Chief Executive Officer to instruct the landscape architect to prepare construction/working drawings and specifications and call for tenders.

Progress to date:

- Tenders closed, no tenders were accepted.
- Project to be re-scoped and following approval by Council tenders will be re-advertised.

**Ordinary Meeting held on – 11 June 2013:**

The Council authorised the Chief Executive Officer to prepare an Expression of Interest (EOI) inviting suitably qualified landscape architects and playground designers to submit a 'Playground Design' for Oxford Street Reserve and approved the planting of five (5) Eucalyptus maculata – Spotted Gums in the median strip in Oxford and Newcastle Streets.

Progress to date:

- Additional trees planted in the Oxford Street median strip.
- EOI closed, assessed and five (5) playground designers invited to submit their proposals to the LTCWG.

In addition the Council approved the installation of three (3) x ¼ parking bays in Newcastle Street to operate between 8.00am and 6.00pm Monday to Sunday (reverting to a Taxi Zone between the hours 6.00pm to 8.00am, Monday to Sunday).

Progress to date:

- New parking regime implemented.

**Ordinary Meeting held on – 9 July 2013:**

The Council received the report concerning the Federal Government Regional Development Australia Fund (RDAF) Round Five (5) 2013-2014 and approved the Newcastle/Carr Street Intersection Project Option two (2) to be submitted for the 2013/14 RDAF Round five funding.

Progress to date:

- Proposal was discussed at the LTCWG meeting held on 22 August 2013.
- Community Consulted in August 2013.

**Ordinary Meeting held on – 27 August 2013:**

The Council approved the planting of seven (7) trees comprising an alternating mix of Eucalyptus leucoxylon 'rosea' – Red Flower Yellow Gum and Jacaranda mimosaeifolia, along the eastern verge of 17/663 Newcastle Street to 5/106 Oxford Street (between 'Ria' Malaysian restaurant and 'Cranked' coffee shop).

Progress to date:

- Trees have been planted.

**Ordinary Meeting held on – 10 September 2013:**

The Council approved the proposed modifications to the Newcastle Street and Carr Place Intersection estimated to cost \$105,000 subject to funding being received from the Commonwealth Government.

Progress to date:

- On hold pending the outcome of the Commonwealth funding grant.

**Ordinary Meeting held on – 29 October 2013:**

The Council considered a report where it was recommended that for the Oxford Street Reserve Redevelopment project all tenders be rejected and approves the re-scoping of the project to enable the total cost estimate to fall within the budget allocation.

**Ordinary Meeting held on – 12 November 2013:**

The Council authorised the Chief executive Officer to re-engage Blackwell & Associates to amend the design and documentation and then re-advertise the revised tender. The Council also approved the installation of five (5) drinking/water filling stations being provided by the Water Corporation for installation along Oxford Street.

**Ordinary Meeting held on – 17 December 2013:**

The Council accepted the tender submitted by Advantearing Civil Engineering as being the most acceptable to complete the Oxford Street Reserve Redevelopment project and Ecoscape Pty Ltd as being the most acceptable to design and install the playground to be located with the Oxford Street Reserve.

Progress to date:

- The park redevelopment works are well underway (50% completed) and on target.
- The playground works are due to commence, however are currently behind schedule due to delays in engineering certification of structures and sourcing of materials.

**DETAILS:**

**Park Redevelopment:**

1. Contract Documentation

1.1 Tender

Tender No. 483/13  
 Advertised: 23 November 2013  
 Closed: 10 December 2013  
 Awarded: Advantearing Civil Engineers

1.2 Contracts

Construction contract signed on 6 January 2014

1.3 Contract Variations/Additional Scope of Works - Construction

- Additional gate to playground fence
- Installation of temporary path for public access
- Latent condition – remove asphalt and concrete from car park

1.4 Cost Variations - Construction

Client Requests:

Description	Amount
Additional gate to playground fence	\$3,794.36
Installation of temporary path for public access	\$1,635.00
Latent condition – remove asphalt and concrete from car park	\$3,605.00
<b>Total</b>	<b>\$9,034.36</b>



Summary of Variations:

<b>Total Variation Savings</b>	0
<b>Total Variation Additions</b>	\$9,034.36
<b>Total Variation</b>	<b>\$9,034.36</b>

1.5 Claims

Not applicable at this time.

2. Works

2.1 All demolition works have been completed along with the construction of all retaining walls. Backfilling and reticulation is completed and the construction of concrete paths and kerbs is in progress.

3. Indicative Timeline/Works Program

3.1 Progress

Works are on schedule at present, however likely to be delayed by approximately two (2) weeks due to delays in the commencement of the playground works. (see below)

3.2 Days Claimed

Zero (0) have been claimed.

**Playground Redevelopment:**

1. Contract Documentation

1.1 Tender

Tender No. 482/13  
Advertised: 18 November 2013  
Closed: 10 December 2013  
Awarded: Ecoscape

1.2 Contracts

Construction contract signed on 6 January 2014

1.3 Contract Variations/Additional Scope of Works

Not applicable at this time.

1.4 Cost Variations

Not applicable at this time

1.5 Claims

Not applicable at this time.

2. Works

2.1 Survey works are set to commence late in May with an expected completion of works due in mid to late July.

3. Indicative Timeline/Works Program

3.1 Progress

The contractor is approximately four (4) weeks behind schedule, due to a delay in acquiring engineering certification on structures to be installed, sourcing of materials and an insurance issue that is being settled between the City and the contractor.

It is likely that some time can be made up by working on Saturdays and therefore completion is now looking like mid July 2014.

3.2 Days Claimed

Zero (0) have been claimed.

**Communication Plan:**

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

- A letter drop to surrounding businesses/residents;
- Signage at two (2) locations attached to the site fencing;
- Progress reports to Council.
- Staff newsletters

**CONSULTATION/ADVERTISING:**

Projects undertaken as part of the Leederville Enhancement works have been widely advertised. Informative signage has been installed at the park advising interested persons of the works in progress and contacts should any queries or issues arise. A letter drop was also undertaken prior to the commencement of the project covering all business owners and owner/occupiers within the Leederville Town centre.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This project when completed will; provide a quality landscape and playground area designed and constructed in accordance with building/construction codes and playground safety standards.

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

The overall improvements to the Leederville Town centre will provide for the creation of additional green space in accordance with the City's Sustainable Environment Strategy 2011-2016.

**FINANCIAL/BUDGET IMPLICATIONS:**

Adequate funding has been allocated in the 2013/2014 budget to undertake the project.

Two (2) progress claims have been received to date, as follows:

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1	April 2014	\$90,584.30	\$90,584.30	May 2014
No. 2	May 2014	\$299,468.63	\$299,468.63	May 2014
	<b>Total</b>	<b>\$390,052.93</b>	<b>\$390,052.93</b>	

**COMMENTS:**

Advanteeing Civil Engineers have been very professional in their approach towards this project as they were in completion of the Hyde Park Lakes Restoration project which they also were contracted by the City to undertake.

They have been very cooperative with any requests submitted by the City and in ensuring the community/business access into and around the carpark is maintained, albeit on occasions access has had to be closed for periods whilst construction adjacent to 'Cranked" and the "Niche" bar is carried out.

**9.4.2 Disability Access and Inclusion Plan (DAIP) – Outcome 7 Review**

<b>Ward:</b>	Both	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0053
<b>Attachments:</b>	<a href="#">001</a> – Disability Access and Inclusion Plan 2012-2017		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C Mooney, Community Development Officer A Birch, A/Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Draft *Disability Access and Inclusion Plan 2012 – 2017*, as shown in Appendix 9.4.2A;
2. **ENDORSES** the Draft *Disability Access and Inclusion Plan 2012 – 2017*, as shown in Appendix 9.4.2A; and
3. **AUTHORISES** the Acting Chief Executive Officer to forward the Plan to the Disability Services Commission for final endorsement.

**COUNCIL DECISION ITEM 9.4.2**

**Moved** Cr McDonald, **Seconded** Cr Peart

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

To seek comments and support from the Council following completion of the community consultation and review of the Draft *Disability Access and Inclusion Plan 2012-2017* with the addition of Outcome Seven (7), and final endorsement by the Disability Services Commission (DSC).

**BACKGROUND:**

- |              |  |
|--------------|--|
| 1996         | The City of Vincent’s original Disability Services Plan (DSP) was first adopted in 1996.   |
| October 2004 | The City’s DSP was formally updated to a DAIP to adhere to the reviewed Disability Services Act WA (1993).   |
| April 2006   | City’s DAIP (2006-2011) was adopted by the Council.  |
| July 2012    | City’s revised DAIP (2012-2017) was adopted by Council.  |
| April 2013   | The City was notified by the DSC that there have been amendments to the legislation and public authorities with an existing DAIP will be required to include Outcome Seven (7) by July 2014. |

The matter was considered at the Ordinary Meeting of Council held on 8 April 2014, where the Council resolved as follows:

*“That the Council;*

1. *RECEIVES* the report relating to the addition of the Draft Outcome Seven (7) within the *Disability Access and Inclusion Plan 2012-2017*, as shown in Appendix 9.4.2A;

2. *ADVERTISES the Draft Disability Access and Inclusion Plan 2012-2017 for public comment for a period of twenty-one (21) days inviting written submissions from the public and key stakeholders; and*
3. *REQUESTS a further report be submitted at the conclusion of the community consultation period for approval prior to final endorsement by the Disability Services Commission."*

**DETAILS:**

The Disability Access and Inclusion Plan (DAIP) is an initiative of the DSC which provides a planned approach for organisations to progressively improve access and inclusion. It is a requirement of the Disability Services Act 1993 (amended 2013) that public authorities develop and implement a DAIP report annually and review the DAIP every five (5) years.

The City of Vincent's current DAIP was adopted in July 2012 and provides a means of ensuring that people with disability and carers have the same opportunities as other people to access services, community events, buildings and facilities and information.

In 2013 the DSC conducted a review which has resulted in several important amendments to the legislation. One of most relevant to the City of Vincent is the inclusion of an additional outcome referred to as Outcome Seven (7).

Outcome Seven (7) will assist in improving employment opportunities for people with disability, breaking down some of the many barriers that currently exist. The City of Vincent is required to incorporate Outcome Seven (7) into the reviewed plan by July 2014 after a period of public consultation that was advertised from 17 April 2014 to 16 May 2014.

This DAIP review also included an update of the action plan that sits at the back of the document to ensure that all strategies are aligned to the appropriate staff and that appropriate timeframes are considered. This review is completed on an annual basis and reported in the City's Annual Report.

This report recommends that Council adopts the amendments to the Draft *DAIP 2012-2017* as shown in Appendix 9.4.2, and lodges the Plan with the DSC prior to 1 July 2014. No changes were made as a result of the community consultation.

**CONSULTATION/ADVERTISING:**

The City of Vincent's Draft *DAIP 2012 - 2017* was open for public comment for a period of twenty-one (21) days.

As a result of this process, one (1) comment has been received from a member of the public.

The Disability Services Act states that local government authorities are to undertake consultation in relation to its Disability Access and Inclusion Plan by calling for submissions either generally or specifically:

- 'By notice in a newspaper circulating throughout the State or, in the case of local government, the district of that local government under the Local Government Act 1995; and
- On any website maintained by or on behalf of the public authority.'

Consultation for this review included advertising in *The Perth Voice* newspaper on Saturday, 19 April 2014 and via the City's website. The review was also publicised via the City's e-newsletters and local disability organisations and support services were contacted directly inviting them to comment and to also promote the consultation to their consumers.

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	From 17 April 2014 – 16 May 2014		
Comments Received:	One (1) submission was received.		

Below is a summary of the submissions:

Summary of Comments Received:	Officer's Comment:
<p><u>Timeframes</u></p> <p>(i) My fundamental concern with Outcome 7 is with the timeframes. Strategy 4.5 in the current DAIP covered employment issues and had timeframes of 'Ongoing', 'Sept 2013' and 'Sept 2013'. Assuming that work for the 3 actions would have been commenced or completed last year some of the time frames in the revised DAIP should be earlier than July 2015.</p> <p>*****</p> <p>(ii) In particular, waiting until July 2015 to include an equal opportunity statement in recruitment advertising implies that equal opportunity employment is not a high priority.</p> <p>While it is good to see that some of the timeframes in the current DAIP have been reduced and actions completed earlier, it is also disappointing to see some actions delayed to July 2015 without any explanation being given.</p> <p>*****</p> <p>(iii) In particular, I am concerned that 2.4 (c) has been deferred from September 2013 to July 2015. I also note that responsibility has been given to 'economic development' – does that 'section' still exist?</p>	<p>(i) Noted. The strategies that have been aligned to officers in the action plan have been realigned to be completed by either end of financial year or 'ongoing'. As the plan will not be endorsed by DSC until July 2014 new strategies have been given the next available timeframe of July 2015.</p> <p>As it is a five (5) year plan the strategies listed in the action plan are spread out over the five (5) years and are adjusted annually as required.</p> <p>*****</p> <p>(ii) Equal opportunity is a high priority at the City of Vincent and the City's Equal Opportunity Policy reflects this. Although this strategy isn't due to be completed until July 2015, Human Resource staff have prioritised this and have commenced recruitment advertising to now include the equal opportunity statement where possible.</p> <p>*****</p> <p>(ii) Yes the City has economic development as part of its Place Managers responsibilities.</p>
<p><u>Changes in the Action Plan</u></p> <p>(i) Concerns regarding changes have been made to the DAIP action plan without any indication that the changes have been made. The report to Council made no mention of the other changes.</p> <p>*****</p> <p>(ii) I am concerned with the silent dropping of the previous 'Outcome 7 – Access to and</p>	<p>(i) Noted. The changes mentioned are detailed in the action plan section of the DAIP.</p> <p>As listed in the Disability Services Act Section 28.5;</p> <p><i>'(4) A public authority may amend its disability access and inclusion plan at any time.</i></p> <p><i>(5) A public authority may review its disability access and inclusion plan at any time.</i></p> <p><i>(6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).'</i></p> <p>*****</p> <p>(ii) Prior to this review Schedule Three (3) of the Disability Services Regulations 2004 only</p>

Summary of Comments Received:	Officer's Comment:
<p>inclusion within local businesses'. It contained 16 actions that were all to be implemented by September 2013. Assuming that they were all completed as planned it would seem strange to drop this Outcome.</p> <p>*****</p> <p>(iii) It would appear that the City no longer wants to take a role in encouraging businesses to do the right thing. This seems inward looking. One possibility is that the positions within Community Development that oversaw these actions were got rid of in order to employ Place Managers. If that is the case the council should be up front about it.</p>	<p>listed six (6) desired Outcomes of a DAIP. A seventh Outcome was previously included by the City of Vincent to provide a basis for improving equitable access and inclusion related to businesses and services within the City. As guided by the DSC the new Outcome Seven (7) as listed in this report is now a legislated requirement and therefore replaces the previous Outcome Seven (7).</p> <p>*****</p> <p>(iii) Access and inclusion is not only the responsibility of the Community Development team but all departments at the City of Vincent as all areas play a key role in reducing barriers for people with disability.</p> <p>Although the intention of the development of a DAIP is to provide a framework by which to ensure that people with a disability have equitable access to City buildings and environment, services and information. Any projects that involve businesses in the City of Vincent access and inclusion principles are encouraged to improve economic and social outcomes.</p>

**LEGAL/POLICY:**

Part 5, Section 28 of the Disability Services Act 1993, requires each public authority to have a Disability Access and Inclusion Plan that must meet any prescribed standards.

The following City Policies apply to this project:

- Policy No. 3.10.2 – Access and Equity;
- Policy No. 5.2.1 – Recruitment and Selection;
- Policy No. 5.5.2 – Equal Employment Opportunity; and
- Policy No. 5.2.5 – Attraction and Retention Strategies.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2017*, Objective 3 states:

*“Community Development and Wellbeing*

- 3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*
- 3.1.4 *Continue to implement the principles of universal access.*
- 3.1.6 *Build capacity within the community to meet its needs.'*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Disability Services Act has been reviewed, resulting in a key change for public authorities. The introduction of Outcome Seven (7) into Disability Access and Inclusion Plans requires agencies to include information in the DAIP about how they will improve employment opportunities for people with disability and break down existing barriers.

Public authorities have until 1 July 2014 to make an amendment to their current DAIP with the addition of Outcome Seven (7).

Meaningful employment is essential to an individual's economic security and is important to achieving social inclusion and independence. Employment contributes to physical and mental health, personal wellbeing and a sense of identity.

Finding employment is something many Western Australians take for granted. For people with disability, finding, securing and retaining employment can be challenging. People with disability are often overlooked by employers for a variety of reasons and are only half as likely to be employed as people without disability.



### 9.5.1 Use of the Council's Common Seal

<b>Ward:</b>	-	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	M Rootsey, A/Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of May 2014.

**COUNCIL DECISION ITEM 9.5.1**

**Moved** Cr McDonald, **Seconded** Cr Peart

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

(Cr Wilcox was on approved leave of absence.)

