



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

25 MARCH 2014

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 25 March 2014, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.04pm 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:

2.2 Chief Executive Officer Mr. John Giorgi, JP – on approved sick leave.

2.3 Director Community Services Mr. Robert Boardman – on approved sick leave.

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward (until approximately 10.20pm)
Cr Matt Buckels	North Ward (from approximately 6.10pm)
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
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	Acting Director Planning Services

Jerilee Highfield Executive Assistant

Employee of the Month Recipient

Nil.

Media

Sarah Motherwell Journalist – *"The Guardian Express"*

David Bell Journalist – *"The Perth Voice"*

Approximately 28 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. Brian McMurdo of 200 Carr Place, Leederville – Item 9.1.5 Stated the following:
 - I object to the proposed development on the basis of the following grounds:
 - Neither my wife nor I had received any notification of the proposed development at any given time from either the Council or the developer and notice was only received just recently and at the Council Meeting today.
 - My property is directly behind the mentioned development and adjoins at the south-western corner. The R Code zoning for the property is R80 and according to his calculation the lot size of 521 sqm equates to only four (4) multiple dwellings for the site, so the current proposal is clearly an over development.
 - My main concern regarding the report made no analysis of the impacts of the proposed development with only a 4 metre setback from the rear boundaries, the impacts on him are quite clear in terms of privacy, visual impacts of the four (4) storey development so close to his property. The lack of adequate setbacks and clear non compliances with the R Codes.
2. Bruce Williams of 54 Redfern Street, North Perth – Item 9.1.6 Stated the following:
 - My property is on the Eastern side of the development. The Officers Recommendations stamp dated 18 March 2014, unless he misunderstood it the plans that were attached to the Item for tonight, have an amendment date of the plans of 21 March 2014 and was quite unclear as to whether the plans shown are the plans that the City's Officers have considered.
 - The recommendation presented tonight, is quite different that was presented on the 11 March 2014 and in particular the recommendation 3.2 which was to remove the external access stairs to the courtyard has now been deleted and in addition the Advice Note refers to that and in short states "*with regard to Condition 1 the owners of the subject land should*".
3. Simon Crawford of 277 Vincent Street, Leederville – Item 9.1.5 Stated the following:
 - I am the co owner and applicant for the development. The Application for the property is recommended for approval and I thank the City of Vincent and the Design Assessment Committee for contributing to the design of what I believe to be a high performing quality sign that meets the City's Masterplan and built form Guidelines.
 - Condition number two (2) currently stated that a minimum of nine (9) and three (3) car bays shall be provided for the residents and visitors respectively, this is to say that one apartment will not have a dedicated car parking space allocated to it. This is based on the Officer's assessment which calls for .25 visitor bays per unit and with ten (10) units this equates to 2.5 visitor bays which is then been rounded up to three (3) bays.
4. Joe Douglas of U8/16 Kent Way, Malaga – Item 9.1.2 Stated the following:
 - I am the Managing Partner of Urban and Rural Perspectives a Town Planning and Building Design Consultancy and attended tonight's Meeting to speak on behalf of the developer. I would like to thank the Council and the City's Administration for their patience with the project to this point and acknowledge that your patience is wearing thin.

- The developer had agreed that the time had come to resolve all the outstanding matters once and for all and has made a firm commitment to do so in the short term future. The developer is not acting with any malicious intent to subvert or frustrate the development process or shy away from his responsibilities under the original Planning Approval issued by the Council, his failure to implement the Project in an efficient and timely manner can be put down to a number of issues:
 - a) his inexperience with a Project of this magnitude and scale, Mr Tizzano the Developer is a Dental Prosthesis;
 - b) he received poor advice during the initial design stage of the project;
 - c) a lack of understanding of relevant process where changes are made during construction; and
 - d) the significant pressure applied by the bank to complete the project with an agreed budget and time frame.
- 5. John Adams of 19 Field Street, Mount Lawley – Item 9.1.2 Stated the following:
 - I would like to speak against the approval of the development. My wife and I own the two (2) retail shops immediately next door to the proposal.
 - My tenants have endured years of construction noise, dust, trespass, physical damage to their building, abuse, and legal confrontation all just to protect their rights as adjoining owners.
 - The developers have continued to apply for retrospective approvals and appear to treat the conditions of the Building Approvals with content.
 - I am not against development in fact he was quite the opposite and normally when you go to build something you have structural engineering done and they would normally has approved that facade.
- 6. Kristen Cochnis of 56A Wasley Street, North Perth – Item 9.1.2 Stated the following:
 - I have resided at the above property for approximately seventeen (17) years and am against the development. I strongly opposed the approval due to the impact this would have on the local area in regarding to disruption, quiet enjoyment and the impact on the already congested parking.
 - My main concern is the negative impact this would have on the Community and I am unable to stay for the length of the meeting but trust that the Council would act in the best interest of the ratepayers.
- 7. Ross Field of 164 Chelmsford Street, North Perth – Item 14.1 Stated the following:
 - A number of the residents lodged an objection to the development that was proposed to the Council at the meeting held on 11 February 2014, in particular my amenity has already been seriously affected by the patrons of the Bikram Yoga Centre parking in the street. The proposal had the potential significantly add to the parking problems that were already being experienced.
 - In recent weeks I have noticed that the patrons had been ignoring the advice of the Centre and are now parking in the one (1) hour parking zones. These parking patrons are taking a punt that the City's Rangers would not be monitoring the area during these times and my concerns regarding the expansion of the activities at the property are that these will add to the pressures of the illegal parking in the street as Chelmsford Road by far is the most convenient to the proposal.

- Signage of the new parking restrictions in the Street need to be upgraded in particular to the “No Standing At All times” on the Northern Side of the Street, it would be a great improvement if Yellow on road marking similar to that used in the No Stopping Zones are used.

The Presiding Member advised that the first issue, the City would be happy to fix the signage issue and referred it to the Director Technical Services that this be fixed, the restrictions are a trial so if they need to be beefed than this is definitely an option to do. Having a read of your letter it looks like it is still not working, the difficulty is that the Rangers don't start till 7am, so as you have identified the people at 6am have worked this out, so will need to do some early morning blitz.

The second issue relating to SAT is that if both parties don't agree so accordingly the City of Vincent would always be willing to have residents at the table, we recently did this at Matlock Street, however in this case it is unlikely.

8. Nabil eye of 158 Chelmsford Road, North Perth – Item 14.1 Stated the following:
 - The parking issue has not been fixed, although it is far better than what it used to be. It is not just about the parking issue on the street it is also the amenity on the street as well. There is a lot of noise from the patrons from 5.30 well and truly till 9.30 at night.
 - They have extended the trading hours beyond the 1.30 to 6.00pm trading time on Sundays and I do not remember hearing anything with regards to this.
9. Scott Robinson of 58 Wasley Street, North Perth – Item 9.2.6 Stated the following:
 - I am the President of the Mount Hawthorn Cardinals Junior Football Club. The Club is for children only ranging from 15-17 years of age and currently have over five hundred (500) children and another ten percent growth predicted for this year.
 - I fully support the item at tonight's Meeting.
10. Carlo Genovese of 161 Chelmsford Road, North Perth – Item 14.1 Stated the following:
 - I am aware that the matter had been referred to SAT and had come back for behind closed doors Confidential Item and I think that it should be rejected.
 - The parking is unacceptable, the way the students have worked out now how to deal with the City's Rangers.
11. Lynette Hail of 1A Burt Street, Mount Lawley – Item 9.1.1 Stated the following:
 - I am the owner, occupier at the above address and wished to convey my strong objection to the change of use. In accordance with the Norfolk Precinct Planning Policy, allowable use of the land is restricted to land uses which serve the day to day convenience needs of local residents within the area.
 - A small bar can in no way be considered a day to day convenience for local residents, the development of the small bar in this location would undoubtedly be a day to day inconvenience to local residents and would have a very significant and adverse impact on the amenity of the predominantly residential neighbouring area and should be refused.
 - The local residents are a little confused as the actual intentions of the Applicant, on the one hand we have the application before us tonight to change the use from shop an educational establishment to small bar and retail shop and on the other hand match group is seeking investors for the development of boutique apartments, which would involve demolishing of the existing site.

12. Diana Lazarou of 48 Monmouth Street, Mount Lawley – Item 9.1.1 Stated the following:
 - A petition was handed to the Council today before the Meeting.
 - I strongly object to the proposal, my objections were on the following basis:
 - The change of use would have a detrimental impact on the local residents, this is a quiet neighbourhood and a small bar would be more appropriately placed in the nearby Mount Lawley precinct and Fitzgerald, Angove Street precinct where small bars and licence premises already exist.
 - There are already issues in Burt Street and Monmouth Street in relation to traffic and parking, the only way for people to access the small bar would be via Burt Street, this will significantly increase the traffic flow along Burt Street and impact severely on residents.
 - The small bar in reality will trade seven (7) days a week and under the Liquor Licensing Act until midnight every night, regardless of the restrictions placed on it by the Council.

13. Natal Calleja of 158 Chelmsford Road, North Perth – Item 14.1 Stated the following:
 - I have photos of people from the gym parking at nights and illegally on the other side of the road.

14. Jenny McGilvray of 273 Vincent Street, Leederville – Item 9.1.5 Stated the following:
 - I have lived in the street for over twenty (20) years. I would like to speak against the proposal, my property is directly affected by the proposed development.
 - Several of the City's Policies state that any new building should be at a height and scale compatible with the majority of the surrounding residential area, this proposal is not in keeping with the area on Vincent or Carr Place.
 - Whatever decision is made with regards to this development it sets a precedent for other developments not to abide by R Code standards and the surrounding residential area.

15. Alan Bruce of 273 Vincent Street, Leederville – Item 9.1.5 Stated the following:
 - Over the last few days I have presented documents to all Councillors. There is still a mistake in the document relating to the quote that still states ten (10) metres.
 - If documents are put in front of people they should be more accurate to say that when they are changes and when they are not changes.

16. Naomi Lennard of 56 Redfern Street, North Perth – Item 9.1.6 Stated the following:
 - There has been several objective measurements considered by the Planning Department regarding this proposal and acknowledged that many of these have been deemed to comply.
 - My question was one of amenity and not of a mathematical decision which I believe is being made.
 - The impact on my living space and all amenities are reduced, if my home was built to the front of the property it would not be issue, however we are not and my living space is at the rear of my property.
 - The City's Planning Department could have not thought these issues thoroughly and as also pointed out by my neighbour the plans don't refer to the report.

17. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.1.5 Stated the following:

- I have a couple of points to make:
- My first point is in relation to why the Council was so willing to support this non compliant development, is it because the Council in fact owns two (2) properties on Vincent Street that have been recently looking to sell and it would be more beneficial to the Council to have developers looking at the sites, thinking they can build non compliant buildings, just a thought.
- The bike paths, on Facebook recently a resident asked a question regarding the impact the bike paths will have on the parking in the streets, Town of Vincent replied saying that consultation would be starting in three (3) weeks. I ask the Mayor why has consultation being carried out before the start of the building of the bike paths?

The Presiding Member stated that Ms Saunders was wrong on this and you have misread the Facebook. Palmerston Street is under construction that has had numerous consultation including the Mayor meeting with local residents on the street, there is no construction on Bulwer Street, that is yet to be designed and that is what is going out to Public Consultation.

- That bit of the plan is the only bit of the plan that has been drawn up even though the total costing of \$2.5million has been done.

The Presiding Member stated yes that if logical, what is done, is that you do a basic estimate cost, then you do a detailed designs, once the detailed designs are completed you take them out to the Community, so they can accurately see what is being proposed on their street. It has in principle support if you note, it says in principal support but it still goes out to Public Consultation.

- If the Community says no to say Oxford Street are you going to stop the bike path at Newcastle?

The Presiding Member stated that each phase will go out to Public Consultation, Palmerston Street will support it, it is being constructed, Bulwer Street will be the next.

- That is what I am saying is that if the Community says No?

The Presiding Member stated given that apart from you, he had been overwhelmed by positive feedback, from across the board. Debbie, I appreciate that you don't like to hear positive agenda, but it has been an incredibly positive and community building initiative that he had been inundated on and am happy to provide Facebook, emails and a range of other positive feedback on the issue.

- I am happy that you are all for positivity, but you should look at the negative side as well.

The Presiding Member stated that Debbie I have got you do that, you come every two (2) weeks and you consistently negative.

- I am not the only one who was negative, no one here has been praising the Council.

The Presiding Member stated that you are cheerleading squad, I am sorry Stuart I forget.

- Are the bike paths, is it parking bike path, bike lane, is that how it sets up on the road?

The Presiding Member stated that it is a bike lane, which is a standard practice around the world.

- I ask you Mayor, Sydney and Melbourne have huge issues with that set up in as much as the accidents that happen when people open their doors and get a bicycle on the person who has just stepped out of their car, did you consider any of that?

The Presiding Member stated that he had been having meetings with a range of Engineers, face to face, we have an internal City Bike working party. I wish to assure you we are going through all these issues in incredible detail and we are seeking best practice from around the world.

- You are stating that problems in Sydney and Melbourne are irrelevant.

The Presiding Member stated that is not what he said and that Ms Saunders have put words in his mouth, like using a figure of \$150,000 for the Beaufort Street artworks.

- We would never know as it is always Confidential behind closed doors discussions.

The Presiding Member stated that he would put this on the public record that you have made the figure up.

- You make figures up all the time.

The Presiding Member asked Ms Saunders to sit down.

- I have further points to discuss.

The Presiding Member stated that he would be ruling for her to sit down.

- On what grounds.

The Presiding Member stated that on the basis that every fortnight you come with completely negativity.

- This is the reason not to speak.

The Presiding Member stated that this absolutely not, that if you were at the City of Perth you would not be allowed to speak.

- No but maybe I would get answers to my questions, like why there is a contract with a Hotel that is meant to be 60/40 and there is nothing like that and still no answers.

The Presiding Member stated that the answer is being provided by the A/CEO and is being producing an answer.

- Sooner rather later, would have been good, it is a Contract that has been around since 2011.

Cr Harley departed the Chamber at 7.00pm.

18. Stuart Lofthouse of 123 Oxford Street, Leederville – stated the following:

- Sorry for taking the piss out of all this.

The Presiding Member asked Mr Lofthouse if he could refrain from using that language.

- I apologise as I did not mean to swear, especially to you. As everyone has spoken tonight about the disappointing sides. I have so many positive things to say and would like to know why I am being investigated for unlawful use of a building, being Greens and Co in Leederville and that unlawful use is having an office upstairs. The office was put there nearly twenty (20) years ago it is the building that comes under the, yet I have been told I need to take walls out, spend money, make the building compliant, because of something that has been there for twenty (20) years, yet other business in the area are able to totally refurbish their place without even a hello to the Council.
- Regarding my question last meeting, the working groups, why are people being put on the working groups that did not nominate, I received a response from the CEO, that was totally unsatisfactory, although noted.
- I am very disappointed with the way the Council has operated over the last year and I can state this as I have attended a Meeting every two weeks. I know I am not privy to all the information that is supplied especially to you Councillors as ratepayers are kept in the dark. The ratepayers have to get up here sometimes and rant and rave, just to get some attention.
- I think that you have screwed their ratepayers regarding the merger, why did Vincent not go in for one by itself, as opposed to with City of Perth.
- Sorry John am I interrupting you while I am speaking and I will just go and sit down.

Cr Harley returned to the Chamber at 7.02pm.

19. Anthony Bryson of 12 Hunter Street, North Perth– Item 9.1.6 Stated the following:

- I am the owner of the above property. I would like to start building my house if I could and it has been about eight (8) months and everyone's privy to all the information that is on the public record and I believe that it is currently and has been compliant for some time now and it would be good if I could see an approval tonight so that we can start building our home and move into the City of Vincent.

20. Ara Casella of 11 Ruth Street, Perth – Item 9.1.6 Stated the following:

- This matter has now been raised three (3) times at the Council Meetings and after much discussion, debate and thorough investigation the proposal before the Council tonight has been recommended for approval by the City's Planning Services Section.
- I have been practicing as an architect and building designer for over (10) years and have never experienced this excessive deliberation over a residential proposal and I am quite dismayed at the lengthy and painful delays that have occurred.
- The approval process has been tactically choreographed by neighbouring residents, causing undue costs and delays and distress to all parties involved, my work and the work of all my consultants have been questioned and the designs have been reviewed endlessly in order to satisfy demands of neighbours, although already been compliant.
- The decision made by Planning Officers to recommend for approval, is sound and accurate and should be upheld by Councillors as there is no basis for refusal and I sincerely hope the Council can approve it tonight.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Pintabona requested leave of absence from Tuesday 8 April 2014 to Wednesday 30 April 2014 (inclusive), due to work commitments.