**BACKGROUND:**

The Chief Executive Officer (CEO) is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
05/05/2014	Restrictive Covenant	2	City of Vincent and G Rollerson formerly of 6 Smith Street Perth but now of 119 Finger Wharf, 6 Cowper Wharf Road, Woolloomooloo, NSW 2011 re: No. 58 (Lot: 204, 205, 206 D/P: 32575) Grosvenor Road, Mount Lawley - <i>Restrictive Covenant to satisfy condition of subdivision - Planning Reference No. 477-13</i>
06/05/2014	Notification under Section 70A	2	City of Vincent and M J Balestra of 1 Murchison Street, Coolbinia re: No. 59 (Lot 23) Glendower Street, Perth - <i>To satisfy Conditional Approval stating that the City will not issue a residential car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, the Developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development</i>

Date	Document	No of copies	Details
07/05/2014	Lease	3	City of Vincent and NBP Holdings Pty Ltd (T/A Northbridge Physiotherapy and Mercy Physiotherapy) of 220 Vincent Street, North Perth 6006 re: Lease to use a Portion of the old Gymnasium at Beatty Park Leisure Centre, Vincent Street, North Perth - <i>As per Council decision of the Ordinary Meeting of Council held on 5 November 2013 (Item 14.1) - Five Years from 1 June 2014, with further option of Five Years, expiring on 31 March 2024</i>
13/05/2014	Deed of Easement	3	City of Vincent and Mr G Scuderi of 56 Victoria Street, West Perth and Ms A Scuderi of 46A Elsegood Street, Dianella relating to providing an easement over the Right of Way (ROW) off Gallop Street allowing access to the ear of No. 401 Bulwer Street, West Perth
13/05/2014	Lease Agreement	2	City of Vincent and Leederville Gardens Inc of 37 Britannia Road, Leederville and Ms M E Doyle re: Unit 13, Leederville Gardens, 37 Britannia Road, Leederville
13/05/2014	Notification under Section 70A	2	City of Vincent and S J Peden, C/o PO Box 241, Mount Hawthorn 6915 re: No. 415 (Lot: 249 D/P: 2672) Walcott Street, Coolbinia - <i>To satisfy Clause 1. Of Conditional Planning Approval issued by the City on 3 February 2014 - Section 70A Notification under the Transfer of Land Act</i>
13/05/2014	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 10 (Lot 810: D/P: 56574) Matlock Street, Mount Hawthorn - <i>Partial Demolition of and Alterations and Additions to Existing Single House - To satisfy Clause (b) of Conditional Approval under Delegated Authority dated 24 January 2011</i>
13/05/2014	Works Agreement	3	City of Vincent and Public Transport Authority of Western Australia, C/o Public Transport Centre, West Parade, Perth relating to the Construction and Maintenance of Bus Lanes on Beaufort Street between Brisbane Street and Walcott Street
15/05/2014	Deed of Covenant	3	City of Vincent and Suncluster Pty Ltd of unit 1, 10 Achievement Way, Wangara re: No. 261 (Lots 1 and 2) Charles Street, Corner Bourke Street, North Perth - <i>Construction of Four (4) Storey Multiple Dwelling comprising of Sixteen (16) One Bedroom Multiple Dwellings, Thirty-Four (34) Two Bedroom Multiple Dwellings and Associated Basement Car Parking - To satisfy Clause 6.1 of Conditional Planning Approval issued by the Development Assessment Panel (DAP) on 21 February 2014</i>
20/05/2014	Building Grant Agreement	2	City of Vincent and Lotteries Commission of 74 Walters Drive, Osborne Park re: 34 Cheriton Street, East Perth
23/05/2014	Removal of Modification of Notification Under Section 70A	1	City of Vincent and Andrew Richard Strika formerly of Flat 205, 56 Wharf Road, London N1 7EW, United Kingdom, now of 67 Bourke Street, Leederville re: No. 67 (Lot 23: D/P: 1149) Bourke Street, Leederville - <i>In 2012 the revision of the R-Codes removed the requirement for the S70A notification. Therefore, the applicant and homeowner submitted an application to amend the planning approval, withdrawing the above condition. As per the latest R-Codes, this was acceptable in Planning terms. This request is to confirm the City has not objections to the removal of the Caveat from the subject property's title</i>

### 9.5.2 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Mike Rootsey, Acting Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 30 May 2014, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr McDonald, Seconded Cr Peart**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 30 May 2014 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Unconfirmed Minutes of the Cheriton Street Property Working Group Meeting held on 10 March 2014
IB02	Unconfirmed Minutes of the Arts Advisory Group Meeting held on 24 March 2014
IB03	Unconfirmed Minutes of the Design Advisory Committee held on 14 May 2014
IB04	Unconfirmed Minutes of the Loftus Recreation Centre Management Committee held on 21 May 2014
IB05	Unconfirmed Minutes of the Medibank Stadium Ground Management Committee held on 26 May 2014
IB06	Register of Petitions – Progress Report – June 2014
IB07	Register of Notices of Motion – Progress Report – June 2014
IB08	Register of Reports to be Actioned – Progress Report – June 2014
IB09	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) - Monthly Report (June 2014)
IB10	Register of State Administrative Tribunal Appeals – Progress Report – As at 29 May 2014
IB11	Register of Applications Referred to the Design Advisory Committee –April 2014
IB12	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB13	Notice of Forum – 17 June 2014

**9.1.1 No. 24 (Lot 12; D/P 6152) Lynton Street, Corner of Ambleside Avenue, Mount Hawthorn– Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO5315; 5.2014.55.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Context Report <a href="#">003</a> – Additional Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	S Doherty, Acting Manager Planning and Building 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 Tuscom Subdivision Consultants on behalf of the owners, R Hughan, for Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking at No. 24 (Lot 12; D/P 6152) Lynton Street, Corner of Ambleside Avenue, Mount Hawthorn and as shown on amended plans stamp-dated 27 May 2014, subject to the following conditions:

**1. Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 22 Lynton Street and 45 Sasse Avenue in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

**2. On-Site Car Parking**

- 2.1 A minimum of four (4) residential car bays and one (1) visitor bay, are to be provided on site for the development; and
- 2.2 The visitor car bay in the front setback area is to be deleted from the plans as it is non compliant with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and replaced with landscaping;

**3. Car Parking and Accessways**

- 3.1 The car park shall be used only by residents and visitors directly associated with the development;
- 3.2 The car park area for visitors shall be shown as common property on any strata plan; and
- 3.3 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of car parking area onto the street of a maximum height of 0.65 metres within 1.5 metres;

**4. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City;**

**4.1 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 4.1.1 A minimum of 30% or 192 square metres of the total site area to be landscaped.
- 4.1.2 The location and type of existing and proposed trees and plants.
- 4.1.3 All vegetation including lawns.
- 4.1.4 Areas to be irrigated or reticulated.
- 4.1.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- 4.1.6 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 in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

4.2 **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;

4.3 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

4.4 **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:

- 4.4.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 7.7.1 relating to Parking and Access;  
This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

**4.5 Visual Privacy**

The window to the upper lounge room of Unit 4 on the east 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 at any point within the cone of vision less than 6.0 metres from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013;

**4.6 Revised Plans**

**Street Walls and Fencing (Primary and Secondary Street)**

4.6.1 The piers to the primary and secondary street shall have a maximum width of 0.355 metres; and

4.6.2 The maximum solid height of the street wall and fencing shall be 1.2 metres;

**5. PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**

**5.1 Clothes Drying Facility**

Each multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

**5.2 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 and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

**5.3 Residential Bicycle Bays**

A minimum of two (2) residential bicycle bays and one (1) visitor bay to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

**6. 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 Lynton Street and Ambleside Avenue;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
4. 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;
5. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width; and
6. A demolition permit shall be obtained from the City prior to commencement of any works on the site.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST UNANIMOUSLY (0-8)**

(Cr Wilcox was on approved leave of absence.)

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

**The Council refused the recommendations on non compliant street set back.**

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination, as it is for multiple dwellings.

**BACKGROUND:**

Nil

**DETAILS:**

<b>Landowner:</b>	R Hughan
<b>Applicant:</b>	Tuscom Subdivision Consultants
<b>Zoning:</b>	Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	"P"
<b>Use Classification:</b>	Multiple Dwellings
<b>Lot Area:</b>	640 square metres
<b>Right of Way:</b>	Not Applicable

The proposed application is for the Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

**ASSESSMENT:**

**Town Planning Scheme/Residential Design Codes Assessment**

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Plot Ratio	✓		
Streetscape	✓		
Street Walls and Fencing			✓
Street Setback			✓
Dual Street Frontages	✓		
Lot Boundary Setbacks	✓		
Building Height			✓
Landscaping			✓
Open Space	✓		
Roof Forms			✓
Bicycles			✓
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Site Works	✓		
Utilities & Facilities	✓		
Surveillance			✓

**Town Planning Scheme/Residential Design Codes Assessment**

Issue/Design Element:	Street Walls and Fencing
Requirement:	<b>Residential Design Elements Policy SADC 13</b> Maximum Height of Piers – 2.0 metres Solid Portion of Fencing – 1.2 metres
Applicants Proposal:	Maximum Height of Piers - 2.1 metres Solid Portion – 1.8 metres
Design Principles	<b>Residential Design Elements Policy Street SPC 13</b> (i) Street Walls and fences are to be designed so that: <ul style="list-style-type: none"> <li>• buildings, especially their entrances, are clearly visible from the primary street;</li> <li>• a clear line of demarcation is provided between the street and development;</li> <li>• they are in keeping with the desired streetscape; and</li> <li>• provide adequate sightlines at vehicle access points.</li> </ul>
Applicant justification summary:	Nil



<b>Issue/Design Element:</b>	<b>Street Walls and Fencing</b>
Officer technical comment:	Not Supported. The proposed fencing and street walls proposed are to comply with the Residential Design Elements Policy and are conditioned accordingly.
<b>Issue/Design Element:</b>	<b>Street Setbacks</b>
Requirement:	<b>Residential Design Elements SADC 5</b> Lynton Street Ground Floor – Lynton Street – 6.7 metres Upper Floor – A minimum of two metres behind lower floor (8.7 metres)
Applicants Proposal:	Ground Floor - 4.6 metres First Floor – 1.9 metres behind
Design Principles	<b>Residential Design Elements SPC 5</b> Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<i>“The interpretation of front setback calculation has been an ambiguous issue. I note the City’s practice is to measure ‘the front setback from the front boundary to the outer edge of the dwelling wall. As note, the practice is to not include carports, porticos or entry type statements.</i>
	<i>Given such, the City has the front setback averaging 6,5 metres. In reality however four (4) out of five (5) neighbouring lots to the south of the subject site have carports and garages averaging 4.5 metres with 20a Lynton Street having a garage setback of 1.5 metres.</i>
	<i>An aerial of the existing setbacks is attached for your perusal. The proposed setback of 4.5 metres is actually more in keeping with the existing pattern of development than the suggested 6.5 metres. In addition, No. 22 Lynton Street (located directly south of the subject site) has not been redeveloped, when redevelopment does occur, however one would reasonably expect a lot size of 658 square metres any new dwellings maximizing the full development potential of the site would not render a 6.5 metres front setback achievable. Consequently the proposal is providing a streetscape that is and will be complementary to surrounding developments on the street.</i>

Issue/Design Element:	Street Setbacks
Officer technical comment:	Supported. It is considered that this side (eastern) of Lynton Street is in transition with a number of new residential dwellings constructed on narrow subdivided lots. These newer developments are characterised by garage orientated designs with limited front setbacks of between 4.0 metres – 6.0 metres. These front setbacks fit in effectively with the proposed design of the multiple dwelling development. The articulated design fronting Lynton Street is well referenced with large openings as well as the inclusion of colour and finish.

Issue/Design Element:	Building Height
Requirement:	<b>Residential Design Elements Policy BDADC 5</b> Maximum Height - Top of external wall (concealed roof): 7.0 metres
Applicants Proposal:	7.1 metres
Design Principles	<b>Residential Design Elements Policy BDADC 5</b> (i) Building height is to be considered to: <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant justification summary:	Nil.
Officer technical comment:	Supported. The proposed building height proposed with the flat skillion roof pitch allows for the minimal impact of height to the streetscape. The proposed 0.1 metre variation in height is considered negligible and will not impact the adjoining dwellings.

Issue/Design Element:	Landscaping
Requirement:	<b>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</b> Total Landscaping of Site- 30% Required or 192 square metres
Applicants Proposal:	Total Landscaping – 21.5% or 139.3 square metres
Design Principles	<b>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</b> 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: <ul style="list-style-type: none"> <li>• meets the projected needs of the residents;</li> <li>• enhances security and safety for residents;</li> <li>• contributes to the streetscape;</li> <li>• assists in contributing to the amenity of the locality;</li> <li>• assists in providing a landscaped setting for the building;</li> <li>• assists in the protection of mature trees;</li> <li>• maintains a sense of open space between buildings; and</li> <li>• assists in increasing tree and vegetation coverage.</li> </ul>

<b>Issue/Design Element:</b>	<b>Landscaping</b>
Applicant justification summary:	<i>"We understand the provisions of the City's Policy 7.4.8 – Development Guidelines for Multiple Dwellings (The Policy) prohibits landscaped area less than 0.5 metres wide to be included in the overall calculations as such. To this end, my clients are amicable to amending the submitted plans to comply with the provisions of the Policy pertaining to landscaping. The size of the subject site will render compliance achievable.</i>
Officer technical comment:	Not Supported. The applicant to provide compliant landscaping over the total site and this has been conditioned accordingly.

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Policy BDADC 3</b> 30-45 degrees
Applicants Proposal:	3 degrees
Design Principles	<b>Residential Design Elements Policy BDPC 3</b> (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	Nil
Officer technical comment:	Supported. The proposed roof pitch is contemporary in nature and complements the existing streetscape. The low roof pitch also reduces the scale of the building to the street.

<b>Issue/Design Element:</b>	<b>Privacy</b>
Requirement:	<b>Residential Design Codes Clause 6.4.1 C1.1 Eastern Upper</b> Unit 4 - Lounge 6.0 metres
Applicants Proposal:	<b>Eastern Upper</b> Unit 4 - Lounge 5.4 metres
Design Principles:	<b>Residential Design Codes Clause 6.4.1 P1.1 &amp; 1.2</b> P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> </ul>

Issue/Design Element:	Privacy
	<ul style="list-style-type: none"> <li>providing higher or opaque and fixed windows; and/or</li> <li>screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. The proposed privacy requirements are required to be compliant and therefore conditioned to be screened accordingly. Thereby enabling compliance with the deemed to comply requirements of the Residential Design Codes of WA 2013. A condition requiring that the lounge room window be obscure to a height of 1.6 metres has been recommended

Issue/Design Element:	Surveillance
Requirement:	<b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8 A1.4</b> The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.
Applicants Proposal:	Visitor Car Bay in front setback
Design Principles	<b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8 P1.3</b> 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.
Applicant justification summary:	Nil
Officer technical comment:	Not Supported. The proposed visitor car bay reduces visibility to the front of the building and dominates the Lynton Street frontage of the property. It is therefore not supported and conditioned accordingly to be removed from the plans and replaced with landscaping.

### Proposed Car Parking

Residential Car Parking	
Medium Multiple Dwelling (75-110 square metres)- 4 bays per dwelling (4 dwellings)= 4.0 car bays Visitors= 0.25 per dwelling (4 dwellings) = 1.0 car bay Total Required = 5.00 car bays (4 Residential/1 Visitors)	9.0 Car Bays Proposed (8.0 Residents/ 1.0 Visitors)
Surplus	4.0 car bays

The visitor car parking bay at the front of the development is not supported. It is noted however there is a 4.0 car bay surplus proposed and one (1) of the remaining bays can be utilised for visitor car parking.

Residential Bicycle Parking		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (4 dwellings – 1.33 or 2.0 bays required) and 1 bicycle space to each 10 dwellings for visitors (4.0 dwellings – 0.4 or 1.0 bicycle bay):	Proposed
	Two (2) bicycle bays for the residents and one (1) bicycle bay for the visitors.	Two (2) Bicycles Bays

The applicant is required to provide two (2) bicycle bays for residents on-site and one (1) visitor bay, which has been conditioned accordingly.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	7 April 2014 – 23 April 2014
<b>Comments Received:</b>	Twelve (12) Comments received with Eleven (11) Objections and One (1) Comment of Concern with a petition received with One-Hundred and Nine (109) residents objecting to the development

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Street Setbacks</u></p> <ul style="list-style-type: none"> <li>Concern in relation to the non-compliant front setback proposed by the development and the non-compliant landscaping proposed.</li> <li>The development is contrary to the Vincent Greening Plan and specifically the lack of landscaping onsite.</li> </ul>	<p>Not supported. The proposed incursion of the front unit into the Lynton Street front setback is considered in line with other developments in this section of Lynton Street at 16/16a/18a Lynton Street with front setbacks proposed at 4.5 metres.</p> <p>Not supported. The applicant has provided significant landscaping across the site in accordance with the provisions of the Multiple Dwelling Policy. It is also noted the application is conditioned on the requirement that sufficient landscaping be provided on-site.</p>
<p><u>Issue: Car Parking</u></p> <ul style="list-style-type: none"> <li>Concern in relation to the high volume of vehicles that will come to the site and its impact on the nature of the street and the residents who inhabit it.</li> </ul>	<p>Not Supported. The proposed development is compliant in terms of car parking according to the provisions of the Residential Design Codes of WA 2013.</p>
<p><u>Issue: Use</u></p> <ul style="list-style-type: none"> <li>Consider the development of multiple dwellings to be in direct contrast to the existing quiet residential street. Concerned also in relation to the increase in street parking that will inevitably occur.</li> <li>Concerns in relation to noise likely to be generated by residents of the dwellings.</li> </ul>	<p>Noted. Multiple Dwellings are permitted on-site and the scale of the development is not considered excessive.</p> <p>Noted. The applicant would be required to furnish an acoustic report, as noted in the recommended conditions above which outlines any perceived issues with noise on-site. Any recommendations from the report are required to be incorporated into the plans.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Privacy</u></p> <ul style="list-style-type: none"> <li>Concern in relation to any overlooking that could occur to adjoining residential dwellings.</li> </ul>	<p>Supported. The application is compliant with privacy requirements of the Residential Design Codes apart from the upper lounge room window of Unit 4 which has been conditioned accordingly.</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 proposal was referred to the City's DAC on the 2 April 2014.

**“Discussion:**

***The Design Advisory Committee provides architectural advice and context which informs the planning process at the City of Vincent. It does not constitute general planning advice or reflect the final decision which is solely at the discretion of the decision making body, which is the Council or the Development Assessment Panel (as applicable).***

- Higher density multiple residential development in this part of Mount Hawthorn is controversial. The immediate area is typically single residential on smaller compact blocks.
- Multiple residential insertions should follow a pattern and scale that is in keeping with the surrounding built form.
- The DAC suggests considering a townhouse style of development.
- Look at the pattern, scale and architecture of the area.
- A townhouse approach is a way to introduce density whilst presenting a pattern and scale similar to surrounding developments.
- Note that the new R-Codes no longer require the large extent of overlap for multiple dwellings. Previously townhouses could only be achieved as grouped dwellings at a lower density. Vincent will accept as little as 1sq.m overlap of plot ratio area between floors. So townhouses can now deliver the same density as apartment developments.
- A “townhouse” approach would optimise the number of dual aspect residences maximizing opportunity for cross ventilation. It would also offer private north facing courtyards with north facing balconies above in the same ownership, thus optimizing privacy and amenity.
- Outline the intended materiality. Use textures and materials that relate to, or are a contemporary interpretation of, the surrounding locality.
- Look at the architectural language of local residential development and utilise a language that is a contemporary interpretation of this. The DAC understand the desire to use a “safe” suburban residential architectural language, but this only reads as a large project home which doesn't suit the locality.
- Recommend that the applicant looks at the feasibility of two bedroom apartments versus two bedroom townhouses.
- Whilst it is not the expertise offered by the DAC, but it would be reasonable to expect that, in this area, a townhouse – “owning your own ground” with own front door would have a greater appeal and value than an apartment.
- Apartment developments are typically south of this site in Leederville and this area is predominately single dwellings consisting of one and two storeys.
- Alternative approaches would be expected to meet the aims outlined above.
- If the owner specifically wishes to pursue an apartment style development, then;
  - Articulate the elevation to have the appearance of smaller narrower dwellings fronting Ambleside Avenue.
  - Consider splitting the building into two (like a Maisonette) and allowing additional entry from Ambleside Avenue through the central spine.
- Flip car park onto the southern boundary so that headlights do not shine into bedroom windows. This would allow a landscaped buffer zone between the access road and the pedestrian walkway.
- Protect windows, where required, from the sun.
- Check with the City's Planning Services regarding the car parking requirements.

**Recommendation:**

- *This apartment development is generally well-designed but presents a built form and language that is not in keeping with the surrounding area. Whilst increases in density are expected, these should seek to follow a pattern and scale that is in keeping with the surrounding built form. The DAC suggests considering a townhouse style of development which, with the recent revisions to the R-Codes is now possible at the same density as apartment developments. Improvements in materiality and architectural language are also sought. If an apartment development is desired, then improvements to the articulation, materiality, and aesthetics are expected to meet the aims outlined.*

**Mandatory:**

- *Follow a pattern and scale of development that is in keeping with the surrounding built form.*
- *Consider a townhouse style of development as it provides a more appropriate response to the pattern and scale of development in the area. A “townhouse” approach would optimise the number of dual aspect residences maximizing opportunity for cross ventilation. It would also offer private north facing courtyards with north facing balconies above in the same ownership, thus optimizing privacy and amenity. Note that the new R-Codes now permit townhouse developments at the same density as apartment developments. Previously this was not the case.*
- *Outline the intended materiality. Use textures and materials that relate to, or are a contemporary interpretation of, the surrounding locality.*
- *Look at the architectural language of local residential development and utilise a language that is a contemporary interpretation of this.*
- *If an apartment development as presented is specifically desired, then*
  - *Improvements to the articulation, materiality, and aesthetics are expected to meet the aims outlined above.*
  - *Articulate the elevation to have the appearance of smaller narrower dwellings fronting Ambleside Avenue.*
  - *Consider splitting the building into two (like a Maisonette) and allowing additional entry from Ambleside Avenue through the central spine.*
  - *Flip car park onto the southern boundary so that headlights do not shine into bedroom windows. This would allow a landscaped buffer zone between the access road and the pedestrian walkway.*
  - *Protect windows, where required, from the sun.*
  - *Provide direct access from the street to ground level apartments*

**Design Considerations:**

- *Seek advice from the City’s Planning Services staff on the car parking requirements.*

**Technical:**

- *All technical issues must be resolved with the City of Vincent officers.”*

The applicant has amended the plans to provide the following:

- The building has been designed to include elements of the design prevalent along Lynton Street including rendered brick, colourbond roofing and lightweight cladding;
- Street access to Ambleside Avenue has been incorporated into the design through a pedestrian access path; and
- Outlook to the street, front windows.

In view of the above amendments noted to the original meeting of DAC, the proposed development as it currently stands is deemed to have met the intent of the mandatory requirements of the DAC. Given the proposal is a two (2) storey development, no design excellence is required in this instance.

**LEGAL/POLICY:**

The following legislation and policies apply to the Proposed Demolition of Single Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8; and
- Mount Hawthorn Precinct Policy No. 7.1.1.

**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."*

**ENVIRONMENTAL**

The design of the building allows for 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:

### Heritage Comments

The subject place is a partially rendered brick and tile dwelling located at No. 24 Lynton Street, Mount Hawthorn, constructed circa 1952.

The property features a hipped roof form, prominent front room to south and front veranda to the north. The front fenestration remains largely intact including the original window configurations. Some alterations and additions have been made to the dwelling including a sleep out to the rear of the property and a front carport to the southern side of the property.

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 7.6.2 relating to Heritage Management- Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full heritage assessment is not warranted in this instance.

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

- (i) *a Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;*

### Comments

The proposed development provides for main variations to the street setbacks to the Lynton Street frontage in addition to landscaping provided on-site. It is considered the proposed built form is of a scale and nature that is appropriate for the site in addition to a design that has been well considered through the DAC process even though the DAC had requested the applicant consider a Townhouse approach as stated in the 'mandatory' section of the above DAC comments. The street setbacks proposed provide an articulated and attractive street form that will fit in both with the existing streetscape and the future desired streetscape along a major road such as Lynton Street. The main variation is a small portion of Unit 1 which intrudes into the front setback area. The street contains a number of new dwellings which have garages and porch features in close comparison to the subject development with front setbacks between 4.5 metres and 5.5 metres. This characteristic of new development along Lynton Street provides the basis for the support of the variation proposed. Multiple Dwellings are also a "P" or permitted use within residential zoned land.

Although the total landscaping on-site is not in compliance with the landscaping requirements of the City's Multiple Dwelling Policy, there is sufficient area on-site to accommodate the required landscaped area. A condition of planning approval requiring 30% of the total site area to be landscaped is incorporated into the conditions.

### Conclusion

The City's Officer's acknowledge the large number of objections to the proposal. With Multiple Dwellings, as the site is zoned Residential R30, multiple dwellings are a permitted (P) use on the site. Officers have considered the variations and the likely impacts of the development on the amenity of the area and surrounding residents. The variations are considered not to have an undue impact in this instance. The development is two (2) storeys in height, provides adequate parking onsite, which would alleviate demand for extra street car parking in the area.

Overall, the proposed development is considered to improve the streetscape and surrounding area through the redevelopment of an under-utilised site, which will fit in with other subdivided blocks along Lynton Street. Lynton Street itself is considered to be in transition from a typical single house on large block street characteristic to a smaller lot townhouse appearance. The appearance of the built form meets the contemporary townhouses that have become common along the street.

In light of the above, it is recommended that the proposed development be approved subject to the above mentioned conditions.

**9.1.5 Nos. 528 & 528A (Lots: 212 & 101) Charles Street, North Perth – Proposed Change of Use from Office/Shop and Single House to Eating House and Single House**

<b>Ward:</b>	North	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	North Perth; P1	<b>File Ref:</b>	PRO6297; 5.2014.69.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission dated 10 February 2014 <a href="#">003</a> – Department of Planning letter dated 21 February 2014		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Rasiah, 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 S T Mai on behalf of owners S T Mai, T D Le and T T Le for Proposed Change of Use from Office/Shop and Single House to Eating House and Single House at Nos. 528 & 528A (Lot: 212 & 101) Charles Street, North Perth as shown on plans stamp dated 24 February 2014 subject to the following conditions:

1. Doors, windows and adjacent floor areas of the Eating House fronting Charles Street shall maintain an active and interactive relationship with this street;
2. The total public floor area of the eating house shall be limited to 64 square metres;
3. The rear of the property shall remain solely for residential purposes.
4. The maximum number of patrons for the eating house at any one time shall be limited to thirty (30);
5. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, the following shall be submitted to and approved by the City;

**5.1 Refuse Management Plan**

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

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

**5.2 Car Parking**

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

**5.3 Amalgamation**

Lots 212 & 101 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the commencement of development the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, 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 commencement of development. Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series; or alternatively, the car parking bays and car parking manoeuvring area can be dealt with as a grant of easement in favour of the City registered on the certificate of title, of the subject lots, prepared by the City's solicitors or other solicitors agreed upon by the City. All costs associated with this condition shall be borne by the applicant/owner(s);

6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:

**6.1 Bicycle Parking Facilities**

One (1) class one or class two bicycle bays and two (2) class three bicycle bays shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility; and

7. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Acting 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 Charles Street and the north-eastern right-of-way;
2. 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;
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Building Permit, being submitted to and approved by the City prior to the erection of the signage;
4. The existing front access of Charles Street is not to be used in association with the proposed eating house, and that all residential vehicles accessing Charles Street must be in forward gear, as required by the Western Australian Planning Commission; and
5. Conditions requested by Main Roads WA.

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Harley**

“That a new Clause 5 and a new Advice Note 6 be inserted as follows:

**5. The hours of operation shall be 7am till 4pm Monday to Sunday with all activity to cease on site by 5pm.”**

**ADVICE NOTE:**

**6. The approved hours of operation are inline with the applicant submission together with the application.**

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.5**

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by S T Mai on behalf of owners S T Mai, T D Le and T T Le for Proposed Change of Use from Office/Shop and Single House to Eating House and Single House at Nos. 528 & 528A (Lot: 212 & 101) Charles Street, North Perth as shown on plans stamp dated 24 February 2014 subject to the following conditions:

1. Doors, windows and adjacent floor areas of the Eating House fronting Charles Street shall maintain an active and interactive relationship with this street;
2. The total public floor area of the eating house shall be limited to 64 square metres;
3. The rear of the property shall remain solely for residential purposes.
4. The maximum number of patrons for the eating house at any one time shall be limited to thirty (30);
5. The hours of operation shall be 7am till 4pm Monday to Sunday with all activity to cease on site by 5pm;

6. **PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, the following shall be submitted to and approved by the City;**

6.1 **Refuse Management Plan**

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

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

6.2 **Car Parking**

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

6.3 **Amalgamation**

Lots 212 & 101 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the commencement of development the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, 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 commencement of development. Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series; or alternatively, the car parking bays and car parking manoeuvring area can be dealt with as a grant of easement in favour of the City registered on the certificate of title, of the subject lots, prepared by the City's solicitors or other solicitors agreed upon by the City. All costs associated with this condition shall be borne by the applicant/owner(s);

7. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**

7.1 **Bicycle Parking Facilities**

One (1) class one or class two bicycle bays and two (2) class three bicycle bays shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility; and

8. **The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Acting 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 Charles Street and the north-eastern right-of-way;
2. 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;
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Building Permit, being submitted to and approved by the City prior to the erection of the signage;
4. The existing front access of Charles Street is not to be used in association with the proposed eating house, and that all residential vehicles accessing Charles Street must be in forward gear, as required by the Western Australian Planning Commission;
5. Conditions requested by Main Roads WA; and
6. The approved hours of operation are inline with the applicant submission together with the application.

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**PURPOSE OF REPORT:**

The application is referred to the Council for determination given the proposal relates to an 'SA' use, whereby two (2) objections and one (1) general concern submission were received.

**DETAILS:**

The application is for a change of use from office/shop and single house to eating house and single house at Nos. 528 and 528A Charles Street, North Perth. The office/shop was granted approval on 2 March 1982. The proposed eating house is being promoted as a "healthy food cafe", catering healthy food options and promoting a healthy lifestyle.

<b>Landowner:</b>	S T Mai, T D Le and T T Le
<b>Applicant:</b>	S T Mai
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Shop/Office and Associated Single House
<b>Use Class:</b>	Eating House and Associated Single House
<b>Use Classification:</b>	'SA', 'P'
<b>Lot Area:</b>	918 square metres in total
<b>Right of Way:</b>	North-eastern side, 5 metres wide, 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/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles			✓
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		
Economic Development	✓		
Mixed Use Development Interface	✓		

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

Car Parking	
Car parking requirement (nearest whole number) • Proposed Eating House (1 space per 5 persons) o 30 persons = 6 car bays required Total car bays required = 6	6 car bays
Apply the parking adjustment factors. • 0.80 the development is located within 400 metres of a bus route • 0.80 the development proposes a mix of residential and commercial uses, provided at least 50% of the total plot ratio is residential	(0.64)  3.84 car bays
Minus the car parking provided on-site	7 car bays
Resultant Surplus	3.16 car bays

It is to be noted the single house has its own car parking accessed via the rear right-of-way.

Commercial Bicycle Parking	
Proposed Eating House (Cafe) • 1 space per 20 square metres public area (proposed 64sqm) 64/20 = 3.2 bicycle bays  Total = (0.35%) x 3.2 = 1.12 bicycle bays = 1 bay (class 1 or class 2) (0.65%) x 3.2 = 2.08 bicycle bays = 2 bays (class 3) <u>Required</u> One (1) class 1 or 2 and two (2) class 3 bicycle bays	Requires One (1) class 1 or 2 and two (2) class 3 bicycle bays

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	10 April 2014 to 5 May 2014		
<b>Comments Received:</b>	One (1) support, Two (2) objections and one (1) general concern.		
<b>External Referrals:</b>	The proposal was referred to the Department of Planning 17 February 2014 for comment. The Department of Planning had responded with no objection to the proposal on 21 February 2014 (letter attached). The City has also written to Main Roads WA on 30 May 2014, and is awaiting comments from Main Road WA in this respect.		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
Issue: Car Parking and Increased traffic in the laneway	<p>Not supported. The subject site has sufficiently provided car parking to meet the requirements of the City's Car Parking and Access Policy No. 7.7.1.</p> <p>Access via the Right-of-Way at the rear is required under <i>Liveable Neighbourhoods WAPC Operational policy</i>, stating that "vehicles reversing onto major urban and arterial roads with traffic volumes more than 5000vpd, such as Charles Street, should be avoided". Due to the above, car parking access for the change of use is provided via the ROW.</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 change of use from office/shop and single house to eating house and single house at Nos. 528 & 528A Charles Street, North Perth:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- North Perth Precinct Policy No. 7.1.8;
- Development Guidelines to Commercial and Mixed Use Developments 7.5.12;
- Signs and Advertising Policy No. 7.5.21; and
- Parking and Access Policy No. 7.7.1.

**RISK MANAGEMENT IMPLICATIONS:**

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



**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 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 proposal uses an existing building for the proposed eating house. The adaptive re-use of the existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The proposed eating house will facilitate business development within the City, whilst also creating job opportunities within the locality.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed eating house complies with the City's Policy No. 7.7.1 relating to Parking and Access, as there is adequate land capable of being provided for the proposed development on the adjoining vacant lot, which is also owned by the same owners.

The existing office/shop was granted approval in 1982, and since this time no complaints have been received. When the original change of use was granted for the office/shop, amendments were made to the existing single house to create a shop front style window including an awning over the footpath. This has substantially modified the front facade of the building to reflect a shop appearance. No further amendments are proposed as part of this application to the front facade of the building, limiting any impact on the adjoining properties. The rear of the property will still be used as a single house.

**CONCLUSION:**

On the above basis, it is considered that the change of use to eating house and single house will not have an undue impact on the residential amenity of the area and planning approval be granted subject to the above conditions.

**9.1.6 FURTHER REPORT: No. 550 (Lot 58; D/P 3660) Fitzgerald Street, North Perth – Proposed Demolition of Existing Building and Construction of Three Storey Multiple Dwelling Comprising of Twelve (12) Multiple Dwellings And Associated Car parking**

<b>Ward:</b>	South	<b>Date:</b>	3 June 2014
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO0789; 5.2013.559.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report & Development Application Plans <a href="#">002</a> - Applicant Submission <a href="#">003</a> - Comment from Department of Planning <a href="#">004</a> - Applicant Justification <a href="#">005</a> – Traffic Assessment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Rasiah, Acting Director Planning Services		

**FURTHER 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 Proud Property Group on behalf of the owner Kentville Holdings Pty Ltd & JR Marzec for Proposed Demolition of Existing Building and Construction of Three (3) Storey Multiple Dwelling Development Comprising of Twelve (12) Multiple Dwellings And Associated Carparking, at No. 550 (Lot 58 D/P: 3660) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 6 March 2014, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 548a and 552 Fitzgerald 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 **On-Site Parking Provision**

A minimum of twelve (12) residential bays and three (3) visitor bays are to be provided on site for the residential component of the development;

2.2 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City’s Policy No. 7.5.23 relating to Construction Management Plans, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

2.3 **Traffic Management Plan**

A Traffic Management Plan, detailing how the construction of the development and the movement of vehicles in and out of the site will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City;

**2.4 Acoustic Report**

Prepare and 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;

**2.5 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 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:

- 2.5.1 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;
- 2.5.2 The location and type of existing and proposed trees and plants;
- 2.5.3 All vegetation including lawns;
- 2.5.4 Areas to be irrigated or reticulated;
- 2.5.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.5.6 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).

**2.6 Privacy**

The proposed first and second floor kitchen windows to units 8/9/11/12 on the northern and southern elevations 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 6.0 metres from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

**2.7 Refuse Management**

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

**2.8 Schedule of External Finishes**

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

3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

3.1 **Percent for Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 and the Percent for Public Art Guidelines for Developers, including:

3.1.1 Elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$18,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$1,800,000; and

3.2 in conjunction with the above chosen option;

3.2.1 **Option 1**

Prior to the submission of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the submission of an Occupancy Permit, install the approved public art project, and thereafter maintain the art work;  
OR

3.2.2 **Option 2**

Prior to the submission of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

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

4.1 **Car Parking**

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

4.2 **Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential units at all times, shall be submitted to and approved by the City;

4.3 **Clothes Drying Facility**

Each multiple dwelling shall be provided with drying facilities in accordance with the Residential Design Codes of WA 2013 and City's Policy No. 7.4.8 in relation to Development Guidelines for Multiple Dwellings;

**4.4 Bicycle Bays**

A minimum of four (4) residential bicycle bays, and two (2) visitor bicycle bays be provided on-site. Bicycle bays for the residents must be located within the development, and bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**4.5 Visitor Bays**

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

**4.6 Underground Power**

In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Fitzgerald Street frontages of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements;

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies.

5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Acting 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 Fitzgerald Street;
3. Any new street/front wall, fence and gate within the Fitzgerald 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;
4. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; 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 9.1.6**

**Moved Cr Buckels, Seconded Cr Peart**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED (6-2)**

**For:** Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald and Cr Topelberg

**Against:** Cr Peart and Cr Pintabona

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination, given the proposal is a three storey multiple dwelling development.

**BACKGROUND:**

Nil.

**FURTHER REPORT:**

The proposal was previously referred to a meeting of Council on 13 May 2014 where it was determined with the following:

That the item be DEFERRED and reported to the Ordinary Meeting of Council to be held on 10 June 2014.

“Reasons for Deferral of Item:

The Council is seeking further clarification on the traffic impact”

The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 13 May 2014, relating to this Report is available on the City’s website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

The application has been prepared as per the Council resolution to go before the Ordinary Meeting of Council on 10 June 2014.

**ADDITIONAL INFORMATION**

The City is currently not in receipt of any further information at the time this agenda report was prepared regarding the Traffic Impact Assessment as requested in the previous Council resolution of 13 May 2014. The applicant has advised they are currently awaiting a report from their Traffic Engineer, which is to be provided to the applicant by 6 June 2014. This information when received will be forwarded to Council Members, if received before the Council Meeting on 10 June 2014.

It is noted however the recommendation to the Council is unchanged.

**DETAILS:**

<b>Landowner:</b>	Kentville Holdings Pty Ltd & JR Marzec
<b>Applicant:</b>	Proud Property Group
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1012 square metres
<b>Right of Way:</b>	N/A

**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	✓		
Front Fence	N/A		
Lot Boundary Setbacks			✓
Building Height			✓
Building Storeys	✓		
Roof Forms			✓
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Dwelling Size	✓		
Site Works	✓		
Utilities and Facilities	✓		
Surveillance	✓		
Energy Efficiency			✓
Landscaping	✓		
Outdoor Living Areas	✓		

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

Issue/Design Element:	Building Size
Requirement:	<b>Residential Design Codes Clause 6.1.1 (P1)</b> Plot Ratio = 0.7 (708.4m <sup>2</sup> )
Applicants Proposal:	Plot Ratio = 0.826 or 836.12m <sup>2</sup>
Design Principles:	<b>Residential Design Codes Clause 6.1.1 (P1)</b> Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	Not provided
Officer technical comment:	Supported. The proposed plot ratio is not considered to be out of context for the emerging streetscape along Fitzgerald Street, given the number of developments of a similar height and scale of over three storeys and scale proposed. Based on this the additional floor area is not considered unreasonable. The proposed development is consistent with the desired built form in this area.