4.2 Cr Cole requested leave of absence from Thursday 27 March 2014 to Monday 31 March 2014 (inclusive), due to personal commitments.

Moved Cr Wilcox, Seconded Cr McDonald

That Cr Cole and Cr Pintabona's request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from D Lazarou of Monmouth Street, Mount Lawley along with twenty three (23) signatures requesting that the Council refuses the application submitted for a proposed change of use from shop and educational establishment to small bar and retail shop at No. 159-160 Walcott Street, Mount Lawley, "*as this would have a detrimental impact on the local residence and it is inappropriate from the point of view of responsible community planning.*"

The Acting Chief Executive Officer advised that this petition is the subject of item 9.1.1 at tonight's Meeting.

Moved Cr Pintabona, Seconded Cr McDonald

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 25 February 2014

Moved Cr Pintabona, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held on 25 February 2014 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

6.2 Minutes of the Ordinary Meeting of Council held on 11 March 2014

Moved Cr Harley, Seconded Cr Pintabona

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

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey read the following;

7.1 Beatty Park 1st Anniversary Celebration

I attended Beatty Park Leisure Centre's 1st Anniversary Cocktail Party, held last Saturday night for Members.

The venue was very impressive and a good night was had by those in attendance.

Thank you to all the Beatty Park staff for organising this event.

7.2 Withdrawal Of Item 9.1.4

It is announced that Item 9.1.4 on tonight's Agenda relating to No. 310 Pier Street, Perth – Perth Rectangular Stadium (nib Stadium) Draft Management Plan has been WITHDRAWN at the request of the applicant for further discussions with the City's Officers.

7.3 Urgent Business Item 13.1

I have accepted an item of Urgent Business on tonight's Agenda on the proposed Governance Model for the new City of Perth.

7.4 Late Confidential Item 14.2

A late Confidential Item 14.2 regarding the Chief Executive Officer's contract will be considered at tonight's meeting.

7.5 Planning Issues

I think it is important given that there are quite a few tonight, in fact tonight, I understand that all the planning issues listed will be considered by Councillors. There is no doubt that we are seeing an increase in conflict, between developers and Applicants versus neighbours, it is becoming more apparent and I put that down to in part that we are seeing a growing City and there is a demand for a greater infill development, we are seeing sub divisions and we are also seeing increased developers proposing high density development.

The State Government has set clear targets for high density development, it made it very clear and we are seeing what is quite interesting when we speak to the Community, people are concerned about the amenity of the area being affected, but when we also put restrictions in and I say this genuinely we also get pushed back because property owners want to be able to subdivide their land into the future to make profit from that subdivision and that is their right and I understand that, but do you understand that we are in this difficult situation where everyone wants the amenity protected but at the same time they are wanting to be able to sub divide or allow for infill development.

There are two key issues that I just want people to be aware. Number one is that we are out at the moment for the Town Planning Scheme Two, this is setting the direction for the future vision of Vincent, in terms of zoning so it is a critical planning guide for the rest of the City. It will set the new zoning for out Town Centres and in principal I support the main elements of it, which is, higher density on our main corridors and Town Centres and the protection of our amenity of our streetscapes but it will still allow for subdivisions and so forth. So on top of that we are looking at specific proposals of a ban on multi dwellings in certain areas of character streetscapes. Interestingly when I sent that letter out recently to a development when numerous residents had opposed, the only person who got back to me who had originally opposed a multi dwelling expressed concern that might ban or suggested ban would affect their real estate because they may want to produce a multi dwelling in the future. So again you see that friction between both sides of the fence.

The second thing I want to assure you is this, is that I have seen in the past at Councils, some Councils takes a more dogmatic approach. I would say approaches to development where Councillors or Mayors are very clearly either wanting to be very populist and always side on the residents or a very much wanting to encourage development at all cost. I don't take that approach as Mayor and I say that genuinely every decision that comes before me and I believe that Council's do this, we consider these issues, we grapple with them, we look at the R Codes and to be very clear it is just not deemed to comply. I know often residents raise deemed to comply provisions and the R codes as prescribed by the State Government also allow for discretionary position provisions under designed principles, so we have both those considerations to be made. But I do want to assure and I believe that people walk away tonight both residents and developers given where I may be heading on particular issues, but I will not make either side particularly happy, but what I want to give you confidence in is it that I believed Councillors here are looking at each of the developments and the proposals meeting with both developments, applicant and residents and I think on numerous issues tonight, both sides can certainly be aware that we have taken considerable time to look at all the issues but ultimately I think we have to judge what the facts are before us, how they apply to the R code and that is how we make our decisions.

Cr Peart departed the Chamber at 7.10pm.

So I just wanted to say that statement then, because it will be applicable I believe to some of the proposals that we are considering this evening.

Cr Peart returned to the Chamber at 7.11pm.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Cole declared an Impartiality interest in Item 9.1.1 – FURTHER REPORT - Nos. 159-161 (Lot 337; D/P; 2355) Walcott Street, Corner of Burt Street, Mount Lawley – Proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use)(Tenancy 2) and Retail Shop (Tenancy 1). The extent of her interest being that she works at the Drug and Alcohol Office. However, not within the Directorate advising on Liquor Licensing and associated matters.
- 8.2 Cr Topelberg declared an Impartiality interest in Item 14.1 – No. 315 (Lot: 528 and 530 D/P: 30376) Fitzgerald Street, North Perth –Proposed Reconsideration of Conditions of Previous Planning approval for a Recreational Facility - Review State Administrative Tribunal (SAT) DR 7 of 2014. The extent of his interest being that his primary residence is on Leake Street approximately 200m from the subject development. He made this disclosure as the proximity to Leake Street has been referenced on numerous occasions by concerned local residents.
- 8.3 Cr Harley declared an Impartiality interest in Item 13.1 - Governance Model – New City of Perth. The extent of her interest being that she has a kinship relationship with a City of Perth Councillor Reece Harley.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.2, 9.1.5, 9.1.6, 9.2.6 & 14.1

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

Items 9.2.6, 9.4.1 & 9.4.3

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	9.2.5
Cr Cole	Nil.
Cr Harley (Deputy Mayor)	Nil.
Cr McDonald	Nil.
Cr Peart	9.2.3
Cr Pintabona	Nil.
Cr Topelberg	9.1.3, 9.2.1 & 9.2.2
Cr Wilcox	Nil.

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

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

Items 9.2.4, 9.3.1, 9.3.2, 9.3.3, 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:

Items 14.1 and 14.2

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 9.2.4, 9.3.1, 9.3.2, 9.3.3, 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, 9.1.2, 9.1.5, 9.1.6, 9.2.6 & 14.1

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

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

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

The Presiding Member, Mayor 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 Cole, Seconded Cr McDonald

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

Items 9.2.4, 9.3.1, 9.3.2, 9.3.3, 9.4.2, 9.5.1 & 9.5.2

CARRIED UNANIMOUSLY (9-0)

9.2.4 Hyde Park Catchment Management Plan – Implementation Plan

Ward:	Both	Date:	14 March 2014
Precinct:	All	File Ref:	RES0042
Attachments:	001 – Hyde Park Catchment Management Plan - Implementation Plan		
Tabled Items:	Nil		
Reporting Officer:	J Parker, Project Officer – Parks and Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the 'Implementation Plan' for the short term objectives as listed in the 'Hyde Park Catchment Management Plan' as laid out in attachment 9.3.4; and
2. **RECEIVES** further progress reports on the implementation of actions detailed in the 'Hyde Park Catchment Management Plan'.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an Implementation Plan for the short term objectives relating to the recently adopted Hyde Park Catchment Management Plan.

BACKGROUND:

Several reports have been presented to the Council in relation to the Hyde Park Catchment Management Plan; a summary has been presented below:

Special Meeting of Council 13 October 2009:

The Council authorised the Chief Executive Officer to prepare a Hyde Park Catchment Management Plan to minimise further pollutants from entering the Hyde Park Lakes.

Ordinary Meeting of Council 9 October 2012:

The Council adopted the Hyde Park Catchment Management Plan and authorised the Chief Executive Officer to advertise the document and report back to Council if any submissions were received.

Ordinary Meeting of Council 26 February 2013:

The Council considered one (1) submission received during the consultation period and adopted the amended Hyde Park Catchment Management Plan. The Council requested a further report be presented to Council which included an Implementation Plan for the short term objectives.

DETAILS:

In accordance with the Council's decision, a Hyde Park Catchment Management Plan was developed which provides the relevant background to the Hyde Park catchment area and the traditional values of the locale.

The plan identifies the relevant elements required in a catchment management plan in line with the City's values and other relevant documents, such as the Sustainable Environment Strategy, Water Conservation Plan and the Vincent Habitat Project.

The plan contains the following eleven (11) elements:

Element 1	Site Investigation;
Element 2	Legislation;
Element 3	Identification and Working with Stakeholders;
Element 4	Monitoring High Risks;
Element 5	Moving Forward;
Element 6	Community Engagement;
Element 7	Monitoring and Analysis;
Element 8	Planning for Emergencies;
Element 9	Water Quality Improvement;
Element 10	Council Commitment; and
Element 11	Increasing Biodiversity.

Each of these elements has an objective, and in order for the City to successfully achieve these objectives, a number of actions have been developed and listed as follows:

- Short term actions zero (0) to three (3) years;
- Medium term action three (3) to six (6) years; and
- Long term action six (6) to ten (10) years.

The Hyde Park Catchment Management Plan provides a guide for addressing any major issues within the catchment area and identifies opportunities for improvement and the implementation of appropriate action for water quality improvements throughout the catchment and surrounding ecological systems.

Integrated catchment management provides numerous benefits to the surrounding natural environment and the local flora and fauna.

CONSULTATION/ADVERTISING:

As per the Council decision of 9 October 2012, the Hyde Park Catchment Management Plan was advertised for a period of twenty-one (21) days.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: If the Hyde Park Catchment Management Plan is not adopted the City may be at a medium risk of a polluted catchment area.

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 City is committed to the principals of environmental protection and through policy development will ensure the longevity of the natural environment.

In accordance with the objective of the Sustainable Environment Strategy – 3.2 Water Quality & Consumption: Action 2.6;

"Develop and implement a comprehensive Catchment Management Plan for the City to reduce sources of stormwater and groundwater contamination (nutrient and non-nutrient), and to recharge groundwater by increasing stormwater infiltration and retention on site."

FINANCIAL/BUDGET IMPLICATIONS:

The cost of implementing the actions outlined in the plan will vary from year to year however it is estimated that each year for a five (5) year period an amount of \$5,000 will be required for water analysis, water treatment and investigation of remediation options.

COMMENTS:

The adoption of the Hyde Park Catchment Management Plan provided guidelines for relevant officers and the Council for the enhanced management of the Hyde Park catchment area resulting in improved water quality and improved overall ecological health.

The implementation and execution of this plan will serve to improve the immediate catchment health, as well as the surrounding catchments.

9.3.1 Investment Report as at 28 February 2014

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

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 28 February 2014 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 28 February 2014 were \$17,811,000 compared with \$17,811,000 at 31 January 2014. At 28 February 2013, \$18,711,000 was invested.

Investment comparison table:

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

Total accrued interest earned on Investments as at 28 February 2014:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$281,340	\$236,418	\$232,455	82.62
Reserve	\$386,610	\$299,271	\$223,340	57.77

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

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

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

The funds invested have remained unchanged from previous period.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 – 28 February 2014

Ward:	Both	Date:	14 March 2014
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	A Siapno, A/Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 February – 28 February 2014 and the list of payments;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 February – 28 February 2014.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	75514 - 75804	\$287,332.63
Transfer of Creditors by EFT Batch	1634-1638,1640-1641	\$1,638,007.53
Transfer of PAYG Tax by EFT	February 2014	\$290,348.70
Transfer of GST by EFT	February 2014	
Transfer of Child Support by EFT	February 2014	\$1826.70
Transfer of Superannuation by EFT:		
• City of Perth	February 2014	\$30,286.39
• Local Government	February 2014	\$115,414.03
Total		\$2,363,215.98
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$11,659.76
Lease Fees		\$4,095.95
Corporate MasterCards		\$12,786.27
Loan Repayment		\$195,338.67
Rejection fees		\$85.00
Total Bank Charges & Other Direct Debits		\$223,965.65
Less GST effect on Advance Account		0.00
Total Payments		\$2,587,181.63

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2017:

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.3 Financial Statements as at 28 February 2014

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

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 28 February 2014 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 28 February 2014.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 28 February 2014:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature or Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-51
12.	Monthly Financial Positions Graph	52-54

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$16,373,597
YTD Revised Budget	\$19,045,828
YTD Variance	(\$2,672,231)
Full Year Budget	\$28,176,497

Summary Comments:

The total operating revenue is currently 86% of the year to date Budget estimate.

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

- General Purpose Funding – 3% over budget;
- Governance – 89% over budget;
- Law, Order, Public Safety – 33% under budget;
- Health – 6% under budget;
- Education and Welfare – 44% under budget;
- Community Amenities – 2% over budget;
- Recreation and Culture – 2% over budget;
- Transport – 15% under budget;
- Economic Services – 7% under budget;
- Other Property and Services – 76% under budget; and
- General Administration (Allocated) – 37% under budget.

Operating Expenditure

YTD Actual	\$32,932,268
YTD Revised Budget	\$32,300,741
YTD Variance	\$631,527
Full Year Budget	\$48,927,550

Summary Comments:

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

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

- General Purpose Funding – 3% under budget;
- Governance – 4% under budget;
- Law and Order – 9% under budget;
- Health – 8% under budget;
- Community Amenities – 3% under budget;
- Recreation & Culture – 2% over budget;
- Transport – 5% over budget;
- Economic Services – 9% under budget;
- Other Property & Services – 35% over budget; and
- General Administration (Allocated) – 130% over budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$15,960,164
YTD Revised Budget	\$17,967,716
Variance	(\$2,007,552)
Full Year Budget	\$29,136,897

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$22,412,530 and non-current assets of \$205,155,727 for total assets of \$227,568,257.

The current liabilities amount to \$8,063,948 and non-current liabilities of \$19,400,907 for the total liabilities of \$27,464,855.

The net asset of the City or Equity is \$200,103,402.

7. Net Current Funding Position

	28 February 2014 YTD Actual \$
Current Assets	
Cash at Bank	7,812,799
Cash Restricted	9,184,228
Receivables – Rates and Waste	2,319,265
Receivables – Others	2,874,263
Inventories	210,975
	22,401,530
Less: Current Liabilities	
Trade and Other Payables	(4,990,827)
Provisions	(2,764,195)
	(7,755,022)
Less: Restricted Cash Reserves	(9,184,228)
Net Current Funding Position	5,462,280

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2013/2014 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$201,750	\$128,250	\$55,489	43%
Plant & Equipment	\$3,269,666	\$2,302,196	\$393,705	17%
Land & Building	\$1,229,000	\$863,000	\$431,925	50%
Infrastructure	\$12,198,585	\$7,977,464	\$2,832,600	36%
Total	\$16,899,001	\$11,270,910	\$3,713,719	33%

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

Note: Detailed analyses are included on page 35 – 41 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 28 February 2014 is \$9.2m. The balance as at 28 February 2013 was \$11.2m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$535,066 is outstanding at the end of February 2014.

Out of the total debt, \$392,192 (73.3%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

The notices for rates and charges levied for 2013/14 were issued on the 22 July 2013.

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

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

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$11.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 28 February 2014 including deferred rates was \$2,138,533 which represents 8.27% of the outstanding collectable income compared to 8.47% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 28 February 2014 the operating deficit for the Centre was \$386,798 in comparison to the year to date revised budgeted deficit of \$7,274.

The cash position showed a current cash surplus of \$123,845 in comparison year to date revised budget estimate of a cash surplus of \$379,414. The cash position is calculated by adding back depreciation to the operating position.

Budget on revenue has been adjusted in various areas during mid year budget review to show a better operating position.

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2017:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.4.2 Community Sporting and Recreation Facility Fund (CSRFF) – Grant Application

Ward:	North	Date:	14 March 2014
Precinct:	North Perth; P8	File Ref:	FIN0074
Attachments:	001 – CSRFF application		
Tabled Items:	Nil		
Reporting Officer:	A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

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

Ranking	Facility	Project	Amount
1.	North Perth Tennis Club	Redevelopment of internal area of clubroom	\$13,380 (excl GST)

- LISTS** for consideration an amount of \$13,380 on the Draft Budget 2014/2015, subject to matching funds being approved by DSR.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To obtain the Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Small Grants application from the North Perth Tennis Club as shown in Appendix 9.4.2.