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.3 C3.1</b></p> <p><b>Northern (First Floor)</b> 2.8 metres from the portion of wall to the balcony and kitchen to unit 8 of the first floor to the north side boundary.</p> <p><b>Second Floor</b> 4.0 metres from the portion of wall to the balcony and kitchen of unit 11 of the first floor to the north side boundary.</p> <p><b>Southern (First Floor)</b> 7.0 metres from the portion of wall of the first floor to the south side boundary.</p> <p><b>Eastern (Second Floor)</b> 5.0 metres from the portion of wall to the balcony of unit 11 and kitchen of unit 12 on the second floor to the rear (east) boundary.</p> <p><b><u>Southern (Second Floor)</u></b> <u>8.7 metres</u></p> <p><b>Boundary Walls</b></p>
	<p>Walls not higher than 7.0 metres with average height of 6 metres for 2/3 (28 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p><b>Retaining Walls</b> Where a retaining wall less than 0.5m high is required on a lot boundary, it may be located up to the lot boundary subject to the provisions of clauses 6.1.4 and 6.4.1, or within 1 metre of the lot boundary to allow for an area assigned to landscaping subject to clauses 6.3.6 and 6.4.1.</p>
Applicants Proposal:	<p><b>Northern (First Floor)</b> 2.0 metres from the portion of wall to the balcony and kitchen to unit 8 of the first floor to the north side boundary. (Variation of 0.8 metres)</p> <p><b>Second Floor</b> 2.0 metres from the portion of wall to the balcony and kitchen of unit 11 of the first floor to the north side boundary. (Variation of 2.0 metres)</p> <p><b>Southern (First Floor)</b> 3.0-4.5 metres from the portion of wall of the first floor to the south side boundary. (Variation of 2.5 metres to 4.0 metres)</p> <p><b>Eastern (Second Floor)</b> 4.5-6.5 metres from the portion of wall to the balcony of unit 11 and kitchen of unit 12 on the second floor to the rear (east) boundary. (Variation of 0.5 metres)</p> <p><b><u>Southern (Second Floor)</u></b> <u>3.0 metres – 4.5 metres</u></p> <p><b>Boundary Walls</b> Northern Boundary Maximum Heights= 9.0 metres (Variation of 2.0 metres) Average Heights = 8.75 metres (Variation of 2.75 metres) Two side boundaries (northern boundary (stairwells) &amp; southern boundary – ground floor storeroom)</p> <p><b>Retaining Walls</b> 2.1 metres maximum height on south boundary.</p>



Issue/Design Element:	Lot Boundary Setbacks
Design Principles:	<p><b>Residential Design Codes Clause 6.1.3 P3.1</b> Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<p><i>“The building is considered to be stepped and screened on both sides to optimise privacy and the amenity while acknowledging the buildings exposure and thus influence on the streetscape. All elevations of the project have significant design detail.</i></p> <p><i>The project only has the stair/lift walls on the north which are 5.7 metres – 8.0 metres above ground (fence height).</i></p>
	<p><i>The building has been lowered by 0.6 metres to accommodate the Technical Services requirements for the slopes from the footpaths.</i></p> <p><i>The property has substantial falls from the rear north east corner at 39.54m AHD to the south-west crossover at 34.10m. The cutting of the soil to achieve the required levels has meant the north eastern corner has the garage as a basement and the first floor is at ground level.</i></p> <p><i>North</i></p> <p><i>The neighbouring property to the north has a bitumen car park at 38.8 AHD adjacent to apartment 8 at 39.6m AHD. The kitchen window of apartment 8 would provide passive surveillance of the car park.</i></p> <p><i>The apartment 11 north wall and balcony above apartment 8 requires a setback of 2.8 metres as a wall with major openings.</i></p> <p><u><i>Retaining Walls</i></u></p> <p><i>The cutting into the slope to accommodate the disabled access gradient and driveways minimising the retaining of the property. The retaining of the neighbouring boundaries ranges up to 2.0 metres in the north east.”</i></p>
Officer technical comment:	<p>Supported. The proposed excess in building bulk is located to the northern and eastern portions of the site allowing for maximum solar access to the adjoining property to the south. Generous southern setbacks are also provided to the southern boundary to facilitate this. <u>These setbacks proposed to the southern boundary, although providing a variation to the side setback, are exacerbated by the presence of major openings which increase the setback required. If all of the major openings were screened to a minimum height of 1.6 metres the setback required would be a maximum of 4.6 metres.</u></p>

Issue/Design Element:	Lot Boundary Setbacks
	<p>The parapet walls proposed are evenly spaced to allow for a reduction of bulk along the northern boundary of the site and employ different methods of articulation to resolve the bulk at the boundary. It is also noted that the articulated design on the northern elevation allows for northern light to be provided to the first and second floor dwellings and ensures that energy efficiency is maintained. These sections are afforded generous setbacks also.</p> <p>The proposed overshadowing is compliant with the provisions of the Residential Design Codes of WA at 42%.</p> <p>The proposed boundary walls along the northern side are effectively spaced to reduce their bulk to the northern property, whilst the orientation of the lots creates no overshadowing. On the southern elevation the small boundary parapet wall is minor in area and at ground level and abuts an outdoor living area of the adjoining property.</p> <p>The proposed retaining walls do not unreasonable impact the adjoining property or significantly change the land when viewed from either property.</p>
Issue/Design Element:	Street Setbacks
Requirement:	<p><b>Residential Design Elements Policy No. 7.2.1 SADC 5</b> Ground Floor An average of Five (5) Properties Either Side of Subject Lot – 10.5 metres Upper Floors A minimum of two metres behind each portion of the ground floor setback. - Upper Floors – 12.5 metres - Balcony – 11.5 metres</p>
Applicants Proposal:	<p>Ground Floor (Portico) - 3.5 metres Ground Floor (Study/Entry) – 6.0 metres First Floor – 6.0 metres Second Floor – 6 metres</p>
Design Principles:	<p><b>Residential Design Elements Policy No. 7.2.1 SPC 5</b> Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Issue/Design Element:	Street Setbacks
<p>Applicant justification summary:</p>	<p><i>“The old adjacent properties do not present a continuous alignment so establishing and averaging the setback for five (5) properties either side is difficult. Establishing the 5 properties either side of the lot is messy. We established the average as approximately 7.7 metres. We have set the portico/entry at 3.5 metres, the ground floor study stairs and balconies at 6.0 metres and the majority of the walls on the first and second floors at 9.0 metres. The stepping of the setbacks and articulation are intended to reduce the bulk and scale and be integral to the contemporary design of the development. The entry portico is designed to improve the amenity of the building, provide weather protection while accessing the foyer door and improve the aesthetics. This is particularly relevant for the disabled ramp access which is incorporated into the entry. The portico-foyer is primarily open and does not adversely impact on the streetscape or neighbours. The ground floor stairs and study of apartment 1 are setback 6.0 metres. The study has been created to provide passive surveillance of the street. The first and second floor stair walls and balconies are setback 6.0 metres while the majority of the west elevation of the building is setback 9.0 metres. The stepping between the portico, balcony and building assist in reducing the bulk. The walls are a mixture of textures, colours and finishes which are staggered to improve the articulation. The emerging streetscape due to the proposed redevelopments relies on a lesser setback and contemporary design to facilitate efficient use of the site.”</i></p>
<p>Officer technical comment:</p>	<p>Supported. The existing front setbacks along this part of Fitzgerald Street vary with a mix of older buildings, newer grouped dwellings and the presence of a number of secondary street frontages. It is considered that due to a number of recent multiple dwelling developments being approved along this side of Fitzgerald Street (482-484/496 and 538), the street frontages will soon be under a state of transition which will lead to a changing nature of the street in the short term. The proposed front setback at a setback of between 3.6-6.0 metres is similar to what has been approved in these development and by the design proposed will lead to better street activation.</p> <p>The design of the front of the building provides for an articulated and active street frontage and the use of landscaping and differing building materials provides for a softening to its Fitzgerald Street entrance. The upper storey includes a number of open balconies, design features, and window openings which ameliorate the impact of the front setback variation. The DAC had no concerns for the reduced front setback.</p>

Issue/Design Element:	Building Height
Requirement:	<b>Residential Design Codes Clause 6.1.2 C2</b> Top of external wall (concealed roof): 10 metres.
Applicants Proposal:	Top of external wall (concealed roof): 11.9 metres.
Design Principles:	<b>Residential Design Codes Clause 6.1.2 P2</b> P2 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains: <ul style="list-style-type: none"> <li>• adequate access to direct sun into buildings and appurtenant open spaces;</li> <li>• adequate daylight to major openings into habitable rooms;</li> <li>• access to views of significance;</li> <li>• buildings present a human scale for pedestrians;</li> </ul>
	<ul style="list-style-type: none"> <li>• building façades designed to reduce the perception of height through design measures; and</li> <li>• podium style development is provided where appropriate.</li> </ul>
Applicant justification summary:	<i>"The building is cut into the ground along the northern and eastern boundaries."</i>
Officer technical comment:	Supported. In this particular development, it is considered that the site, located on a major road (Fitzgerald Street), and existing three storey developments within this area, will fit in with the other future developments in the precinct. It is considered the skillion roof design will ameliorate the impact that would otherwise be created by a pitched roof type. The building has been designed specifically to take the height well away from the property boundaries where possible, with the non compliant portion of the height located at the front of the site, given the ground levels and transition towards the eastern end of the property.

Issue/Design Element:	Energy Efficiency
Requirement:	<b>Development Guidelines for Multiple Dwelling Developments Policy No. 7.4.8 Clause 5.1</b> Multiple Dwelling developments are required to be designed so that the dwellings within the development maximise northern sunlight to living areas and provide natural daylight to all dwellings. Multiple Dwellings developments are required to be designed so that the dwellings within the development maximise cross ventilation and provide natural ventilation to all dwellings.
Applicants Proposal:	Balconies facing east (Units 8, 9, 11 and 12) Balconies facing west (Units 1 and 2)
Design Principles:	Nil
Applicant justification summary:	<i>"The apartments have energy design parameters embodied in the design."</i>
Officer technical comment:	Supported. Although the proposed balconies face east and west, there is to some degree to northern light which will permeate these areas, and also enabling cross ventilation through the dwellings.

<b>Issue/Design Element:</b>	<b>Landscaping</b>
Requirement:	<b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b> A minimum of 5 percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings (50.6m <sup>2</sup> ).
Applicants Proposal:	Landscaping – 0% or 0m <sup>2</sup> Landscaping in Private Outdoor Living Areas
Design Principles:	<b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8</b> <ul style="list-style-type: none"> <li>• Assists in contributing to the amenity of the locality;</li> <li>• Assists in providing a landscaped setting for the building;</li> <li>• Assists in the protection of mature trees;</li> <li>• Maintains a sense of open space between buildings; and</li> <li>• Assists in increasing tree and vegetation coverage.</li> </ul>
Applicant justification summary:	<i>“The practical design is balanced with the landscaped entry walkways and amenities area. The landscaping at the front of the property is designed to screen and enhance the streetscape. As this faces west evergreen planting will incorporate larger trees with lower feature gardens. This area includes a soft landscaped reversing area for the occasions when the parking is full. No parking is located in front of the development.”</i>
Officer technical comment:	Not supported. The proposal conveys insufficient landscaping in the proposed private courtyard areas, therefore the City has imposed a condition relating to the provision of landscaping. It is considered there is adequate landscaping over the site to accommodate the requirement in order for compliance with the City’s Multiple Dwelling Policy. A condition has been included requiring that within the private courtyard areas that 50.6 square metres of landscaping be provided.

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Policy 7.2.1 BDADC 3. Roof Forms</b> 30- 45 degrees
Applicants Proposal:	Skillion (approximately 20 degrees) and flat roof forms proposed
Design Principles:	<b>Residential Design Elements Policy 7.2.1 BDPC 3 Roof Forms</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• it does not unduly increase the bulk of the building;</li> <li>• in areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• it does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>“The roof combines the 3 degree flat sections on both sides which tie into the raked 10 degree sections in the centre. This is used to lower the building on the boundaries while maintaining the contemporary design and providing light into the apartments. The roof will be visible from the north as you drive down from Walcott Street.</i>

Issue/Design Element:	Roof Forms
	<i>The use of the 30-45 roof pitches and traditional roof style would generally increase the height and bulk of the building. They generally do not work with the current contemporary building designs. We have incorporated flat roof sections with skillion roofs to minimise the height and reduce the bulk and shadowing of the adjacent property to the south."</i>
Officer technical comment:	The proposed roof form is functional in this instance as a pitched roof would increase the bulk and overshadowing of this development.

Issue/Design Element:	Privacy
Requirement:	<b>Residential Design Codes Clause 6.4.1 P1.1</b> <b>Northern</b> Kitchen (Units 8 & 11) –First and Second Floor 4.5 metres <b>Southern</b> Kitchen (Units 9 & 12) –First and Second Floor 4.5 metres
Applicants Proposal:	<b>Northern</b> Kitchen (Units 8 & 11) –First and Second Floor 2.0 metres <b>Southern</b>
	Kitchen (Units 9 & 12) –First and Second Floor 3.0 metres
Design Principles:	<b>Residential Design Codes Clause 6.4.1 C1.1</b> P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. The proposed privacy requirements are required to be compliant and therefore conditioned to be screened accordingly. Thereby enabling compliance with the deemed to comply requirements of the Residential Design Codes of WA 2013. A condition requiring that the kitchen windows have privacy screening to a height of 1.6 metres.

<b>Issue/Design Element:</b>	<b>Utilities and Facilities</b>
Requirement:	<b>Residential Design Elements Policy No. 7.2.1 &amp; Multiple Dwellings Policy No. 7.4.8 Clause 5.2 A6.3</b>
	Stores – Minimum Dimension of 1.5 metres Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows: 1-15 dwellings = 3 lineal metres of clothes line per dwelling.
Applicants Proposal:	Proposed Stores 1-10 minimum dimension of 1.45 metres. Clothes-drying area/facilities provided however no lineal metres of clothed line shown
Design Principles:	<b>Residential Design Elements Policy 7.2.1 &amp; Multiple Dwellings Policy No. 7.4.8 Clause 5.2 A6.3</b> External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> <li>• convenient for residents</li> <li>• rubbish collection areas which can be accessed by service vehicles;</li> <li>• screened from view; and</li> <li>• able to be secured and managed.</li> </ul>
Applicant justification summary:	<i>"The stores combined with garages of units 1-10 offer improved storage and circulation. The clothelines shall be a minimum of 36 metres."</i>
Officer technical comment:	Supported. The dimensions of the storerooms are considered adequate given the total area proposed of over 4.0 square metres. The clothes drying facilities requirements have been conditioned accordingly.

<b>Residential Car Parking</b>	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> <li>• Small (&lt;75 square metres or 1 bedroom) (0.75 spaces per dwelling) 2 dwellings = 1.5 car bays – 2 Car bays</li> </ul>	
<ul style="list-style-type: none"> <li>• Medium (75 -110 square metres) – 1 space per dwelling – 10 Dwellings = 10 car bays Total car bays required = 12 car bays</li> </ul>	
<ul style="list-style-type: none"> <li>• Visitors 0.25 spaces per dwelling 12 dwellings = 3 car bays Total car bays required = 12 car bays + 3 car bays (Total 15 car bays)</li> </ul>	15 car bays
Resultant Surplus/Deficit	Complies

<b>Residential Bicycle Parking</b>
<b>Residential Design Codes Clause 6.3.3 C3.2</b>
1 bicycle space to each 3 dwellings for residents (12 dwellings); and 1 bicycle space to each 10 dwellings for visitors (12 Dwellings), and designed in accordance with AS2890.3.
<u>Required</u>
Residents: 4 bicycle spaces
Visitors: 2 bicycle spaces
Total: 6 bicycle spaces
<u>Provided</u>
4 Bicycle Spaces plus Storeroom space for bicycles.

Bicycle parking for the multiple dwellings is required to be provided in accordance with the Deemed to Comply provisions of Clause 6.3.3 "On-Site Parking Provision" of the R-Codes.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	25 February 2014 – 18 March 2014
<b>Comments Received:</b>	Five (5) objections

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: <u>Plot Ratio</u> Concern over the size of the proposal and the excess plot ratio.</p>	<p>Not Supported. The proposed plot ratio, although providing for a significant variation is not considered to be out of context for the emerging streetscape along Fitzgerald Street, given the number of development of a height of over three storeys and scale proposed.</p>
<p>Issue: <u>Scale</u> Concern of the negative impact to the adjoining properties.</p>	<p>Noted. See above.</p>
<p>Issue: <u>Height</u> Concern over the three storey building height proposed and the fact it will not fit in with the current streetscape.</p> <p>Concern in relation to any additional height proposed.</p>	<p>Not supported. A three storey height is supportable along Fitzgerald Street in accordance with the City's Policy 7.4.8 relating to Development Guidelines for Multiple Dwellings. In this instance, it is considered that the site, located on a major road (Fitzgerald Street), and with the existing three storey developments within this area, the development will fit in with the other future developments in the future design for the precinct. In terms of scale it is considered that the skillion roof design will ameliorate the impact that would otherwise be created by a pitched roof type.</p> <p>The building has been designed specifically to take the height well away from the property boundaries where possible, with the majority of the non compliant height located at the front of the building.</p>
<p>Issue: <u>Privacy and Loss of Views</u> Concern in regard to the loss of privacy and City views from the development.</p> <p>Request that any kitchen windows on the top floor be screened accordingly. Also request any examples of the louvers proposed are made available.</p>	<p>Not supported. Privacy is compliant with the provisions of the Residential Design Codes of WA 2013. The proposed height of three storeys is compliant in terms of height, which in turn takes into account the desired amenity of neighbours. The loss of views is a non planning issue.</p> <p>Noted. The proposed kitchen windows are required to be screened for compliance with the privacy provisions of the Residential Design Codes of WA and are required to be conditioned accordingly.</p>
<p>Issue: <u>Car Parking</u> Concern in relation to the proposed car parking and the impact it may have on surrounding streets. The proposal notes</p>	<p>Not supported. The proposed car parking is compliant for the number of units proposed in accordance with the Residential Design</p>



Summary of Comments Received:	Officers Technical Comment:
fifteen (15) car bays on-site, not sixteen (16). The units proposed will more than likely generate far greater traffic than provided on-site. There is also no parking for visitors on the property.	Codes of WA 2013.
There is a safety concern with the development as the development is proposed on a bend in the road on Fitzgerald Street. The significant number of cars likely to enter/exit this property given its size) has the potential to create safety concerns.	Noted. The Department of Planning have considered the proposal and noted support of the proposed development in relation to the existing road network. There is future road widening applicable to this site and others along Fitzgerald Street, which will enable further area for vehicles to exit the site.
<p>Issue: <u>Side Setbacks and Building on the Boundary</u></p> <p>Concern regarding buildings on the boundary given the height proposed and the impact it will have on the existing streetscape. The proposed side setbacks will impact the visual amenity of the adjoining owner, notably in the location of the stairwell.</p> <p>Note further that the reduced side setbacks create additional concerns such as privacy, reduction in sunlight and visual bulk.</p>	<p>Not supported. The proposed excess in building bulk is located to the northern and eastern portions of the site allowing for maximum solar access to the adjoining property to the south. The parapet walls proposed are evenly spaced to allow for a reduction of bulk along the northern boundary of the site and employ different methods of articulation to resolve the bulk at the boundary.</p> <p>The proposed boundary walls along the northern side are effectively spaced to reduce their bulk to the northern property, whilst the orientation of the lots creates no overshadowing. On the southern elevation the small boundary parapet wall is minor in area and abuts an outdoor living area of the adjoining property. The proposal efficiently utilises the site area and alleviates overlooking with the use of adequate screening.</p>
<p>Issue: <u>Streetscape</u></p> <p>Concern over loss of the open street frontages which are applicable to this area from the proposal. The proposal is likely to create a feeling of encroachment in the neighbouring properties. A greater setback, particularly of all floors above ground level would reduce the impact of these floors.</p>	<p>Not supported. The proposed front setback provides for an articulated and active street frontage and the use of landscaping and differing building materials provides for a softening to its Fitzgerald Street entrance. The upper storey includes a number of open balconies, design features, and window openings which ameliorate the impact of the front setback variation.</p>
<p>Issue: <u>Front Fence</u></p> <p>Fencing is required to be provided, especially to the south where there is none shown on the proposed plans.</p>	<p>Noted. Any boundary fencing is to be in accordance with the dividing fences act and to be negotiated by the affected property owners.</p>

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

**Design Advisory Committee:**

The proposal was referred to the Design Advisory Committee on 2 October 2013. The following comments are from the meeting of 2 October 2013.

Summary of Design Advisory Committee Comments:

**“Discussion:**

*Consider the planning of units 8, 9, 11 and 12.*

*Long corridor needs reconsideration.*

*Remove nook where doors are located.*

*Stairs are very tight and need to be redesigned as doors are very close to the stairs.*

*Check if lift is required to some units – City of Vincent Building Surveyors or private certifier.*

*Check threshold number of units.*

*Southern side, Bedroom 1 or Unit 1 is too small due to crank in the wall. Articulate the northern side.*

*Stairwell is on the boundary.*

*Consider relocating stores for Units 11 and 12.*

**Recommendation:**

*Reconsidering planning of units 8,9,11, 12 and bathroom to unit 1 & 2.*

*Material treatment of south elevation should continue on north elevation.*

**Mandatory:**

*Check with the City of Vincent’s Building Department regarding disability access required under the National Construction Code.*

*Redesign stairs to eliminate stepped landing.*

*Minimise impact of building bulk on northern boundary by shaping stairwell or moving from boundary.”*

The applicant has addressed these design requirements by amending the earlier versions of the plans by:

- Disabled access to be in accordance with Building Code of Australia;
- Stairs re-designed to eliminate stepped landing;
- Further articulation built into northern façade to reduce prominence and bulk on the parapet walls.

Based on the above it is considered that the applicant has met the mandatory requirements and does not need to be referred again to DAC.

Given the proposal is three (3) storeys and complies with the requirement height for the area, no design excellence is required in this instance.

**LEGAL/POLICY:**

The following legislation and policies apply to the Proposed Demolition of Existing Building and Construction of Three Storey Multiple Dwelling Development Comprising of Twelve (12) Multiple Dwellings and Associated Car parking at No. 550 Fitzgerald Street, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 7.1.10;
- Development Guidelines for Multiple Dwellings No. 7.4.8; 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:

<b>ENVIRONMENTAL</b>
The design of the dwellings allow 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.
<b>SOCIAL</b>
The provision of multiple dwellings provides for greater housing choice.
<b>ECONOMIC</b>
The construction of the building will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Technical Services**

An underground power condition is included in the conditions recommended in accordance with the City's Policy 2.2.2 relating to Underground of Power. It is to be noted that planning applications approved by the Development Assessment Panels (DAPs) in recent months have had the underground condition deleted, as the DAP considered that the above underground power condition was not appropriate, which is contrary to the City's Officers view, and as such has been imposed for this proposal.