BACKGROUND:

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

On Monday, 3 February 2014, the CSRFF 2014/2015 Small Grant round opened; applications were due to be lodged with the City by Friday, 28 February 2014 and to DSR by Friday, 28 March 2014. Small Grants are allocated to projects that do not exceed \$150,000 and involve a basic level of planning and implementation. These funds must be acquitted prior to 15 June 2015.

On Tuesday 18 February 2014, North Perth Tennis Club submitted their CSRFF Grant application to the City of Vincent for consideration.

DETAILS:

North Perth Tennis Club

North Perth Tennis Club (NPTC) is situated at Woodville Reserve between Farmer Street and Namur Street in North Perth. Established in 1913, NPTC celebrated its 100th anniversary in 2013, making it one of the oldest tennis clubs in Western Australia.

NPTC currently has 116 current financial members with all eight (8) tennis courts being utilised throughout the weekday at night and on weekends. In addition to utilising all courts located at NPTC, courts are also hired at nearby Robertson Park on the weekend to meet the tennis needs of the growing club.

NPTC's current lease over the area at Woodville Reserve is valid until March 2016 with NPTC indicating their full intention to continue and extend this lease. This is supported by their financial commitment to upgrading the clubroom. NPTC currently pay \$931.32 (incl. GST) per annum for the lease and a further \$4,860.78 (incl. GST) per annum towards the sinking fund.

Proposed Project

NPTC propose to remove the internal wall in the clubroom and reconfigure the kitchen space to allow for better use and functioning.

Costs

The Budget, as shown in Appendix 9.4.2 outlines the overall cost and breakdown of funding sought as follows:

Amount contributed by NPTC:	\$13,380 (excl. GST)
Amount sought from City of Vincent:	\$13,380 (excl. GST)
Amount sought from DSR:	<u>\$13,380</u> (excl. GST)
Total:	\$40,140 (excl. GST)

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

Recommendation

The Council to support the project in principle to develop the internal space of the North Perth Tennis Club's clubroom with the provision of \$13,380 (excl. GST). This contribution will be subject to equivalent funding being provided by DSR.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the project is requested to be considered for the Draft Budget 2014/2015. The Council contribution to North Perth Tennis Club will be subject to initial DSR grant approval and will match the contribution by DSR.

COMMENTS:

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

9.5.1 Information Bulletin

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

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.5.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

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

ITEM	DESCRIPTION
IB01	WALGA State Council Summary Minutes
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on Wednesday 19 February 2014

9.5.2 LATE ITEM: Audit Committee Meeting – Receiving of Audit Committee Recommendations - 17 March 2014

Ward:		Date:	19 March 2014
Precinct:		File Ref:	FIN0106
Attachments:	001 – Audit Committee Recommendations		
Tabled Items:	Nil		
Reporting Officer:	Mike Rootsey, Acting Chief Executive Officer		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the recommendations of the Audit Committee dated 17 March 2014, as shown in Appendix 9.5.2.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the recommendations of the Audit Committee held on 17 March 2014.

BACKGROUND:

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

"That the Council;

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: Failure to consider and review the Audit Committee recommendations would be a breach of the Local Government Department Audit Guidelines.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

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

**9.1.4 No. 310 Pier Street, Perth – Perth Rectangular Stadium (nib Stadium)
Draft Management Plan**

**ITEM WITHDRAWN BY THE ACTING CHIEF
EXECUTIVE OFFICER AT THE REQUEST OF THE
APPLICANT.**

9.1.1 FURTHER REPORT – Nos. 159-161 (Lot 337; D/P; 2355) Walcott Street, Corner of Burt Street, Mount Lawley – Proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) (Tenancy 2) and Retail Shop (Tenancy 1)

Ward:	South	Date:	14 March 2014
Precinct:	Norfolk; P10	File Ref:	PRO0193; 5.2012.317.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Management Plan (Small Bar) (Impact Statement) 003 – Applicant’s Submission (Community Consultation) 004 – Further Information supplied by Applicant		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, 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 Mr P Fogliani on behalf of the owner Fogliani Nominees for proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) (Tenancy 2), and Retail Shop (Tenancy 1) at Nos. 159-161 (Lot 337; D/P: 2355) Walcott Street, Corner of Burt Street, Mount Lawley, and as shown on amended plans stamp-dated 24 January 2013, subject to the following conditions:

1. Building

- 1.1 the windows, doors and adjacent floor area facing Walcott and Burt Street(s) shall maintain an active and interactive frontage to these streets with clear glazing provided;

2. Operating Hours

- 2.1 the hours of operation of the Small Bar in accordance with the City’s Policy 7.5.7 in relation to Licensed Premises, shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

- 2.2 the hours of operation of the courtyard area of the Small Bar in accordance with the City’s Policy 7.5.7 in relation to Licensed Premises shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 10:00pm
Sunday	7:00am to 10:00pm

- 2.3 the supply and consumption of alcohol is restricted by those times listed in the *Liquor Control Act 1988*;

3. **Use of the Premises**

3.1 The maximum patronage for the Small Bar shall be Eighty – Six (86) persons;

3.2 Packaged liquor is not to be sold at the premises; and

3.3 Any proposed increase to the number of patrons of the proposed Small Bar or the use of the ~~Eating House~~ Retail Tenancy will require a further development application;

4. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;

5. The existing awning is to remain on the existing building as per the Norfolk Precinct Policy requirements;

6. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT, 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 **Acoustic Report**

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

6.3 **Vegetation Screening**

Vegetation screening shall be provided along the western boundary of the property abutting the western residential property to act as a buffer for sound and visual amenity; and

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

7.1 **Management Plan**

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;

7.2 Transport Statement

A Transport statement in accordance with the WAPC Transport Guidelines 2006 to be provided, if more than one-hundred (100) persons for both the Small-Bar and Shop uses are proposed;

7.3 Car Parking Area

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

7.4 Bicycle Parking Facilities

Two (2) Class one or two bicycles facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of bicycle bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility.

ADVICE NOTES:

1. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
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 Walcott and Burt Street(s); and
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

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

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

“That Clause 3.3 be amended to read as follows:

- 3.3 Any proposed increase to the number of patrons of the proposed Small Bar or the use or size of the ~~Eating House~~ Retail Tenancy will require a further development application;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-3)

For: Cr Buckels, Cr Cole, Cr McDonald, Cr Peart, Cr Topelberg and Cr Wilcox

Against: Presiding Member Mayor Carey, Cr Harley and Cr Pintabona

COUNCIL DECISION ITEM 9.1.1

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 Mr P Fogliani on behalf of the owner Fogliani Nominees for proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) (Tenancy 2), and Retail Shop (Tenancy 1) at Nos. 159-161 (Lot 337; D/P: 2355) Walcott Street, Corner of Burt Street, Mount Lawley, and as shown on amended plans stamp-dated 24 January 2013, subject to the following conditions:

1. Building

- 1.1 the windows, doors and adjacent floor area facing Walcott and Burt Street(s) shall maintain an active and interactive frontage to these streets with clear glazing provided;

2. Operating Hours

- 2.1 the hours of operation of the Small Bar in accordance with the City's Policy 7.5.7 in relation to Licensed Premises, shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

- 2.2 the hours of operation of the courtyard area of the Small Bar in accordance with the City's Policy 7.5.7 in relation to Licensed Premises shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 10.00pm
Sunday	7:00am to 10:00pm

- 2.3 the supply and consumption of alcohol is restricted by those times listed in the *Liquor Control Act 1988*;

3. Use of the Premises

- 3.1 The maximum patronage for the Small Bar shall be Eighty – Six (86) persons;

- 3.2 Packaged liquor is not to be sold at the premises; and

- 3.3 Any proposed increase to the number of patrons of the proposed Small Bar or the use or size of the Retail Tenancy will require a further development application;

4. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;

5. The existing awning is to remain on the existing building as per the Norfolk Precinct Policy requirements;

6. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT, 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 Acoustic Report

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

6.3 Vegetation Screening

Vegetation screening shall be provided along the western boundary of the property abutting the western residential property to act as a buffer for sound and visual amenity; and

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

7.1 Management Plan

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;

7.2 Transport Statement

A Transport statement in accordance with the WAPC Transport Guidelines 2006 to be provided, if more than one-hundred (100) persons for both the Small-Bar and Shop uses are proposed;

7.3 Car Parking Area

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

7.4 Bicycle Parking Facilities

Two (2) Class one or two bicycles facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of bicycle bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility.