### **Demolition**

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 7.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval be granted for demolition.

### **Planning**

The subject planning application, and in particular the built form, is considered to generally improve the streetscape, is articulated in design to provide for minimum impact to the adjoining properties and allows for the dwellings to be afforded good light and ventilation. In effect the design will improve the surrounding area through the redevelopment of an underutilised site, which will provide a catalyst for other sites to be developed in the future in the same manner. It is considered the scale of the development is similar to other developments recently approved by the Development Assessment Panels at 482-486, 496 and 538 Fitzgerald Street(s), North Perth. These developments were approved with a height of three storeys, comprising of between fourteen (14) to thirty-seven (37) multiple dwellings respectively and with the support of the DAC.

The design has been through modifications through the DAC process which has enabled a more effective design outcome and presentation. The front setbacks are articulated with good street activation, whilst the bulk of the building is concentrated to the north to reduce the scale and overshadowing to the southern property.

### **Conclusion**

The subject property is located in a prominent location along a district distributor road (Fitzgerald Street) within the City of Vincent, providing extensive opportunities for public transport access from bus networks, thereby lending itself to the development of a multi storey residential development. The above is in line with the Department of Planning future Planning (*Directions 2031*), for densities to be increased along major transport nodes.

In light of the above, the application is recommended for approval subject to the recommended conditions.

**9.2.2 State Underground Power Program – Outcome of Further Community Consultation - Brookman and Moir Streets Heritage Precinct Underground Power Project - Progress Report No. 3**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a> – Consultation Pack Including Project Area Map <a href="#">002</a> – Tabulated Survey Results		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that;**
  - 1.1 a majority of the respondents have indicated that they still support the Brookman and Moir Street Heritage Precinct LEP proceeding, as discussed in the report;
  - 1.2 the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000; and
  - 1.3 the payment for the undergrounding of power would be charged as a 'Service Charge', which under the Rates and Charges (Rebates and Deferments) Act 1992, and would entitle pensioners to receive a 50% rebate on their payments and for seniors a 25% rebate would apply in Year one (1) only and would be capped at \$270;
2. **APPROVES IN PRINCIPLE** the City proceeding with the Brookman and Moir Streets Heritage Precinct LEP Project subject to;
  - 2.1 the full costs being re-couped from the residents and businesses within the project area;
  - 2.2 the State Underground Power Program Steering Committee approving the project and confirming the State Government's contribution; and
  - 2.3 Western Power completing the detailed design and cost estimate including an assessment of any heritage related issues that may arise; and
3. **RECEIVES** a further report/s on the implementation timeline and matters relating to clause 2.

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**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Topelberg, Seconded Cr .....**

**“That a new Clause 4 be inserted as follows:**

**4. The City’s Officer prepare a potential plans for those able to prove financial hardship.”**

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER**

Debate ensued.

**AMENDMENT 2**

**Moved Cr Peart, Seconded Cr Harley**

**“That a new Clause 2.4 be inserted as follows:**

**2.4. An additional seven (7) year option for payment**

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

**MOTION PUT AND CARRIED (7-1)**

**For:** Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald and Cr Topelberg

**Against:** Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.2**

That the Council;

1. **NOTES that;**
  - 1.1 a majority of the respondents have indicated that they still support the Brookman and Moir Street Heritage Precinct LEP proceeding, as discussed in the report;
  - 1.2 the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000; and
  - 1.3 the payment for the undergrounding of power would be charged as a ‘Service Charge’, which under the Rates and Charges (Rebates and Deferments) Act 1992, and would entitle pensioners to receive a 50% rebate on their payments and for seniors a 25% rebate would apply in Year one (1) only and would be capped at \$270;
2. **APPROVES IN PRINCIPLE the City proceeding with the Brookman and Moir Streets Heritage Precinct LEP Project subject to;**
  - 2.1 the full costs being re-couped from the residents and businesses within the project area;
  - 2.2 the State Underground Power Program Steering Committee approving the project and confirming the State Government’s contribution; and
  - 2.3 Western Power completing the detailed design and cost estimate including an assessment of any heritage related issues that may arise; and
  - 2.4 An additional seven (7) year option for payment
3. **RECEIVES a further report/s on the implementation timeline and matters relating to clause 2.**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the further community consultation regarding the Round Four (4) State Underground Power Program (SUPP) – Localised Enhancement Project (LEP) Brookman and Moir Streets Heritage Precinct and seek approval in principle to proceed.

**BACKGROUND:**

In accordance with the Council's decision of 18 December 2012 the City's officers entered into discussions with Western Power to consider the scope of works and the estimated project cost.

Western Power also provided the City with its standard resident/property owner 'survey pack' (cover letter, frequently asked questions and survey sheet) which was to form the basis for the City's public consultation pack.

The electrical design was progressed to a more advanced stage thereby defining the project boundary. A total of one hundred and fifteen (115) properties are located within the project area and in addition to Brookman and Moir Street includes Robinson Avenue between Brisbane Place and Lake Street, Forbes Road and portions of Brisbane Place and Lake Street

The estimated project cost is in the order of \$1.2 million with the potential cost to the ratepayers within the project area of \$950,000 (with the State contributing the remaining \$250,000).

**Ordinary Meeting of 18 December 2012:**

The Council considered a further progress report on the outcomes of the City's Round Five (5) LEP submissions and the option to take up the Round Four (4) Brookman and Moir Streets Heritage Precinct LEP, resulting in the Council making the following decision:

*"That the Council;*

1. *RECEIVES the report on the outcome of the City's State Underground Power Program – Localised Enhancement Project (LEP) Round 5 submissions;*
2. *APPROVES IN PRINCIPLE the City to participate in the Brookman and Moir Streets Heritage Precinct LEP Project subject to;*
  - 2.1 *noting that it is a Round 4 Project;*
  - 2.2 *the costs being re-couped from the residents and businesses within the project area;*
3. *NOTES that the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000;*
4. *AUTHORISES the Chief Executive Officer to;*
  - 4.1 *enter into discussions with Western Power to determine detailed costs and the Scope of Works; and*
  - 4.2 *undertake a SUPP Steering Committee Approved Survey of the residents and businesses within the project area; and*
5. *RECEIVES a further report when clause 4 has been completed."*

**Ordinary Meeting of Council 11 March 2014:**

The Mayor presented a Notice of Motion regarding the LEP project where the following decision was made:

*“That the Council REQUESTS the Chief Executive Officer to undertake an additional round of consultation in relation to the installation of Underground Power in Brookman and Moir Streets to:*

- 1. Further gauge the ratepayers support for this project; and*
- 2. To clarify the ratepayers concerns regarding the total cost of their contribution, the level of funding provided by the State Government and the amount contributed by the ratepayers for this project.”*

**DETAILS:**

**Additional Ratepayer Survey:**

On the 17 April 2014 the City again wrote to the one hundred and thirty (130) property owners within the project area. Note: several properties have joint owners.

*“Based on the information contained in the attached letter, please indicate whether you support the rollout of the underground power program for the precinct, based on an estimated cost of \$8,260 for each property, and with instalments permitted up to a five year period?”*

The consultation pack included the following:

- Contact details for those seeking more information; and
- The Survey form (and reply paid envelope).

As with the initial survey, to ensure the integrity of the survey every consultation pack was numbered and entered against the property. This was to ensure that the survey form was not photocopied and more widely distributed or multiply responses were received from a property. Again this was seen as a necessary precaution because of the significant financial impost involved.

Survey Results

At the close of the survey period 16 May 2014, eighty six (86) responses had been received with a further two (2) responses received after the closing date (both in favour) representing a 67% response rate.

Attachment 002 (Tabulated Survey Results) provides a detailed breakdown of the survey results including comments provided. To ensure confidentiality it does not identify the property from which the response was received.

Of the eighty eight (88) responses received Table 1 below shows the results:

<b>In favour</b>	<b>Not in favour</b>
47	41
53%	46%

Table 1



Table 2 below is a breakdown on a street by street basis of the eighty eight (88) responses received:

Street	Total of properties in Street	Total of non responses	In favour	Percentage on street basis	Not in favour	Percentage on street basis
Brisbane	4	2	1	25%	1	25%
Brookman	32	10	15	46%	7	22%
Forbes	6	3	1	16%	2	33%
Lake	34	6	11	32%	17	50%
Moir	26	5	10	38%	11	42%
Robinson	23	12	8	34%	3	13%
Wellman	3	2	1	33%	0	0%
William	2	2	0	0%	0	0%
	130	44	47		41	

Table 2

**Ordinary Meeting of 19 November 2013 – Previous Consultation results:**

The following results were previously presented to the Council following the initial consultation undertaken in October 2013.

*Of the sixty nine (69) responses received in total Table 3 below summarises the results:*

In favour	Not in favour	Agree to pay	Not to pay	Full payment option	Instalments
50	19	43	23	11	32
72%	28%	62%	33%	16%	46%

Table 3

Officer Comments:

As previously reported to the Council, based on the results of the original survey the SUPP Steering Committee would be very likely to approve the Brookman and Moir Streets Heritage Precinct Round Four (4) LEP.

With the latest (second) survey a slim majority indicated that they are willing to pay for the undergrounding of power and discussions with Western Power indicate that this would still be supported by the SUPP Steering Committee.

The interesting statistic is that previously of the 62 who responded, 43 or 62% indicated they would pay and 23 or 33% indicated they would not pay. In the latest survey of the 88 respondents 47 indicated they would be willing to pay and 41 indicated they would not pay.

So the number willing to pay has stayed constant (with an increase of 4) and the ones not willing to pay (not supporting) went up by 18.

It is therefore considered that as the majority are in favour of the proposal that the Council should proceed with the LEP.

The next stage will be Western Power to complete the design and expects to provide a final budget to the City by the third quarter 2014 to allow construction to commence by the fourth quarter 2014.

**Construction:**

If the Brookman and Moir Heritage Precinct LEP is approved and proceeds to construction Western Power has indicated that, at earliest, it would not be until the latter part of 2014 and into 2015.

**CONSULTATION/ADVERTISING:**

The public consultation/survey was undertaken in accordance with the Council's policy and was based upon the SUPP Steering Committees standard questions. Further, the consultation packs were numbered and entered against the property to prevent duplication to ensure that integrity of the survey results.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** In respect of infrastructure the power network is owned and operated by Western Power Corporation and therefore it is of low risk to the City should the proposal proceed or not.

However the City may be exposed to a low level of financial risk if a property owner were to default on payment of their contribution as the City would be have effectively pre-paid for the works.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2017*, 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.*

*(d) Pursue options and funding for undergrounding of power throughout the City."*

**SUSTAINABILITY IMPLICATIONS:**

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an indentified safety risk and reduces maintenance for Western Power.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City currently has \$1.2 million dollars listed in its 2013/14 budget for the project. However the project is unlikely to proceed until the latter part of 2014.

Western Power and the Public Utilities Office will contribute a maximum of \$250,000, out of the total estimated project cost of \$1,200,000, with any costs over above to be paid by the City.

ITEM	AMOUNT
Total Project Cost	\$1,200,000
Wester Power Contribution	\$250,000
City of Vincent	<u>\$950,000</u>
Amount paid by landowners	\$950,000

**COMMENTS:**

While the City has an opportunity to underground the power supply in the Brookman and Moir Streets Heritage Precinct, it comes at considerable cost to the ratepayers.

However it considered that in light of the results of the public consultation that the officer's recommendation be adopted.

**9.2.4 'Vincent Greening Plan' – Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0234; PLA0253
<b>Attachments:</b>	<a href="#">001</a> – Summary of Submissions <a href="#">002</a> – Vincent Greening Plan 2014 <a href="#">003</a> – Timeline and Budget		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Parker, Project Officer – Parks and Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the submissions received (attached) in relation to the Vincent Greening Plan 2014;
2. **APPROVES** the 'Vincent Greening Plan' 2014;
3. **NOTES** the timeline and budget prepared for the implementation of the 'Vincent Greening Plan' 2014; and
4. **ADVISES** all respondents of its decision.

**Moved Cr Peart, Seconded Cr Topelberg**

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

"That the Council;

1. **CONSIDERS** the submissions received (attached) in relation to the Vincent Greening Plan 2014;
2. **APPROVES** the 'Vincent Greening Plan' 2014;
3. **NOTES** the timeline and budget prepared for the implementation of the 'Vincent Greening Plan' 2014; and
4. **ADVISES** all respondents of its decision; and
5. **AUTHORISES** the Chief Executive Officer to prepare an appendix to the Greening Plan to detail a five (5) year action plan in a similar format to that in the Disability Access and Inclusion Plan, to be presented to the Council no later than 22 July 2014."

Debate ensued.

**Moved Cr Topelberg, Seconded Cr Harley**

That the item be DEFERRED and subsequently reported to the Ordinary Meeting of Council to be held on 8 July 2014.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

**REASONS FOR DEFERRAL:**

The Council requested specific technical information regarding the detailed five (5) year rollout of the plan and to accurately reflect community consultation comments received.

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with the results of the recent community consultation, the timeline and budget for the implementation of the greening projects and to seek approval for the Vincent Greening Plan.

**BACKGROUND:**

**Notice of Motion – 20 December 2011:**

A Notice of Motion was put forward requesting the Chief Executive Officer to investigate the development of a City wide 'Greening Plan' in line with the City of Vincent Strategic Community Plan 2011-2021 and the City of Vincent Sustainable Environment Strategy 2011-2016.

The Vincent Greening Plan was to encompass environmental, social and economic benefits such as:

- the cooling of the built environment from increased trees and tree canopy;
- pollution adsorption;
- carbon sinking;
- stormwater and groundwater water quality improvements;
- an increase in biodiversity;
- cleaner and more attractive streetscapes; and
- a general increase in visual amenity and community well-being.

**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.

**Ordinary Meeting of Council - 25 February 2014:**

The Council approved the implementation of the streetscape enhancements occurring on Oxford Street, Bulwer Street, Vincent Street, Anzac Road and at the corner of Scarborough Beach Road and Oxford Street.

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 – 25 March 2014:**

The Council approved the draft Vincent Greening Plan as well as the consultation to be undertaken by the City's Officers. The Council also requested that a timing and budget be prepared for the implementation and delivery of the Vincent Greening Plan.

**DETAILS:**

In accordance with the Council's decision – 25 March 2014, consultation was undertaken within the community in relation to this proposal by way of advertisement in the local papers, the City's website, Vincent E-News, Vincent Green E-News and hard copies made available at the Administration Centre and Library and Local History Centre. The results of the consultation are summarised below and the comments received are outline in attachment 001.

In Favour	3
Against	0
Neither Support Nor Object	1
TOTAL	4

Late submissions received: 1 (neither support nor object)

Officer's comments:

There has been significant support for the Vincent Greening Plan throughout the 'draft' process from residents, neighbouring Councils and one Council afar. Whilst there were evidently not many comments received during the consultation period, the feedback throughout the process of creating the document has been overwhelmingly positive.

The main concern that has been raised throughout the consultation period is the City's limited ability to mandate requirements on private property and within developments. This is something that has been addressed to the City's best ability in the document, as well as being currently discussed in the forum of the City's Sustainability Advisory Group.

Another concern that has been raised during this process is the view that the objectives and targets set in the plan are not prescriptive enough and as such this may lead to the objectives and targets being unachievable. One submission received, was significantly detailed, with many points relating to many items throughout the plan. These comments have been noted. and where practicable these will be incorporated into the plan.

**CONSULTATION/ADVERTISING:**

The Vincent Greening Plan has been advertised and showcased widely. This includes through the means of:

- The City's website;
- Information Boards used at events;
- Newspaper advertisements;
- Newspaper articles;
- Magazine publications (such as WALGA); and
- Within the City's Administration building and Library.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Approval of the Vincent Greening Plan presents a low risk to the City in terms of implementation and action. Rejecting the Vincent Greening Plan may result in a risk for future generations in relation to poor sustainable development and environmental leadership.

**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:**

Nil.

**COMMENTS:**

After considering the formal and informal submissions pre-consultation and within the consultation period, the local and wider community is in great support of the Vincent Greening Plan. It is therefore recommended that the Vincent Greening Plan be adopted to assist in guiding the City when implementing greening projects and initiatives.

**9.1.2 No. 393 (Lot 2: D/P 1283) Bulwer Street, Corner Gallop Street, West Perth – Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO6191; 5.2014.108.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Report <a href="#">003</a> – Additional Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Rasiah, 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 Hames Sharley on behalf of the owners, B San Tang and D Xa, for Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking at No. 393 (Lot 2; D/P 1283) Bulwer Street, Corner Gallop Street, West Perth and as shown on plans stamp-dated 6 March 2014, and amended plans dated 7 April 2014 subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 395 Bulwer Street, West Perth in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **On-Site Parking - Residential**

A minimum of four (4) residential car bays, are to be provided on site for the residential component of the development;

3. **Car Parking and Accessways**

3.1 The car park shall be used only by residents and visitors directly associated with the development;

3.2 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890.1;

3.3 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of parking area onto the right-of-way; and

4. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City;**

4.1 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 4.1.1 A minimum of 5% or 19.1 square metres of the total site area (private courtyard areas) to be soft landscaped;
- 4.1.2 The location and type of existing and proposed trees and plants.
- 4.1.3 All vegetation including lawns.
- 4.1.4 Areas to be irrigated or reticulated.
- 4.1.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- 4.1.6 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; and

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

**4.2 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;

**4.3 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

- 4.4 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 Director Technical Services;**

**4.5 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:

- 4.5.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and
- 4.5.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the multiple dwellings. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 7.7.1 relating to Parking and Access.

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

**4.5 Revised Plans**

**4.5.1 Street Walls and Fencing (Primary and Secondary Street)**

The proposed walls and fencing to have a maximum pier height of 2.0 metres;

5. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**

**5.1 Clothes Drying Facility**

The multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

**5.2 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 and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

**5.3 Residential Bicycle Bays**

A minimum of two (2) bicycle bay for residents and one (1) visitor bay for visitors to be provided on-site. Bicycle bay must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facility shall be designed in accordance with AS2890.3; and

6. **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 Bulwer Street and Gallop Street;**
2. **No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;**
3. **With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
4. **Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width; and**
5. **A demolition permit shall be obtained from the City prior to commencement of any works on the site.**



**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND LOST UNANIMOUSLY (0-8)**

**(Cr Wilcox was on approved leave of absence.)**

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

**The Council did not approve the setbacks, carparking and the landscaping that were presented.**

**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination, given the proposal is for multiple dwellings.

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	B San Tang and D Xa
<b>Applicant:</b>	Hames Sharley
<b>Zoning:</b>	Residential R80
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	"P"
<b>Use Classification:</b>	Multiple Dwellings
<b>Lot Area:</b>	382 square metres
<b>Right of Way:</b>	Southern Side, 3.0 metre wide, Unsealed and City owned.

The proposed application is for the Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development, Comprising Four (4) Multiple Dwellings and Associated Car parking to the rear.

**ASSESSMENT:**

**Town Planning Scheme/Residential Design Codes Assessment**

<b>Design Element</b>	<b>Complies 'Deemed to Comply' or TPS Clause</b>	<b>OR</b>	<b>'Design Principles' Assessment or TPS Discretionary Clause</b>
<b>Plot Ratio</b>	✓		
<b>Streetscape</b>	✓		
<b>Street Walls and Fencing</b>			✓
<b>Street Setback</b>			✓
<b>Dual Street Frontages</b>			✓
<b>Landscaping</b>			✓

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Lot Boundary Setbacks	✓		
Building Height/ Number of Storeys	✓		
Open Space	✓		
Bicycles			✓
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Utilities & Facilities	✓		
Surveillance	✓		

**Town Planning Scheme/Residential Design Codes Assessment**

Issue/Design Element:	Street Walls and Fencing
Requirement:	<b>Residential Design Elements Policy 7.2.1 SADC 13</b> Maximum Height of Piers – 2.0 metres
Applicants Proposal:	2.1 metres
Design Principles	<b>Residential Design Elements Policy 7.2.1 SPC 13</b> (i) Street Walls and fences are to be designed so that: <ul style="list-style-type: none"> <li>• buildings, especially their entrances, are clearly visible from the primary street;</li> <li>• a clear line of demarcation is provided between the street and development;</li> <li>• they are in keeping with the desired streetscape; and</li> <li>• provide adequate sightlines at vehicle access points.</li> </ul>
Applicant justification summary:	Nil
Officer technical comment:	Not Supported. The applicant to provide compliant fencing in accordance with the Residential Design Elements Policy across the site, with a maximum height of piers to be 2.0 metres. This has been conditioned accordingly.

Issue/Design Element:	Street Setbacks
Requirement:	<b>Residential Design Elements SADC 5</b> Bulwer Street Ground Floor – 4.16 metres Upper Floor – A minimum of two (2) metres behind lower floor
Applicants Proposal:	Ground Floor - 2.048 metres First Floor – 1.08 metres behind
Design Principles	<b>Residential Design Elements SPC 5</b> Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul>

Issue/Design Element:	Street Setbacks
	<p>Variations to the Deemed to Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
<p>Applicant justification summary:</p>	<p><i>The proposed development is the first in the area to redevelop for the use of "Multiple Dwellings". As a result, while the proposed setback (2.048 metres from Bulwer Street and 1.5 metres from Gallop Street) are less than the current streetscape, it should be recognized that this development is the first of its type in the area and is of high quality. The existing setbacks in the area are as follows:</i>  <i>Bulwer Street</i>  <i>6.0 metres, 6.0 metres, 3.5 metres, 3.5 metres, 3.0 metres, 4.5 metres, 4.5 metres, 4.5 metres, 4.5 metres, 4.5 metres.</i></p>
<p>Officer technical comment:</p>	<p>Supported. It is considered that whilst the proposed street setback provides for a variation of approximately 2.0 metres to the street, the ground floor is activated and presents as an attractive frontage to the street. The incursion of a porch feature with its differing materials to the remainder of the ground floor offsets this, and provides for an interesting street appearance.</p> <p>The upper storey itself is articulated in nature, with use of staggered sections of wall together with both flat and pitched roof forms. The inset section of wall containing a balcony further adds to this. The use of openings to habitable rooms allows for solar access to be provided to the upper floor units.</p>

Issue/Design Element:	Dual Street Frontages
<p>Requirement:</p>	<p><b>Residential Design Elements SADC 10</b>                      Upper Floor –                      1.5 metres behind ground floor</p>
<p>Applicants Proposal:</p>	<p>Upper Floor –                      Directly Above</p>
<p>Design Principles</p>	<p><b>Residential Design Elements SPC 10</b>                      Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul> <p>Variations to the Deemed to Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper</p>

Issue/Design Element:	Dual Street Frontages
	floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
Applicant justification summary:	<i>The reduced frontage to Gallop Street is deemed acceptable, as sufficient variety is provided along this frontage in order to provide interest, the proposed building is only 2 storeys tall, and no driveways/garages are impacted.</i>
Officer technical comment:	Supported. The proposed secondary street frontage to Gallop Street is well articulated with use of balconies and window openings, together with staggered sections of wall with flat roofing. The street elevation opens up a previously limited street frontage with Gallop Street and interacts more appropriately with the other dwellings. This also improves surveillance to the street and provides the precedence for the future development of the street.

Issue/Design Element:	Landscaping
Requirement:	<b>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</b> Private Outdoor Living Areas – 19.1 square metres or 5%
Applicants Proposal:	Private Outdoor Living Areas – 16.5 square metres or 4%
Design Principles	<b>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</b> P2
	<ul style="list-style-type: none"> <li>Assists in contributing to the amenity of the locality.</li> <li>Assists in providing a landscaped setting for the building.</li> <li>Assists in the protection of mature trees.</li> <li>Maintains a sense of open space between buildings.</li> <li>Assists in increasing tree and vegetation coverage.</li> </ul>
Applicant justification summary:	Nil
Officer technical comment:	Not Supported. The applicant to provide compliant private landscaping and has been conditioned accordingly.

### Proposed Car Parking

Residential Car Parking	
Medium Multiple Dwelling (75-110 square metres) – One (1) car bay per dwelling – Four (4) dwellings proposed - Four (4) bays required	
Visitors= 0.25 per dwelling (4) dwellings) = 0.25 bays – 1.0 car bay	4.0 Car Bays Proposed (Residents)
Total Required = (5) car bays (4.0 Residential/1.0 Visitors)	'Nil' (Visitor Bays required)
<b>Shortfall</b>	1.0 (Visitor) car bay

The proposed shortfall of one (1) visitor bay is deemed appropriate in this instance given the location of the development site. Within 400 metres of the subject site are well serviced public transport networks, including bus services along Vincent Street and Fitzgerald Street as well as the existence of a 136 car bay Fitzgerald Street Car Park alongside Dorrien Gardens. Based on this proximity of available transport services, including a public car park, it is considered that the visitor carbay shortfall proposed is supported in this instance.

Residential Bicycle Parking		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (4 dwellings – 1.33 or 2.0 required) and 1 bicycle space to each 10 dwellings for visitors(4 dwellings – 0.4 or 1.0):	Proposed:
	two (2) bicycle bays for the residents and one (1) bicycle bay for the visitors.	Nil

The applicant is required to provide one (1) bicycle rack for residents on-site, which has been conditioned accordingly.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	24 April 2014 – 9 May 2014
<b>Comments Received:</b>	Three (3) Comments received with Two (2) Objections and One (1) Comment of Support.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Street Setbacks</u></p> <ul style="list-style-type: none"> <li>Concern in relation to street setback, specifically the front setback proposed and the upper floor.</li> </ul>	<p>Not supported. It is considered that whilst the proposed street setback provides for a variation of approximately 2.0 metres to the street, the ground floor is activated and presents as an attractive frontage to the street. The incursion of a porch feature with its differing materials to the remainder of the ground floor offsets this and provides for an interesting street appearance.</p> <p>The upper storey itself is articulated in nature, with use of staggered sections of wall together with both flat and pitched roof forms. The inset section of wall containing a balcony further adds to this. The use of openings to habitable rooms allows for solar access to be provided to the upper floor units.</p>
<ul style="list-style-type: none"> <li>Concern in relation to the secondary street setback given the design and bulky impact to the street.</li> </ul>	<p>Not supported. The proposed secondary street frontage to Gallop Street is well articulated with use of balconies and window openings, together with staggered sections of wall with flat roofing. The street elevation opens up a previously limited street frontage with Gallop Street and interacts more appropriately with the other dwellings. This also improves surveillance to the street and provides the precedence for the future development of the street.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Height</u></p> <ul style="list-style-type: none"> <li>Concern in relation to the overall building height proposed and its impact on loss of views and amenity.</li> </ul>	<p>Noted. The proposed building height is compliant with the requirements of the Residential Design Codes for properties coded Residential R80. The City does not have any designated views of significance or the requirement in policy to protect them. The controls set out by the Residential Design Codes and Residential Design Elements Policy for maximum height restrictions, and boundary setbacks are considered to provide sufficient control to reduce impact on adjoining properties.</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 proposal was referred to the City's DAC on the 16 October 2013.

***Discussion:***

- Big House Apartment development.*
- Reminiscent of the 1940's maisonette's.*
- A unique site that provides opportunity for this type of development.*
- Enclosed stair entries are a lost opportunity for street activation.*
- Important that the first development set the benchmark and precedent for the desired future street character.*
- Open up stair entry such as on a maisonette.*
- Are winders on public stairs permitted? Remove for a better outcome.*
- Remove entry lobbies to apartments C and D to provide more generous and practical circulation and entry.*
- Annunciate entries. Project main entry, rather than recess, to allow more room for internal circulation. More space will be needed when winders are removed.*
- Develop materials and detail finishes. Articulate entry points. Look at the language and materiality of the maisonette. Look at materiality in the local context.*
- Redesign so that all spaces receive daylight and natural ventilation, with northern solar access to living areas.*
- Reconsider the need for two bathrooms. Combine to provide more generous bathrooms and opportunity for daylighting and natural ventilation to all.*
- Ceiling heights are too low. Increase.*
- Raking ceilings over living areas of the upper floor apartments to add a sense of spaciousness and provide the opportunity to introduce northern solar access to living areas in apartment D - and the stairwell - via skylight or roof window.*

***Mandatory:***

- Improve overall design quality to set the benchmark and precedent for the future desired street character.*
- Improve the quality of internal vertical circulation. Provide a more generous and spacious solution with opportunities for access of natural daylight/ventilation.*
- Improve the design and articulation of entry points.*
- Develop materials and detail finishes. Look at the language and materiality of the traditional maisonette.*
- Redesign so that all spaces receive daylighting and natural ventilation with living areas to receive northern solar access.*
- Increase ceiling heights to living areas. Aim for a minimum of 2600mm.*

**Design Considerations:**

- *Project main entry to relieve pressure on internal circulation.*
- *Remove stair winders and entry lobbies to upper floor apartments.*
- *Open up stair entry such as on a maisonette.*
- *Consolidate bathrooms to provide more space and opportunity for daylighting and natural ventilation to all.*
- *Consider raking ceilings over upper floor living areas to add a sense of spaciousness and to provide opportunity for northern solar access to living areas in apartment D – and the stairwell - via skylights or roof windows.*

**Technical:**

*Confirm compliance of the design of public stairs.”*

The applicant met with the City's Officer's and have also provided the following response to the above DAC comments:

*“Internal vertical circulation and articulation – As suggested the enclosed stair entries have been “externalised” and projected, thereby resolving the technical issues noted, as well as providing natural daylight/ventilation and more generous and practical circulation entry points.*

- *Language and materiality - The external staircase is in keeping with traditional maisonette design along with maintaining the typical all-encompassing roofline.*
- *Ceiling Heights – Increased accordingly. Units A & C have 30c high ceilings (2571mm), and Units B & D have 32c high ceilings (2742mm).*
- *Orientation – Solar access and ventilation to all units has been carefully considered. The lot orientation and restrictive overlooking requirements, coupled with a desire to achieve a street presence and also maintain outlook and passive surveillance to both frontages has limited the solar access of units B & D living areas to eastern daylight. It is suggested the large windows and balconies provided, along with the use of north-west facing light courts, more than adequately compensates for the existing lot orientation.*

*The following issues raised are considered appropriate in this instance for the following reasons:*

- *Materiality of maisonette in the context of local character and contemporary design.*
- *Current market trends and advice received dictate the provision of two separate bathrooms as a desirable.*
- *Housing affordability dictates high ceilings in lieu raked ceilings and roof windows are maintained.*
- *6 out of 8 wet areas are provided with natural ventilation and daylight (a high % considering the nature and limitations of development lot).*

*Subsequent to this meeting we met with the City's Planning Department on the 27th November 2013 to present and discuss the above modifications. It was resolved that the Development Application, subject of this proposal could then be lodged for the consideration of the City.”*

In view of the above amendments noted to the original meeting of DAC, the proposed development as it currently stands is deemed to have met the mandatory requirements of the DAC. Given the proposal is a two (2) storey development, no design excellence is required in this instance.

**LEGAL/POLICY:**

The following legislation and policies apply to the Proposed Demolition of Single Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8; and
- Hyde Park Precinct Policy No. 7.1.12.

**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 building allows for 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.

**ECONOMIC**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.



## **COMMENTS & CONCLUSION:**

### **Heritage Comments**

The subject place located at No. 393 Bulwer Street, West Perth is a rendered brick and corrugated iron roofed dwelling, constructed circa 1908.

The original fenestration of the dwelling appears largely unaltered; however some additions to the rear of the dwelling were undertaken circa 1970. The original timber windows have also been removed and replaced by aluminium sliding windows.

Although representative of a Federation bungalow, the place is not unique, endangered or an outstanding example of its type. Overall, the place has little cultural heritage significance and a full heritage assessment is not warranted.

As such there is no objection to the proposed demolition, subject to a demolition permit being submitted to the City in the event of approval of the application.

### **Comments**

The proposed development provides for variations to the setbacks both to the Bulwer Street and Gallop Street frontages in addition to car parking and landscaping provided on-site. It is considered the proposed built form is of a scale and nature that is appropriate for the site, in addition to a design that has been well considered through the DAC process. The street setbacks proposed provide an articulated and attractive street form that will fit in both with the existing streetscape and the future desired streetscape along a major road such as Bulwer Street.

The car parking proposed on-site has been designed to accommodate the four (4) apartments with no visitor car parking provided, which is supported in this instance. The close proximity of public transport networks including bus services as well as public car parking will offset the lack of visitor car parking provided on-site.

### **Conclusion**

Overall, the proposed development is considered to generally improve the streetscape and surrounding area through the redevelopment of under-utilised sites, which will provide a catalyst for other sites to be developed along Bulwer Street. The proposed variations to car parking and street setbacks are supported given the location and design characteristics of the development.

In light of the above, it is recommended that the proposed development be approved subject to the above mentioned conditions.

**9.1.3 No. 13 (Lot 24; D/P 2324) Grosvenor Road, Mount Lawley – Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Mixed-Use Development Comprising One (1) Office and One (1) Multiple Dwelling and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO3533; 5.2013.564.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	S Doherty, Acting Manager Planning and Building 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 The Drawing Shop on behalf of the owners, New York Chase Pty Ltd, for Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Mixed-Use Development Comprising One (1) Office and One (1) Multiple Dwelling and Associated Car Parking at No. 13 (Lot 24; D/P 2324) Grosvenor Road, Mount Lawley and as shown on amended plans stamp-dated 26 May 2014, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 11 & 15 Grosvenor Road, Mount Lawley in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **Street Interaction**

Windows, doors and adjacent areas fronting Grosvenor Road, Mount Lawley shall maintain an active and interactive relationship with the street;

3. **On-Site Parking – Residential**

A minimum of one (1) residential car bay and one (1) visitor car bay are to be provided on site for the multiple dwelling component of the development;

4. **On-Site Parking Provision – Commercial**

A minimum of One (1) car bay is to be provided for the commercial component of the development;

5. **Car Parking and Accessways**

5.1 The car park shall be used only by residents, tenants and visitors directly associated with the development;

5.2 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890.1;

5.3 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of parking area onto the right-of-way with a maximum height of 0.65 metres within 1.5 metres of the vehicle exit point of the property; and

5.4 The proposed garage sectional roller doors are to be widened to a minimum of 5.2 metres to allow for the obstruction of the central and side pillars;

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

6.1 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Commercial and Mixed-Use Policy for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 6.1.1 The location and type of existing and proposed trees and plants.
- 6.1.2 All vegetation including lawns.
- 6.1.3 Areas to be irrigated or reticulated.
- 6.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- 6.1.5 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; and

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

6.2 **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;

6.3 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

6.4 **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:

- 6.4.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and

- 6.4.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 7.7.1 relating to Parking and Access.

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

6.5 Waste Management Plan/Stormwater Management Plan

Waste Management and Storm Management Plans to be submitted and approved by the City's Technical Services;

6.6 Revised Plans

6.6.1 The piers to the primary street shall have a maximum width of 0.355 metres; and

6.6.2 The maximum solid height of the street wall and fencing shall be 1.2 metres;

6.6.3 The Balcony depth is to be reduced to be in line with the ground floor set back.

6.6.4 The average wall height to be a maximum of 3.5 meters and average of 3 meters

7. PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;

7.1 Clothes Drying Facility

The multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments and the Residential Design Codes of WA 2013;

7.2 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 and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

7.3 Residential Bicycle Bays

A minimum of one (1) residential bicycle bay and one (1) visitor bicycle bay must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

7.4 Commercial Bicycle Bays

A minimum of one (1) Class 3 bicycle bay be provided on-site. The Class 3 bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

8. 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 Grosvenor Road;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
4. 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;
5. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage; and
7. A demolition permit shall be obtained from the City prior to commencement of any works on the site.

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Cole, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Harley**

That the item be DEFERRED for confirmation of the plot ratio calculation compliance.

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

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

**Against:** Cr Topelberg

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination, given the proposal includes a multiple dwelling.

**BACKGROUND:**

28 May 2013	The Council at its Ordinary Meeting approved an application for a change of use from the Existing Single House to Office.
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**DETAILS:**

<b>Landowner:</b>	New York Chase Pty Ltd (T McVee & H McVee)
<b>Applicant:</b>	The Drawing Shop
<b>Zoning:</b>	Residential R40
<b>Existing Land Use:</b>	Commercial
<b>Use Class:</b>	"P" & "SA"
<b>Use Classification:</b>	Multiple Dwelling, Office
<b>Lot Area:</b>	450 square metres
<b>Right of Way:</b>	Southern, 4.0 metre width, Sealed, City owned.

The proposed application is for the Demolition of Existing Dwelling and Construction of Two (2) Storey Mixed-Use Development Comprising One (1) Office and One (1) Multiple Dwelling and Associated Car parking.