ADVICE NOTES:

1. **No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;**
 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 Walcott and Burt Street(s); and**
 3. **All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.**
-

FURTHER REPORT:

The proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) and Eating House was presented to the Ordinary Meeting of Council on 25 June 2013 whereby the Council resolved:

"That the item be DEFERRED at the request of the Applicant in order to conduct further community consultation with the local residents".

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 25 June 2013, 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

A revised proposal for change of use from Shop and Educational Establishment to Small Bar (Unlisted Use) and Retail Shop was considered at the Ordinary Meeting of Council held on 19 November 2013 where the Council resolved:

"That the item be DEFERRED for further community consultation to be undertaken by the City of Vincent"

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 19 November 2013, 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

The application is presented for further consideration to the Council following a greater area of consultation by the City along Monmouth Street, Burt Street, Walcott Street and areas adjacent to the development site within the City of Stirling Local Government Area. This has allowed for a greater level of comment to be provided than previously and to understand more varied opinions of the local residents.

It is noted that the City formally adopted Policy No. 7.5.7 in relation to Licensed Premises at the Ordinary Meeting of Council on 11 March 2014. Therefore the requirements of this Policy are adopted in the conditions of approval and the assessment of the application for Small Bars.

Details

Landowner:	Fogliani Nominees
Applicant:	Mr P Fogliani
Zoning:	Local Centre
Existing Land Use:	Shop & Educational Establishment
Use Class:	Small Bar & Retail Shop
Use Classification:	'SA' & "P"
Lot Area:	999 square metres
Right of Way:	Not Applicable

Following the Council's deferral of the application at the Ordinary Meeting of Council on 19 November 2013, the City undertook advertising for a period of fourteen (14) days for a 150 metre radius of the site and to those persons who had previously commented. The advertising was undertaken from the 28 November 2013 to 12 December 2013, where the following issues/comments were received by the residents of the surrounding area:

Neighbourhood Consultation	Neighbour Comments	Officer Comments
Support (5)	Nil.	Noted.
Objection (3)	<ul style="list-style-type: none"> Concern in relation to the detrimental use the proposal would have on the residents as the proposed change of use is in a residential zone and in quiet neighbourhood. Note that the Council must have regard to those residents located adjacent and behind the proposed use. 	<p>Noted. The proposed small bar is located on land zoned Local Centre and not residential. The proposal can be considered subject to the City Officers being satisfied that there will be no undue impact on the surrounding area.</p> <p>Noted. The City has considered the impact from the proposed use on the adjoining residential properties as outlined in the previous agenda reports on the 19 November 2013 and 25 June 2013 as well as in this agenda report.</p>
	<ul style="list-style-type: none"> Concern that with 86 persons proposed plus staff the 16 car parking bays provided would be inadequate. Concern that the locality is mostly single storey residences where people do not expect to be influenced by noise or activities associated with anything other than people living in their homes. 	<p>Not Supported. The proposed car parking is compliant with the City's Parking and Access Policy No. 7.7.1.</p> <p>Noted. The subject lot is zoned Local Centre. The proposal can be considered subject to the City Officers satisfied that there will be no undue impact on the surrounding area.</p>

Neighbourhood Consultation	Neighbour Comments	Officer Comments
	<ul style="list-style-type: none"> • Any noise generated by entertainment at the proposed Small Bar such as bands or musicians will increase noise. Other noise generated from the open courtyard areas, patrons vacating the premises and exiting the car parking area will be detrimental. • Note the commercial operations along Walcott Street near the proposed site have trading hours limited to the day time period and do not operate until 12.00am on weekdays and the weekend. 	<p>Noted. Any noise generated in the courtyard area would have to be compliance with the Environmental (Noise) Regulations 1997 and legislated by Health Services. The applicant would be required to provide an acoustic report for any noise generated as per the City's Policy No. 7.5.7 in relation to Licensed Premises. Any measures required to be implemented by the report would have to be done so by the applicant to ensure appropriate levels of noise are maintained.</p> <p>Noted. The recommended conditions of approval are to match normal eating house premises as noted above and in accordance with the hours of operation as listed under the Small Bar provisions for Local Centres according to Policy No. 7.5.7 relating to Licensed Premises.</p>
	<ul style="list-style-type: none"> • Note a small bar would be more appropriately placed in a mixed use or retail/commercial area such as the nearby Mount Lawley Centre Precinct where many small bars and licensed premises are not compatible with the residential use of properties immediately adjacent to the subject land. • The issue regarding car parking should ensure that vehicle traffic does not encroach into residential streets. The parking generated by the small bar would mean parking outside of homes from 7am to 10pm on Sunday to Thursday and 7am -12pm on Friday and Saturday. 	<p>Noted. The premises is zoned Local Centre and a Small Bar is an "Unlisted use" which can be considered by the Council if it is deemed an appropriate land use. It is considered that the revitalisation of the existing commercial building will provide an improvement appearance to the locality.</p> <p>Noted. The car parking area located at the rear of the premises is compliant with the City's Parking and Access Policy No. 7.7.1.</p>

Neighbourhood Consultation	Neighbour Comments	Officer Comments
	<ul style="list-style-type: none"> The Department of RGL defines allowable trading hours for a small bar generally from 6am to Midnight Monday to Saturday and 10am – 10pm on Sundays with other hours on Public Holidays. 	<p>Noted. The recommended hours of operation are in line with these, however the hours of 7am – 10am on Sunday are recommended to allow for breakfast trade in line with most café establishments and in accordance with the City's Policy No. 7.5.7 in relation to Licensed Premises.</p>
	<ul style="list-style-type: none"> The increased traffic in the area would pose, especially to Burt Street a safety hazard to children and elderly. Other problems such as anti-social behaviour, littering, loitering in the car park and drunken vandalism will likely result from the operation of the small bar. 	<p>Noted. The normal road rules apply in the area.</p> <p>Noted. The applicant would be required to operate responsibly under the Liquor Licensing Act. A Management Plan required to be provided as per the recommended condition, prior to the Occupation of Development in accordance with the City's Policy No. 7.5.7 in relation to Licensed Premises.</p>
<p>Comments and Concerns (1)</p>	<ul style="list-style-type: none"> Management plans and complaints registers will be ineffective in resolving concerns after the application has been approved. The courtyard area will likely generate noise, therefore a robust barrier would need to be built to restrict the travel of noise. The courtyard will likely be designed for smokers and the resultant pollution will cross property boundaries. 	<p>Not Supported. The applicant would have to comply with the Management Plan and Environmental Noise Regulations (1997), which will minimise impact on the adjoining residents.</p> <p>Noted. A condition has been recommended for the courtyard to have the same operating hours as the internal bar area except for Friday and Saturday nights until 10pm in accordance with the City's Policy 7.5.7 in relation to Licensed Premises. Furthermore the applicant would be required to provide an acoustic report to monitor and implement ways to reduce noise to nearby residents. In addition vegetation screening is proposed along the western (rear) boundary.</p> <p>Noted. The City Health Officers have advised that there is no legislation from smoking on private property.</p>

Neighbourhood Consultation	Neighbour Comments	Officer Comments
	<ul style="list-style-type: none"> The proposed bin location is within 30 metres of the rear boundary with no evidence of or practical method proposed to dampen the sound. Any clean-up will occur post close with noise and activity occurring post closing time. This requires an engineering solution. Light from the building and car park will be broadcast into surrounding properties. 	<p>Noted. The applicant would be required to provide, prior to any approval, a waste/refuse management plan that is to be approved by the City's Technical Services.</p> <p>Noted. Any issue which arise with regard to light spilling would be subject to investigation by the City's Health Officer's. It is noted that the applicant should have regard to the placement of any lights to mitigate any potential issues in the future on the adjoining residential properties.</p>
	<ul style="list-style-type: none"> The 'future retail' section still appears to be merely an adjoining room to the bar, as there is no provided access as a standalone facility. On a positive note I would like to commend the retention of the buildings, with the awning also to be retained. 	<p>Noted. The applicant is proposing for this section to be a retail shop. If this application is supported the applicant is required to use this building as a shop and not as a "Small Bar".</p> <p>Noted.</p>

Parking

Applicant Proposal – Car Parking Bays	Proposed
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> Proposed Small Bar (Unit 2) - (1 car bay per 5 persons) (86 persons proposed) – 17.2 car bays Proposed Retail Shop (Unit 1) – 1 bay per 20 square metres floor area) – 25 square metres – 1.25 car bays <p>Total car bays required = 17.2 car bays + 1.25 car bays = 18.45 car bays – 18.0 car bays</p>	18.00 car bays
<p>Adjustment factors</p> <ul style="list-style-type: none"> 0.80 (within 400 metres of a bus route) 	(0.80) 14.40 car bays
Minus the car parking provided on-site	16.00 car bays
Resultant Surplus	1.60 car bays

Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
Proposed Small Bar – One (1) Bicycle Space per 20 persons required (86 persons proposed) (Class 1& 2/3) – 4.3 Bicycle Bays required – 5.0 spaces - 35% for Class 1 or 2 – 1.75 spaces – 2.0 spaces - 65% for Class 3 – 3.25 spaces – 3.0 spaces	Class 2 – 2.0 spaces required Class 3 – 3.0 spaces required
Proposed Shop– One (1) bicycle per 40 square metres (25m ²) – 1.0 - 35% for Class 1 or 2 - 65% for Class 3 Total Required - Class 2 – 2.0 spaces required Class 3 - 4.0 spaces required	Class 2- Nil bicycle spaces Class 3 – 1.00 spaces
Minus the bicycle bays provided on-site	Class 3 – Five (5) Bike Racks (U Rails)
Resultant Surplus	Class 3 – 1.00 spaces
Resultant Shortfall	Class 2 – 2.0 spaces required.

Planning Comments

It is noted the proposed Small Bar and Retail Shop, located in a Local Centre, are considered to be a supportable uses for the existing commercial premises. The car parking required by the Small Bar and Retails Shop uses are compliant with the City's Policy 7.7.1 in relation to Parking and Access and can be well accommodated in the car parking area to the rear of the site. It is noted any operational hours of the proposed Small Bar would be subject to the City's Policy 7.5.7 in relation to Licensed Premises.

Conclusion

As outlined above, the comments from the most recent community consultation period have been considered and addressed. The concerns of the adjoining residential properties are acknowledged. However, the conditions being imposed on the Small Bar such as courtyard operating hours, vegetation screening along the boundary to minimise the noise impact, the requirement of an acoustic report and management plan will ensure that the proposed small bar will have a minimal impact on the surrounding properties. It is also noted the recommended conditions proposed for the small bar is in accordance with the City's Policy No. 7.5.7 in relation to Licensed Premises.

Overall, the redevelopment of the existing site is considered to be a revitalise an existing underutilised commercial property in a Local Centre zone and one which will improve the amenity of the area in this part of Mount Lawley.

9.1.2 LATE ITEM: FURTHER REPORT: No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth – Proposed Change of Use To Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development including Offices and Eating House , And Proposed Retrospective Approval for Schedule of Finishes and Encroachment of Existing Balconies

Ward:	South	Date:	20 March 2014
Precinct:	North Perth Centre, P09	File Ref:	PRO1047; 5.2013.534.1, 5.2013.309.1
Attachments:	001 – Property Information Report & Development Application Plan 002 – Parking Demand Study 003 – Plan of Management dated 11 February 2014 004 – Schedule of Finishes Plans 005 – Approved Schedule of Finishes		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Home 4 Me on the behalf of the owner Tizzano Innocento for Proposed Change of Use to Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development Including Offices and Eating House, at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 23 August 2013, subject to the following conditions:
 - 1.1 Doors, windows and adjacent floor areas facing Fitzgerald Street and Wasley Street shall maintain an active and interactive relationship with these streets;
 - 1.2 The maximum gross floor area of the new Recreational Facility (Gym) shall be limited to 249.54 square metres. Any increase in floor space or change of use of the Recreational Facility (Gym) shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City’s Policy No. 7.7.1 relating to Parking and Access;
 - 1.3 The maximum number of patrons for the recreational facility at any one time shall be limited to 50 persons;
 - 1.4 This approval for Recreational Facility (Gym) is for a period of thirty six (36) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;
 - 1.5 Operating Time
 - 1.5.1 The proposed use of the Recreation Facility (Gym) is permitted to operate 24 hours, seven days a week;
 - 1.6 The Management Plan submitted as part of this application shall be implemented from the date of the commencement of the use (gym) to the satisfaction of the City;
 - 1.7 The gym shall comply with the Noise Regulations; and
 - 1.8 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

- A. In relation to Condition 1.3 above, under the Health (Public Buildings) Regulations 1992, as the premises has only one exit, the maximum number of patrons permitted to occupy the building at any one time is 50.
 - B. In relation to Conditions 1.5 and 1.6 above, the applicant is required to comply with the Management Plan to minimise antisocial behaviour and impacts on surrounding properties during the hours of operation.
 - C. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
 - D. 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 and Wasley Street;
 - E. Any new street/front wall, fence and gate within the Fitzgerald Street and Wasley Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
 - F. 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;
2. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Tizzano Group on the behalf of the owner Tizzano Innocento for Retrospective Approval of Schedule of Finishes and Encroachment of Balconies at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 11 March 2014, subject to the following condition:
- 2.1 WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', a tiling layout plan is to be submitted and approved by the City's Chief Executive Officer; and
 - 2.2 Encroachment of the balconies is not supported as part of this approval.

ADVICE NOTE:

- A. In relation to 2.2 above, the owner/applicant is advised to seek approval from Department of Land for the encroachment of balconies prior to seeking approval for an Occupancy Permit (Unauthorised).

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

“That a new Clause 2.3 be inserted to read as follows:

2.3 The Cash in Lieu amount be charged for the 1.23 car bays.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

OFFICER RECOMMENDATION 1

That the Council;

1. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Home 4 Me on the behalf of the owner Tizzano Innocento for Proposed Change of Use to Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development Including Offices and Eating House, at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 23 August 2013, subject to the following conditions:
 - 1.1 Doors, windows and adjacent floor areas facing Fitzgerald Street and Wasley Street shall maintain an active and interactive relationship with these streets;
 - 1.2 The maximum gross floor area of the new Recreational Facility (Gym) shall be limited to 249.54 square metres. Any increase in floor space or change of use of the Recreational Facility (Gym) shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City’s Policy No. 7.7.1 relating to Parking and Access;
 - 1.3 The maximum number of patrons for the recreational facility at any one time shall be limited to 50 persons;
 - 1.4 This approval for Recreational Facility (Gym) is for a period of thirty six (36) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;
 - 1.5 **Operating Time**
 - 1.5.1 The proposed use of the Recreation Facility (Gym) is permitted to operate 24 hours, seven days a week;

- 1.6 The Management Plan submitted as part of this application shall be implemented from the date of the commencement of the use (gym) to the satisfaction of the City;
- 1.7 The gym shall comply with the Noise Regulations; and
- 1.8 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

- A. In relation to Condition 1.3 above, under the Health (Public Buildings) Regulations 1992, as the premises has only one exit, the maximum number of patrons permitted to occupy the building at any one time is 50.
- B. In relation to Conditions 1.5 and 1.6 above, the applicant is required to comply with the Management Plan to minimise antisocial behaviour and impacts on surrounding properties during the hours of operation.
- C. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
- D. 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 and Wasley Street;
- E. Any new street/front wall, fence and gate within the Fitzgerald Street and Wasley Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
- F. 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;

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

Inappropriate change of use for the location.

MOTION PUT AND CARRIED LOST (0-9)

OFFICER RECOMMENDATION 2

2. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Tizzano Group on the behalf of the owner Tizzano Innocento for Retrospective Approval of Schedule of Finishes and Encroachment of Balconies at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 11 March 2014, subject to the following condition:

- 2.1 **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', a tiling layout plan is to be submitted and approved by the City's Chief Executive Officer; and**
- 2.2 **Encroachment of the balconies is not supported as part of this approval.**

ADVICE NOTE:

- A. **In relation to 2.2 above, the owner/applicant is advised to seek approval from Department of Land for the encroachment of balconies prior to seeking approval for an Occupancy Permit (Unauthorised).**

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.2

That the Council;

1. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Tizzano Group on the behalf of the owner Tizzano Innocento for Retrospective Approval of Schedule of Finishes and Encroachment of Balconies at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 11 March 2014, subject to the following condition:

- 1.1 **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', a tiling layout plan is to be submitted and approved by the City's Chief Executive Officer; and**
- 1.2 **Encroachment of the balconies is not supported as part of this approval; and**

ADVICE NOTE:

- A. **In relation to 2.2 above, the owner/applicant is advised to seek approval from Department of Land for the encroachment of balconies prior to seeking approval for an Occupancy Permit (Unauthorised).**

ADDITIONAL INFORMATION:

The approved Schedule of Finishes as part of the Building Permit is attached.