**ASSESSMENT:**

**Town Planning Scheme/Residential Design Codes Assessment**

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Plot Ratio	✓		
Streetscape	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Building Height/ Number of Storeys	✓		
Open Space	✓		
Bicycles			✓
Development Guidelines for Commercial and Mixed Use Development Variations			✓
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Utilities & Facilities	✓		
Surveillance	✓		

**Town Planning Scheme/Residential Design Codes Assessment**

<b>Issue/Design Element:</b>	<b>Street Setbacks</b>
Requirement:	<p><b>Residential Design Elements Policy 7.2.1 SADC 5</b> Upper Floor Balconies are to be setback 1 metre behind the lower floor building line. Upper walls are to be setback 2 metres behind the lower floor building line.</p>
Applicants Proposal:	<p>Upper Floor Balcony overhangs ground floor by 2.6 meters. The upper floor wall has a nil setback from the lower floor building line.</p>
Design Principles	<p><b>Residential Design Elements Policy No. 7.2.1 SPC 5</b> Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“The balcony provides protection to the northern glazing; also provides shelter to entry and; bicycle parking shelter. The upper floor walls setback has been reduced to increase to 0.6 metres on the east and 1.58 metres on the west to moderate the impact of the development. Finishes vary as wall stagger to create visual interest.”</i></p>
Officer technical comment:	<p>Not Supported. The proposed design of the dwelling is not in keeping with the existing streetscape in which the upper floor balcony protrudes in front of the ground floor. The City accepts the proposal is for a contemporary design, however the balcony will create an undesirable precedent for future development. Amended plans are required to reduce the balcony depth to be in line with the ground floor set back. The balcony has been conditioned accordingly. On balance the location of the site as a buffer location between commercial/car park uses and residential uses, and allows for some discretion to be applied for the built form being proposed.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4 C4.1</b>  <b>Ground Floor:</b>                      Eastern elevation:                      1.5 metre  <b>Upper Floor:</b>                      Western elevation:                      2 metres  <b>Walls on boundary:</b>                      On one side of the boundary                      Average height - 3 metre or less</p>
Applicants Proposal:	<p><b>Ground Floor:</b>                      Eastern elevation:                      1.02 metres  <b>Upper Floor:</b>                      Western Elevation:                      1.58 metres                      On two side boundaries                      Average height - 3.3 metres</p>
Design Principles	<p><b>Residential Design Codes Clause 6.1.4 P4.1 and P4.2</b>                      P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
	<p>P4.2 In mixed use development, in addition to the above:</p>
	<ul style="list-style-type: none"> <li>• side boundary setbacks to retail/commercial component of the development is in accordance with the existing street context, subject to relevant scheme provisions.</li> <li>• retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses</li> </ul>
Applicant justification summary:	<p><i>“The single parapet wall to garage allocated for public art. West boundary garage parapet to match/align with neighbouring garage parapet wall, entry parapet height reduced.”</i></p>
Officer technical comment:	<p>Partly Supported. On balance the proposed setback variations will provide for limited impact to the adjoining and adjacent properties. The presence of highlight window openings along the eastern and western facades will provide sunlight and ventilation to the residential unit whilst the openings to the front of the building will allow for passive sunlight and cross ventilation to the commercial use.</p> <p>The boundary parapet wall variation to the permitted average height provisions of the Residential Design Codes should be complied with, and conditioned accordingly.</p>



<b>Issue/Design Element:</b>	<b>Commercial and Mixed Use Policy</b>
Requirement:	<p><b>Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12</b></p> <p><b>Ground floor Frontage</b> 80% of the width of the street frontage of each individual occupancy is to provide clear glazing to ground street.</p> <p><b>Landscaping</b> Landscaping to be provided for a minimum width of 2.0 metres including deep soil planting, including a minimum of 100 litre trees at a maximum spacing of 5 metres across the full length of the site and/or retention of existing mature trees and vegetation incorporated into the rear of the proposed development as a buffer to the rear abutting property.</p> <p><b>Fencing and gates</b> Street Walls and fences within the front setback area to the primary street are not permitted for Commercial and Mixed-Use Developments.</p> <p><b>Access</b> Where vehicular access is provided from a street, all vehicles are required to enter and exit the site in forward gear.</p>
Applicants Proposal:	<p><b>Ground Floor Frontage –</b> 43.75%</p> <p><b>Landscaping</b> Landscaping not incorporated into rear of the site as it is utilised for garaging and has been taken for ROW widening.</p> <p><b>Fencing and Gates</b> 1.3 metre high fence on half of the frontage (solid).</p>
	<p><b>Access</b> Visitor/disable space unable to exit in forward gear.</p>
Design Principles	<p><b>Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12</b></p> <p>P2.1 Commercial and Mixed Use developments shall integrate with adjoining streets, laneways, parks and other public spaces; provide building frontages that contribute to the liveliness, interest, comfort and safety of adjacent streets, laneways, parks and other public spaces; and provide for passive surveillance of streets, laneways, parks and other public spaces.</p>
Applicant justification summary:	<p><i>“A glazing reduction is requested; to minimize the visual impact of the commercial use; and to minimize the need for protection to the north facing glazing which would detract from the glazing itself.</i></p> <p><i>1.3 metres (nominal) high to approximately 40% of the northern (street) boundary. Note: 1.3 metres visually permeable fence returns along Eastern boundary to increase surveillance.”</i></p>

Issue/Design Element:	Commercial and Mixed Use Policy
Officer technical comment:	<p>Supported. The proposed office use on the ground floor provides good connection with the street with two large windows and entry statements to both the commercial and residential entry points.</p> <p>The existing driveway at the front of the property will provide access for the accord bay.</p> <p>The proposed street walls are considered to be supportable as they maintain the residential appearance of the building and are of a low scale and aesthetically pleasing. The street walls are to be a maximum height of 1.2 metres solid and conditioned accordingly.</p>

**Proposed Car Parking**

<b>Commercial Car Parking</b>	
Office – 1 space per 50 Net Lettable Area – 104.96 square metres – 2.10 Required = 2.1 car bays= 2.0 car bays	2.0 car bays
Adjustment Factors 0.80 – The development is located within 400 metres of a bus route 0.80 – The development is located within 200 metres of an existing off-street public car park with in excess of 50 car bays.	0.64 car bays 1.28 car bays
Proposed Car Parking Bays on-site	4.00 car bays
<b>Surplus</b>	<b>2.72 car bays</b>

As per the City's Parking and Access Policy No. 7.7.1 the whole car parking provided on-site is allocated to the commercial use initially, with the remaining car bays to the Residential use of the site.

<b>Residential Car Parking</b>	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (1 dwelling)= 1.00 car bay Visitors= 0.25 per dwelling (1 dwelling) = 0.25 bays or 1.0 car bay  Total= Two (2) car bays (1 Residential/1 Visitors)	Proposed 1.00 Car bay for the residential component
<b>Surplus/Deficit</b>	Nil car bays for residential visitors and as such one (1) commercial car bay is to be utilised as a visitor bay for the residential use. This has been conditioned accordingly

Residential Bicycle Parking		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (1 dwellings – 0.33 or 1.0 bay required) and 1 bicycle space to each 10 dwellings for visitors(1 dwellings – 0.1 or 1.0): Required: One (1) Residents Bay and One (1) Visitor Bay	Proposed: Bicycle Area at the Front of the building.

Commercial Bicycle Parking		
<b>Bicycle Parking</b>	Office: 1 space per 100 square metres net lettable area (104.96 square metres)– 1.05 – 1.00  Total Bicycle spaces – 1.00 Class 2 Facilities - 35% of required (1) spaces – 0.35 spaces or Nil  Class 3 Facilities – 65% of required (1.0 space – 0.65 spaces or 1 space.	Proposed – Allocated Area  Office – Bicycle Area Allocated to front of building

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	8 May 2014 – 22 May 2014
<b>Comments Received:</b>	Two (2) Comments received with One (1) Objection and One (1) Comment of Support.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Use</u></p> <ul style="list-style-type: none"> <li>The proposal includes a substantial commercial element in a residential zone. This is a threat to the amenity of the residential area.</li> </ul>	<p>Not supported. It is considered the proposed mixed-use development is appropriate for this location given the site is considered as a buffer site, according to the Commercial and Mixed Use Policy No. 7.5.12, as the lot abuts a City of Vincent owned car park and is adjacent to the Beaufort Street commercial shopping strip. The concept of the mixed-use allows for a better transition from commercial to residential uses. It is noted that the existing house on the subject site has previously been approved as an office use and the proposed mixed-use is however considered a better outcome.</p>
	<p>It is considered the residential appearance incorporates well into the existing street layout and the contemporary design will enhance the streetscape.</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

It is considered the proposed development is of a residential appearance and design, with the multiple dwelling located on the second floor well accommodated in terms of liveable area, access and provision of car parking and therefore negating the need for referral to the City's DAC.

**LEGAL/POLICY:**

The following legislation and policies apply to the Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Mixed-Use Development Comprising One (1) Office and One (1) Multiple Dwelling and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Commercial and Mixed Use Policy No. 7.5.12;
- Norfolk Precinct Policy No. 7.1.10.

**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."*

<b>ENVIRONMENTAL</b>
The design of the building allows for adequate light and ventilation.

<b>SOCIAL</b>
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City which are anticipated to grow.

<b>ECONOMIC</b>
The construction of the building and provision of an office use will provide short and long term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Heritage Comments**

The proposed development application involves the demolition of the existing property at No. 13 Grosvenor Road, Mount Lawley. The subject property is not listed on the City's Municipal Heritage Inventory (MHI) or the MHI review List.

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 7.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition.

### **Planning Comments**

The proposed development is considered to generally improve the streetscape and surrounding area through the redevelopment, which will provide a catalyst for other sites to be developed along this section of Grosvenor Road. The site is considered as a buffer site according to the City's Commercial and Mixed-Use Policy and it will assist in the creation of a smooth transition from the commercial uses and car park to residential uses.

The proposed office use on the ground floor is considered to be an adequate buffer from the existing commercial and retail uses of Beaufort Street and the adjoining public car park. It is considered that buffer sites permit uses which are low scale, low intensity and comprise interactive uses which may serve the day-to-day needs of the local population. The office use is considered to be of a small scale and low intensity and operate on a typical work week function. The use of the premises in both a commercial and residential nature will also enable the provision of an alternative form of housing in the locality.

### **CONCLUSION**

Overall, the proposed variations to street setback, lot boundary setbacks and the Commercial and Mixed Use Policy are supported, given the presence of an interactive street frontage, articulation in building bulk and a contemporary residential upper storey layout.

In light of the above, it is recommended that the proposed development be approved subject to the above mentioned conditions.

**9.2.3 'Adopt a Verge Program' – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0153
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Parker, Project Officer – Parks and Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. NOTES the progress of the 'Adopt a Verge Program' at the conclusion of the first (1<sup>st</sup>) round of the program (April 2014); and
2. RECEIVES a further progress report on the 'Adopt a Verge Program' following the conclusion of the second (2<sup>nd</sup>) round of the Program (August 2014).

Moved Cr Buckels, Seconded Cr Topelberg

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

"That the Council;

1. NOTES the progress of the 'Adopt a Verge Program' at the conclusion of the first (1<sup>st</sup>) round of the program (April 2014); and
2. RECEIVES a further progress report on the 'Adopt a Verge Program' following the conclusion of the second (2<sup>nd</sup>) round of the Program (August 2014); and
3. APPROVES an additional third (3<sup>rd</sup>) round of the Program (October 2014) due to the popularity of the programme and the positive response from residents to date."

**AMENDMENT**

Moved Cr Buckels, Seconded Cr Pintabona

"That a Clause 2 be amended to read as follows:

2. RECEIVES a further progress report on the 'Adopt a Verge Program' following the conclusion of the second (2<sup>nd</sup>) round of the Program no later than (August September 2014); and

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.3**

"That the Council;

1. NOTES the progress of the 'Adopt a Verge Program' at the conclusion of the first (1<sup>st</sup>) round of the program (April 2014);
2. RECEIVES a further progress report on the 'Adopt a Verge Program' following the conclusion of the second (2<sup>nd</sup>) round of the Program no later than (September 2014); and
3. APPROVES an additional third (3<sup>rd</sup>) round of the Program (October 2014) due to the popularity of the programme and the positive response from residents to date."

**PURPOSE OF REPORT:**

To update the Council on the progress of the 'Adopt a Verge Program' after the first (1<sup>st</sup>) round of works were completed in April 2014.

**BACKGROUND:**

**Notice of Motion – 19 November 2013:**

A Notice of Motion was presented by Mayor John Carey requesting the Chief Executive Officer investigate and develop an 'Adopt a Verge Program' as an extension of the 'Vincent Greening Plan'.

The objectives of the 'Adopt a Verge Program' were to include:

- to encourage ratepayers to care for their front and nearby verges;
- to provide a focus on native and waterwise plants;
- to provide incentives and assistance to those wishing to participate in transforming their verge; and
- to make the application process simple, fair and accessible to rate payers.

**Ordinary Meeting of Council – 17 December 2013:**

The Council considered a report and approved the proposed amendment to Policy No. 2.2.4 'Verge Treatments, Plantings and Beautification' to incorporate the 'Adopt a Verge Program' which will be made available to ratepayers twice per year; in April and August, to coincide with the Local Native Plant Sale.

**DETAILS:**

A total of thirty six (36) verges were approved as part of the first (1<sup>st</sup>) stage of the program and preparation works which included boxing out and mulching were undertaken during the months of March and April 2014.

At the Local Native Plant Sale held on 19 April 2014, a total of thirty three (33) vouchers were redeemed resulting in a total of six hundred and sixty (660) local native plants being planted on these verges.

The second round of works, to be implemented in June/July before the August plant sale is now fully subscribed with thirty eight (38) verges already approved. The overflow of applicants is now being shortlisted for the April 2015 program.

Officers Comments:

The City has engaged a suitably qualified contractor to undertake the works. It is considered that this type of works required the services of a proficient person and any extension of the program would be difficult to manage effectively.

**CONSULTATION/ADVERTISING:**

The 'Adopt a Verge Program' was extensively advertised through channels such as the City's website, articles and advertisements in the local papers, local government magazine coverage, hard copies of the application form being available from the foyer of the City's Administration, at the Library and Local History Centre and various City of Vincent attended local events.

**LEGAL/POLICY:**

The 'Adopt a Verge Program' was conducted in accordance with Policy No. 2.2.4 'Verge Treatments, Plantings and Beautification'.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The 'Adopt a Verge Program' presents a low risk to the City during the implementation phase. The program may present a slightly higher risk if the transformed verges are not cared for adequately with the potential to impede sight lines.

**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:**

The 'Adopt a Verge Program' demonstrates the City's commitment to sustainable development and is a fine example of environmental leadership. The program will assist residents to reduce their water consumption, increase biodiversity, improve the aesthetics of the front verge area and connect with their neighbours.

**FINANCIAL/BUDGET IMPLICATIONS:**

At the Ordinary Meeting of Council held 17 December 2013, \$30,000 was approved to fund the 'Adopt a Verge Program'.

Budget Amount:	\$30,000
Spent to Date:	\$20,405*
Balance:	\$ 9,595

\*Note: The City is still waiting on invoices to the total value of approximately \$10,000.

Based on the figures listed above, it is estimated that each verge is costing the City between \$700 and \$1,000. The majority of this cost is emanating from the boxing out of the verge and the removal/disposal of the organic material resulting from this process.

In the draft 2014/2015 budget, \$54,000 has been listed for the 'Adopt a Verge Program'. As thirty eight (38) verges have already been approved for the August round, and the popularity of the program continues to rise, it is unlikely that the budgeted amount will be sufficient.

However, it has been identified that some potential savings may be realised within the 'Vincent Greening Plan' budget, which may be utilised to complete the remainder of the 'Adopt a Verge Program' applications or alternatively additional funding maybe requested through a mid-year budget review.

**COMMENTS:**

The 'Adopt a Verge Program' has proven to be very successful to date and the August round has already attracted numerous applications and interest. The program has promoted significant conversation among residents, the local community and other local Councils and it is therefore recommended that the 'Adopt a Verge Program' continues to be funded and run as an initiative and extension of the 'Vincent Greening Plan'.



**9.3 CORPORATE SERVICES**

Nil.

**9.4.1 Parking Facility at North Perth Plaza Shopping Centre**

<b>Ward:</b>	North	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	North Perth	<b>File Ref:</b>	LEG0047; PRO0093
<b>Attachments:</b>	<p><a href="#">001</a> – Parking Stations Under Care, Control and Management by the City of Vincent                  002 – (Confidential) Agreement between Town of Vincent and The Owners of Strata Plan 19810 (North Perth Plaza Shopping Centre)</p>		
<b>Reporting Officer(s):</b>	S Butler, Manager Ranger and Community Safety Service		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council:

- NOTES that the owners of STRATA PLAN 19810 (North Perth Plaza Shopping Centre) intend to terminate the Parking Agreement with the City of Vincent, effective from 16 June 2014; and**
- APPROVES BY AN ABSOLUTE MAJORITY an amendment to the City of Vincent Parking Stations under the Care, Control and Management, to delete the North Perth Plaza Car Park, as a designated parking station within the City of Vincent.**

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

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

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to advise Council that the owners of Strata Plan 19810 (North Perth Plaza Shopping Centre) intend to terminate the agreement it has with the City to manage the enforcement of the North Perth Plaza Shopping Centre Car Park, effective 16 June 2014. Further, to amend the Parking Stations under the Care, Control and Management of the City, by deleting the North Perth Plaza Shopping Centre Car Park as a designated parking station.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 13 February 2007, the Council resolved to amend its Local Law Relating to Parking Facilities to include North Perth Plaza Car Park as designated parking station.

On 27 December 2007, the City entered into an agreement with the owners of Strata Plan 19810 (North Perth Plaza Shopping Centre) to undertake parking enforcement duties at the North Perth Plaza Car Park.

At the Ordinary Meeting of Council held on 10 May 2011, the Council resolved to amend its Local Law relating to Parking Facilities to enable the Council, to amend the location and times for ticket machine zones and parking stations without having to go through a formal Local Law amendment process.

**DETAILS:**

On 16 May 2014, the City received advice from Smithwick Strata Services that the owners of Strata Plan 19810 (North Perth Plaza Shopping Centre) intended to terminate the aforementioned agreement with the City. The agreement at clause 3.1 entitles the owner to elect to have the control and management of the car park returned to the owner after providing the City with one (1) months notice.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Planning have advised the removal of the North Perth Plaza Car Park as designated parking station will have no effect on the City's Strategic Parking Plan.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no budget implications. The City has issued nine (9) infringements at the North Perth Plaza Shopping Centre Car Park over the last four (4) months, with a total value of \$540.

All signage and line marking were funded by the owner.

**COMMENTS:**

The owners of the North Perth Plaza Shopping Centre intend to utilise a private operator, 'Secure Parking' to manage the car parking facility at the Centre.

**9.4.3 Mount Lawley Subway Artwork Concept – Progress Report No. 1**

<b>Ward:</b>	North	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Forrest, Banks	<b>File Ref:</b>	PRO4115
<b>Attachments:</b>	<a href="#">001</a> – Original Artwork Proposal <a href="#">002</a> – Revised Artwork Proposal		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Y Coyne, Coordinator Arts & Creativity A Birch, A/Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the revised Artwork Concept for the Mount Lawley Subway.

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED (7-1)**

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

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

To update the Council on the revised Mount Lawley Subway Artwork Concept and seek approval of the revised design.

**BACKGROUND:**

July 2009 Michael Sutherland, MLA Member for Mount Lawley, wrote to the then Mayor of the Town of Vincent concerning the neglected state of the Subway and stating the City of Bayswater would 'drive' an upgrade. The letter stated that the City of Bayswater will be in contact to further progress the project.

October 2010 The City of Vincent Officers met with Officers from the City of Bayswater to discuss the project.

June 2012 The Chief Executive Officer of the City of Bayswater requested the City to contribute \$10,000 to the project. The amount was based on the length of Subway (southern side) within the City of Vincent. It was confirmed to the City of Bayswater that Vincent had made provision for \$10,000 in its 2012/2013 Operational Budget for the project.

12 November 2012 The City received a letter from the City of Bayswater seeking approval of the artwork concept for the Mount Lawley Subway, as shown in Appendix 9.4.3A.

- June 2012                    The City of Bayswater accepted the State Graffiti Grant of \$15,000 from the Strategic Crime Prevention Division WA Police and contributed \$5,000 towards the joint Cities of Bayswater, Stirling and Vincent project for the beautification of the Mt Lawley Subway.
- The City of Bayswater facilitated design workshops, liaison, contracts and approvals for the project works with the three local governments, Main Roads WA (MRWA) and the Public Transport Authority (PTA).
- 4 December 2012        At the Ordinary Meeting of Council held on 4 December 2012, the Council resolved as follows:
- “That the Council APPROVES part of the artwork concept for the Mount Lawley Subway which is within the City of Vincent, as shown in Appendix 9.4.3, with a total contribution of \$10,000 towards the project.”*
- December 2013            Protracted negotiations for the method of installing the artwork onto the bridge structure, access and maintenance arrangements resulted in the PTA not giving their approval for the project until late December 2013.

#### **DETAILS:**

The Mount Lawley Subway walls fall within the boundaries of three (3) Local Governments; the City of Bayswater, City of Stirling and City of Vincent. There has been correspondence between the Councils since 2009 regarding an upgrade which would include artwork, as detailed above.

The final design for the artwork as shown in Appendix 9.4.3B developed from the original concept that was workshopped in the second half of 2012 with interested community members and the lead artist, Hurben.

#### **Community engagement**

The artist completed two (2) workshops with four (4) young people from the City of Bayswater. These workshops contributed to the final design. The young people chose the colour scheme and identified the following key themes:

- Water – emblematic of humanity being underwater, utilising the below ground Subway rail crossing location;
- Australia – using the suggestion of key Australian brands throughout the artwork to address local significance; and
- The need for people to rise above the current global challenges

The City of Vincent was invited to encourage young people that live within the City to participate in the workshops however there was no uptake from the community. The opportunity was advertised through schools and email databases.

#### **Final Artwork**

The Subway artwork was refined with the underwater theme, highlighting the sensation of movement and reflecting the sounds created by the road environment. The underwater setting fits in with the ambience and lighting of the site. Iconic patterns wrap the fish to mirror the vehicles and the direction they are travelling in, in order to capture the viewers, so they see their reflection and find contemplation as an animal in the world.

The City’s Officers sought clarification on permissions of the use of logos and flags in the artwork. The City of Bayswater Officers responded saying permissions have been granted from the various companies depicted in the artwork and consultation with the Department of Aboriginal Affairs for the use of the Aboriginal Flag.

### **Artwork Application Process**

The City of Bayswater will project management the remainder of the project, which is due to be completed prior to 30 June 2014 due to the funding received through a State Graffiti Grant.

For the artwork to be completed cleaning and base coat preparation of the walls will be undertaken as soon as possible.

The artwork itself will take five (5) to seven (7) days to complete.

The Subway is predominantly used by vehicular traffic and pedestrian pathways exist on both sides. An approved Traffic Management Plan for day and night works is in place.

### **CONSULTATION/ADVERTISING:**

Due to the location being low in residential properties, consultation was considered unnecessary.

### **LEGAL/POLICY:**

Policy No. 3.10.9 – ‘Public Murals’.

### **RISK MANAGEMENT IMPLICATIONS:**

Low: The project is to be managed by the City of Bayswater.

### **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:**

The artwork will be coated with graffiti proof varnish giving it a life span of approximately ten (10) years.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter was \$10,000 under the 2012/2013 financial budget.

### **COMMENTS:**

The Subway has been an eyesore for some time. Whilst this project has taken a significant time to progress, it is in the final stages of painting and completion. The revised artwork, whilst different from the original design, is the result of community workshops through the City of Bayswater. Officers from Bayswater have indicated that the State Graffiti Grant will expire if the mural is not completed by 30 June 2014.

#### **9.4.4 Placemaking Initiatives in Mount Hawthorn Town Centre**

<b>Ward:</b>	North	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	Mount Hawthorn Centre (2); Mount Hawthorn (1)	<b>File Ref:</b>	CMS0057
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Doy, Place Manager A Birch, Acting Manager Community Development J van den Bok, Manager Parks & Property Services C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

#### **OFFICER RECOMMENDATION:**

That the Council **APPROVES**;

- 1. Street Tree Planting on Flinders Street in Mount Hawthorn;**
- 2. Bicycle Parking Infrastructure installation at select locations on Scarborough Beach Road in Mount Hawthorn;**
- 3. The appointment of a contractor to add local businesses and key destinations onto Google Maps for the Mt Hawthorn Hub;**
- 4. Stencilled pavement signage to direct pedestrians to important locations in the Mount Hawthorn Town Centre; and**
- 5. A Street Performer Fund to fund street performers in the Mount Hawthorn Town Centre.**

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#### **COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Cole, Seconded Cr Harley**

That the recommendation be adopted.

Debate ensued.

Cr McDonald departed the Chamber at 8.00 pm.

Debate ensued.

Cr McDonald returned to the Chamber at 8.05pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

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#### **PURPOSE OF REPORT:**

The purpose of this report is to provide Council with a progress report on the Mount Hawthorn Hub's activity to date and seek approval for a variety of Placemaking initiatives in the Mount Hawthorn Town Centre.

**BACKGROUND:**

24 September 2013 At the Ordinary Meeting of Council held on 24 September 2013, the Council resolved to approve sponsorship of \$45,000 to deliver two (2) small events in Mount Hawthorn in the 2013/2014 Financial Year.

25 March 2014 At the Ordinary Meeting of Council on 25 March 2014, the Council resolved as follows:

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY to reallocate the remaining funds of \$16,500 for the Late Night Shopping Event towards Place Making projects within the Mount Hawthorn Town Centre.”*

**DETAILS:**

The Mount Hawthorn Hub (The Hub) is a newly formed Precinct Group. The Group has held one (1) ‘Up Late in Mount Hawthorn’ event to-date, which was held on Friday, 6 December 2013 from 4pm to 9pm.

The event ran along Scarborough Beach Road from Oxford Street to Coogee Street, including Axford Park. Axford Park was transformed into an intimate venue featuring live music under the gazebo, food vendors and a pop up bar.

Following the event on 6 December 2013, the Hub experienced some difficulties with their governance structure and establishing themselves as a legitimate representative group of the local Mount Hawthorn Town Centre community. Council approved the balance \$16,500 remaining from the event budget to be redirected toward Placemaking projects in the Mount Hawthorn Town Centre.

Since the Council’s decision on 14 March 2014, the Hub has taken significant steps to improve their governance structures, membership base and communication with the local community.

The Hub held their first Annual General Meeting (AGM) on the 30 April 2014 at The Peasant’s Table in Mount Hawthorn after a well coordinated advertising campaign. The AGM was successful in expanding the Hub’s current executive member base from three (3) to ten (10) persons. It also effectively communicated the Hub’s intent and aims to key stakeholders in the local community.

The Hub held a well attended community engagement session to support the development of the Mount Hawthorn Community Plan on 15 May 2014. The community session effectively established Mount Hawthorn Town Centre’s strengths, issues, and areas of potential. The community session began a conversation with the local community about place improvement, building collegiality among business and residents and active community involvement. This information is planned to be supplemented by further engagement sessions to be held at Menzies Park on Sunday, 8 June 2014 and again at The Mezz on Saturday, 14 June 2014. The information from these sessions will be crucial to the formulation of the Community Plan including matters the City may be able to direct funding and resources toward.

The Mount Hawthorn Community Plan is not due to be complete until August 2014. With the help of the City’s Officers, the Hub have identified the following initiatives that will bring immediate benefits using their remaining \$16,500 which was re-allocated to Placemaking initiatives for the Mount Hawthorn Town Centre.



### **Street Tree Planting**

Key sections of the Mount Hawthorn Town Centre would benefit from street trees being planted. Priority areas include:

- Scarborough Beach Road abutting the Telstra Exchange;
- Flinders Street (adjacent to the Mezz); and
- Western side of Coogee Street north of Scarborough Beach Road.

The Hub has identified Flinders Street as the major priority for street trees. The other priority areas will be addressed in the future.

### **Flinders Street**

Flinders Street is an important north/south secondary street, and provides a direct connection between Scarborough Beach Road and the Mezz. Flinders Street lacks any shade and is an uncomfortable walk for pedestrians, thus undermining the importance of this connection. It is recommended that eleven (11) *Eucalyptus Nicholii* (Peppermint Gum's) be planted on the eastern side of Flinders Street as shown in Figure 1 below.



*Figure 1: Flinders Street – Hot Spot*     *Figure 2: Eucalyptus Nicholii (Peppermint Gum)*

### **Bicycle Parking**

Mount Hawthorn is reasonably well serviced by bicycle parking facilities. There is however an opportunity to refine the offer by providing racks at the following locations:

1. In front of the Ladder Cafe. The owner has expressed interest in a new bicycle rack;
2. Directly opposite the Ladder Cafe on the north side of Scarborough Beach Road;
3. In front of Casa Bianchi; and
4. In front of the Cabin and Antedote Living.

### **Google Map Updating**

Google Maps is a common mapping platform the community uses to locate key destinations and businesses. Currently very few businesses are registered on Google Maps and some key destinations within the Mount Hawthorn Town Centre are missing. The Hub has identified a consultant capable of liaising with the business community and adding those businesses to Google Maps that are interested in increasing their exposure to the broader community.

### Stencilled Pavement Signage Fund

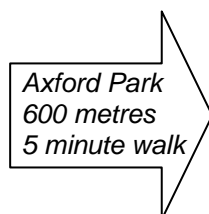
Connectivity between key locations could be improved through informal signage. It is proposed to provide stencilled pavement signage directing pedestrians to the following locations:

- Axford Park;
- Braithwaite Park;
- Menzies Park;
- Glendalough Train Station;
- North Perth Town Centre; and
- The Mezz.



Figure 3: Example of Stencilled Signage

The stencil text will be limited to the destination, distance to the destination, walking time and a directional arrow. For example:



### Street Performance Fund

Street performers provide noise and action which is critical in developing street life and vibrancy. In order to spark a cultural change of street performance it is recommended that a fund be created where local and renowned performers can perform for a small fee. Once the fund is exhausted street performers will need to play without financial assistance.

#### CONSULTATION/ADVERTISING:

Nil.

#### LEGAL/POLICY:

Nil.

#### RISK MANAGEMENT IMPLICATIONS:

**Low:** Street trees, bike racks and street performers provide a low risk to pedestrians.

**STRATEGIC IMPLICATIONS:**

The City's Plan for the Future, *Strategic Plan 2013 – 2017*, the following Objectives state:

- “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.*
- 3.1 *Enhance and Promote Community Development and Wellbeing:*  
3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*  
3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable

**FINANCIAL/BUDGET IMPLICATIONS:**

There is currently \$16,500 allocated to Placemaking initiatives in the Mount Hawthorn Town Centre. It is proposed that this \$16,500 be spent as outlined below:

Item	Amount
Street Tree Plantings	\$10,000
Bicycle Parking Infrastructure	\$1,500
Google Map Directory	\$1,500
Stencilled Pavement Signage Fund	\$500
Street Performer Fund	\$3,000
<b>Total Spend</b>	<b>\$16,500</b>

**COMMENTS:**

At the Ordinary Meeting of Council on 14 March 2014 the Council resolved to allocate \$16,500 to Placemaking initiatives in the Mount Hawthorn Town Centre. The Mt Hawthorn Hub with the support of the City Officers have identified the following initiatives to be implemented:

- Selected Street Tree Plantings;
- Bicycle Parking Infrastructure;
- Google Map Directory;
- Stencilled Pavement Signage Fund; and
- Street Performance Fund.

The Mount Hawthorn Community Plan will outline ways in which Council can further direct funding and resources to improve the Town Centre.

**9.4.5 Paddington Ale House, No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, Mount Hawthorn – Extended Trading Permit (ETP) for Special Occasion or Function**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2014
<b>Precinct:</b>	Mt Hawthorn Centre (2)	<b>File Ref:</b>	PHI0362; PRO1137; ENS0053
<b>Attachments:</b>	<a href="#">001</a> – Map of Licensed Premises <a href="#">002</a> – FIFA World Cup 2014 Policy from the Department of Racing, Gaming and Liquor		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C D'Agostino, Acting Senior Environmental Health Officer Will Pearce, Manager Health and Compliance Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding the Extended Trading Permit (ETP) application for a Special Occasion or Function at the Paddington Ale House located at No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, Mount Hawthorn;
2. **SUPPORTS** the application for the ETP for a Special Occasion or Function at the Paddington Ale House, for the proposed extended trading hours during the FIFA World Cup 2014 given the premises' history of compliance and compliance with the conditions of the FIFA World Cup 2014 Policy issued by the Department of Racing, Gaming and Liquor (DRGL); and
3. **AUTHORISES** the Acting Chief Executive Officer to submit a formal letter of support for the ETP for a Special Occasion or Function to the Director of Liquor Licensing, DRGL.

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 8.10pm

**MOTION PUT AND LOST (3-4)**

**For:** Cr Buckels, Cr Cole and Cr McDonald

**Against:** Presiding Member Mayor Carey, Cr Harley, Cr Peart and Cr Topelberg

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

(Cr Wilcox was on approved leave of absence.)

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

The impact the extended hours would have on the local residents in the vicinity of the hotel.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that the Paddington Ale House located at No. 141 Scarborough Beach Road, Mount Hawthorn has applied to the DRGL for an ETP for a Special Occasion or Function for extended trading hours from 14 June 2014 to 14 July 2014 during the FIFA World Cup 2014.

**BACKGROUND:**

The Paddington Ale House's Liquor License allows it to trade during the following hours:

- 6:00am and 12:00 midnight Monday to Saturday; and
- 10:00am and 10:00pm Sundays.

The City has received an application from the Paddington Ale House to extend its trading hours on multiple dates during the FIFA World Cup 2014 period as follows:

- 12.00 midnight and 10.00am on Sunday 15 June 2014;
- 12.00 midnight and 6.00am on Saturday 14 June, Thursday 19 June, Friday 20 June, Tuesday 24 June, Wednesday 25 June, Sunday 29 June, Saturday 5 July and Sunday 6 July 2014; and
- 2.45am and 6.00am on Monday 14 July 2014.

There are ten (10) licensed premises located within Mount Hawthorn including:

- 1 x Sporting Club Licence
- 1 x Hotel Licence
- 3 x Liquor Store Licences
- 2 x Restaurant Licences
- 2 x Small Bar Licences
- 1 x Wholesaler Licence.

Five (5) of these licensed premises are located within a 200 metre radius of the Paddington Ale House with several shown on the map in Appendix 9.4.5A.

**DETAILS:**

The City has received five complaints relating to the Paddington Ale House over the past twelve (12) months. Two relate to noise (music), two relate to the food premises and one regarding anti-social behaviour.

The noise complaints mentioned above were received in the last two months. A complaint, which included noise (music), was received by the DRGL in 2012.

Sound levels being emitted from the premises have been measured in 2013 and 2014 in relation to these complaints. The levels emitted complied with the *Environmental Protection (Noise) Regulations 1997* ('noise regulations'). Further readings will be taken in the future to determine ongoing compliance.

The complaint made to the DRGL was subsequently closed in September 2013.

**Amenity of the Locality**

The immediate vicinity of this venue includes 'Commercial', 'District Centre' and 'Residential' Zones. A maximum number of 470 persons can be accommodated in the venue.

### FIFA World Cup 2014 Policy

The DRGL has produced a 'FIFA World Cup 2014' Policy (see Appendix 9.4.5B) specifying the conditions of approval including:

- Licensed crowd controllers shall be provided in accordance with the determined numbers in the ETP.
- During the ETP hours-
  - liquor is not to be sold or supplied in non-standard measures – this includes jugs or pints of spirits and shooters or shooter style drinks; and
  - pre-mixed alcoholic energy drinks are prohibited and no energy drinks are to be mixed with alcohol at the bar or servery.
- There shall be no liquor discounting or advertising of cheap liquor during the ETP hours.
- Live entertainment by one or more artists present in person or performing by way of recorded music is prohibited.
- Patrons are prohibited from entering or re-entering the licensed premises twenty (20) minutes after the kick-off of each match.
- Patrons must vacate the licensed premises within 30 minutes of the conclusion of the game/s covered by the permit.

### CONSULTATION/ADVERTISING:

In accordance with the City's *Community Consultation Policy No. 4.1.5*, consultation was undertaken with all properties located up to 200 metres from the licensed premises from 14 to 28 May 2014.

A total of 263 letters were distributed with twenty two (22) letters being returned to the City. Twelve (12) objections were received; a further nine (9) supported the application and three (3) provided comments only.

The 'objections' submitted included the following comments:

Summary of Comments Received	Officers Comment
<p><u>Issue – Anti-social behaviour:</u></p> <ul style="list-style-type: none"> <li>• Drunk/disorderly people walking/running past our house when the Paddington closes.</li> <li>• Rowdy soccer fans coming down the street is not pleasant.</li> <li>• People being loud and drunk walking past our house.</li> <li>• Noisy patrons walking the streets after closing time. Extended hours will extend this behaviour to the early hours.</li> <li>• 'Glassing' incident took place on Friday 23 May 2014</li> <li>• Littering will occur</li> </ul>	<p>Should the ETP be granted by the DRGL, it will be a condition that licensed security personnel are present for the duration of the extended trading periods to control anti-social behavioural issues.</p> <p>The WA Police have also advised they will be rostering extra patrols during the World Cup period.</p> <p>The applicant will be required to notify all neighbouring properties of the ETP and provide contact details to receive complaints.</p> <p>In accordance with the DRGL Policy, patrons will be prohibited from entering or re-entering the licensed premises twenty (20) minutes after the kick-off of each match.</p> <p>The DRGL to consider providing a condition that requires the applicant to clean up litter from surrounding streets within a 200metre radius within an hour of each ETP period.</p>
<p><u>Issue - Parking:</u></p> <ul style="list-style-type: none"> <li>• Allows people the opportunity to park on our street which actually requires a parking permit.</li> </ul>	<p>Rangers are not typically rostered on during the proposed hours and will therefore be unable to monitor parking. The extended hours may have a negative impact on the residents in terms of parking.</p>

Summary of Comments Received	Officers Comment
<p><u>Issue – Noise:</u></p> <ul style="list-style-type: none"> <li>Noise factor.</li> <li>Proposed hours are intrusive to weekday mornings where citizens need to sleep for school and work. Excessive noise is not acceptable.</li> </ul>	<p>The applicant must comply with the noise regulations. The applicant will be required to notify all neighbouring properties of the ETP and provide contact details to receive complaints.</p> <p>In accordance with the DRGL Policy, live entertainment or recorded music will be prohibited during the ETP period.</p>

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

The following additional comments were submitted by residents who were neither 'for' or 'against' the proposed ETP:

- The use of the laneway adjoining Anzac Road and the rear carpark at the Paddington Alehouse should be addressed. This laneway is currently used for patrons leaving the Paddington Ale House, which increases the traffic volume of this laneway. The resident recommends that the laneway be made 'one-way/local traffic only'.

*The City's Technical Services advise that Local Traffic Only signs are not enforceable as the sign is intended as a guide only inferring that the road is not suitable for large or through traffic. In respect of Rights of Way, they are generally not a dedicated road and are primarily intended to provide rear access the adjoining properties. Because of the narrow width they tend to be self governing in respect of vehicle speed and volume and a one-way restriction will likely make it harder for the residents of the exit end to access their property (meaning they have to go the full circuit to comply) and actually increase traffic at the entry end.*

- There should be the ability for the authorities to withdraw the ETP should multiple complaints received.

*The DRGL advises that it has the authority under the Liquor Control Act 1988 to withdraw permits where warranted.*

#### LEGAL/POLICY:

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

#### RISK MANAGEMENT IMPLICATIONS:

The proposed extension of hours may contribute to noise and anti-social behaviour complaints in the local area. However, given the venue's compliance and sound level measurements taken in the past and the requirement to comply with the DRGL Policy, the proposed extension is not expected to have a significant negative impact on the local community.

It is reiterated that the City's Ranger Services are not typically rostered during these hours.

The WA Police Service (both the Liquor Enforcement Unit and Officer in Charge, Wembley Station) has been informed of the proposed ETP and does not have any concerns. However, if approved, WA Police will provide extra patrols of and in the vicinity of the venue during the events.

Should the City receive justifiable complaints as a result of the extended trading period, the City has the discretion to review the subsequent dates and apply further conditions. DRGL would be advised of the City's actions for further consideration.

**STRATEGIC IMPLICATIONS:**

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

*“Economic Development*

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

*Community Development and Wellbeing*

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

**SUSTAINABILITY IMPLICATIONS:**

It is essential within mixed land use areas that the City balances the needs of both residents and businesses.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The DRGL's policy on the FIFA World Cup 2014 imposes various conditions on approved ETPs to minimise alcohol consumption. It is proposed that the 'City Officers Recommendations' be supported by the Council.



**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

Cr Pintabona returned to the Chamber at 8.35pm.

**PROCEDURAL MOTION**

At 8.35pm **Moved Cr Cole, Seconded Cr Topelberg**

That the Council proceed "behind closed doors" to consider confidential item 14.1, at the conclusion of the items, to consider the matter, relating to the Local Government Amalgamation update.

**PROCEDURAL MOTION CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

There were 2 members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

Acting Director Community Services Ms Jacinta Anthony and Acting Director Technical Services Mr Craig Wilson departed the meeting.

**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 James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL ITEM: Local Government Reform Process**

<b>Ward:</b>	-	<b>Date:</b>	30 May 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Mayor John Carey		
<b>Responsible Persons:</b>	Mayor John Carey		

**OFFICER RECOMMENDATION:**

That the Council;

1. pursuant to section 5.23 (2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the matter, relating to the Local Government Amalgamation update; and
2. **AUTHORISES** the Acting Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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The Presiding Member Mayor Carey provided debrief to Council Members.

**COUNCIL DECISION ITEM 14.1**

**Moved** Cr Harley, **Seconded** Cr Topelberg

That the recommendation be adopted.

**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That Standing Orders be suspended.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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**DETAILS:**

Nil.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members and the Acting Chief Executive Officer.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

At 9.02pm **Moved Cr Peart, Seconded Cr Cole**

**That the Council resume an “open meeting”.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.03pm with the following persons 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 James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 June 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.