Previous Reports to Council:

Landowner:	Innocento Tizzano
Applicant:	Home 4 Me, Tizzano Group
Zoning:	District Centre
Existing Land Use:	Office and Eating House
Use Class:	Recreational Facility
Use Classification:	"AA"
Lot Area:	1089 square meters
Right of Way:	Not applicable

The proposed Change of Use To Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development including Offices and Eating House was presented to the Ordinary Meeting of Council on 17 December 2013 whereby Council resolved:

"That the item be DEFERRED for further discussion with the Applicant and the Property Owner".

The reasons for deferral were issues relating *"to car parking use, the consultation in relation to the 24 hour gym is not being wide enough to ascertain its true impact on the area."*

The minutes of Items 9.1.5 from the Ordinary Meeting of Council held on 17 December 2013 are available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2013

It is noted that the application was further advertised to surrounding properties within a radius of 200 metres from the subject site.

DETAILS:

The existing building was conditionally approved by Council at its Meeting held on 26 June 2007 with a condition for a detailed schedule of external finishes to be submitted and approved by the City prior to the issue of the building permit. The finishes proposed for the building showed stone cladding on some parts of the building and colour schemes as part of the Building Permit which was issued by the City on 8 April 2009. However, when the building was constructed the developer did not comply with the stone cladding and constructed the balconies within the road reserves. A retrospective application for the schedule of finishes and the balconies was submitted which is being considered in this Agenda Report.

Both applications, change of use from office to recreational facility and retrospective approval for schedule of finishes and balconies are being considered in this Agenda Report.

Change of Use

The application under consideration is for a Change of Use from Office to Recreational Facility (Gym) which was presented to Council at its Ordinary Meeting held on 17 December 2013. The Gym is to occupy 249.54 square metres on the ground floor of an existing four (4) storey building. The ground floor is also occupied by an Eating House (Cafe). The upper floors are occupied by offices.

A total of 24 car parking spaces are provided on-site. The site adjoins the Wasley Street public car parking which includes 42 car parking bays. The View Street public car parking area which is also located nearby, has 41 car parking bays. No additional car parking is proposed on site as part of this proposal. The Applicant has provided a Parking Demand Study (attached). The study is not site specific, and is based on other gyms operating elsewhere to support the number of required car parking spaces.

The gym will operate 24 hours a day and 7 days a week. As per the Management Plan for the gym, it is anticipated that there will be a maximum of 20 people in the gym at the peak times of 6am to 9am and 4 pm to 8 pm, 3 to 5 persons between 10 pm to 5 am. There will be one staff member and one personal fitness trainer during regular business hours and will otherwise be unstaffed. The gym will not offer services such as group fitness classes which have the potential to attract a large number of users at specific times. Closed Circuit Television Cameras will be provided for monitoring the users of the gym and will be used also for monitoring the noise levels within the gym. As part of the rules of conduct, each member of the gym will receive an information pack that will describe the behavioural codes of conduct required to be maintained whilst using the gym. The patrons will be advised to keep the noise levels to the minimum when entering and leaving the premises.

Under the Health (Public Buildings) Regulations 1992, as the premises only has one designated exit, the maximum number of patrons permitted to occupy the building at any one time is 50. The designated exit is the limiting factor in this instance as other factors such as the floor area and the toilets resulted in higher patron numbers. The applicant advised that there would be a maximum of 13 patrons at the peak time. However, given that the building can accommodate the maximum number of 50 persons therefore the usage of the gym is based on a maximum of 50 people which is agreeable by the applicant.

Public Art

As part of the Condition for Public Art, the owners of the subject site erected a small figurine sculpture without the City's Community Development approval. On 26 June 2013 the City had a meeting with the owners to discuss non compliance with the Percent for Art scheme. The owners were advised the figurine sculpture was not acceptable, nor did it meet the policy requirements. The options were to either give the City \$25,000 for cash in Lieu for the Public Art or contract another art design piece. Percent for Art works under \$30,000 were e-mailed to the owners for their consideration, however, the owners opted to pay the cash-in-lieu requirement to satisfy the Public Art condition.

Schedule of Finishes and Balconies

The development in its current form does not comply with the Schedule of Finishes as approved on the Building Permit plans on 8 April 2009. The City Officers have referred the proposed Schedule of Finishes to DAC for comments and advice. Further details relating to this matter is provided later in this report. Furthermore, the existing balconies at the corner of Fitzgerald Street and Wasley Street encroach into the road reserves, it should be noted that this is a separate issue to this development application and will be dealt with by the Department of Lands as the matter falls under their jurisdiction.

These above two issues, schedule of finishes and balconies, have now become compliance matters, and as such the owner is seeking retrospective approval for the schedule of finishes and balconies.

The City Officers have spent significant time trying to resolve issues with the applicant dealing with the various non-compliant aspects of the building. A timeline is provided below for compliance matters relating to the existing development which included the schedule of finishes and balconies as follows:

19 June 2013	City Officers had a meeting with owner/builder/architect on-site to assess alleged non-compliance with approvals.
27 June 2013	City Officers had a meeting with builder/building consultant/architect at City of Vincent Offices to discuss/progress issues raised in City's letter dated 20 June 2013.
2 August 2013	City Officers had a meeting with architect/building consultant/builder and owner representative on-site. Discussed artwork, Occupancy Permit, Building Permit and encroaching of balconies
11 October 2013	City Officers had a meeting with the owner representative and builder on-site.
2 December 2013	City Officer discussed with the owner representative regarding the Artwork.
16 December 2013	City Officer discussed with the owner representative regarding external finishes/artwork.

ASSESSMENT:

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

Change of Use from Office to Recreational Facility

In light of Council's decision to defer the item at Council Meeting held on 17 December 2013 in regards to car parking issues, the calculation under the previous and the new car parking policy are provided below. Considering that the original application was lodged, on 31 August 2013, prior to the New Parking and Access Policy coming into effect on 8 October 2013, the proposal was not originally assessed using the current Car Parking and Access Policy, as it is the general practice to assess car parking based on the policy the application was received for procedural fairness.

Under the current Car Parking Policy, the parking rate for a gymnasium is 1 space per 4 persons. The number of persons is further determined as per the City's Health Department Assessment as outlined above. The calculation for the parking is based on the maximum number of persons can be accommodated by the gym as per the Health Department Assessment. In this instance, a maximum of 50 patrons is being considered for the gym.

The car parking calculation is assessed under the previous and current Parking and Access Policy as follows;

Issue/Design Element: Parking (PREVIOUS POLICY)	
Proposed: Car parking requirement (nearest whole number):	63 car bays
<ul style="list-style-type: none"> • Office 1 space per 50 square metres of Gross Floor Area Gross Floor Area: (Existing 2349 square metres) – (Proposed: Less 249.54 square metres) = 2099.46 square metres Total 41.989 car parking bays required • Recreational Facility (gym) 1 Space per 30 square metre of Gross Floor Area Gross Floor Area (249.54 square metres) = 8.318 • Eating House (Cafe) 1 car parking space per 4.5 square metres of Public floor Area 55 square metres (as per previous approval) 12.22 car parking spaces 	
Total car bays required = 62.52 car parking bays	
Apply the adjustment factors.	(0.5852)
<ul style="list-style-type: none"> • 0.85 (The proposed development is within 400 metres of a bus stop/station) • 0.85 (The proposed development is within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking bays) • 0.9 (provision of "end-of-trip" facilities for bicycle users) • 0.9 (The proposed development is within a District Centre zone). 	36.87 car bays
Minus the number of car parking spaces	24
Minus the most recently approved on-site car parking shortfall	16.96
Resultant Surplus	4.09 bays

According to the previous Policy, the proposal results in a surplus for 4.09 bays and is therefore compliant.

Issue/Design Element: Approved Uses - Parking (CURRENT POLICY)	
<p>Previous Demand:</p> <ul style="list-style-type: none"> Office 1 space per 50 square metres of Net Lettable Area Net Lettable Area: (Proposed: 2168) = 43.36 car bays Shop 1 space per 20 sqm of Net Lettable Area Net Lettable Area: 180.90 = 9.045 car bays Eating House (Cafe) 1 car parking space per 5 Persons 96 Persons (as per Health assessment) 19.2 car parking spaces <p>Total: 71.6 car bays</p>	72
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> 0.8 (The proposed development is within 400 metres of a bus stop/station) 0.85 (The proposed development is within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking bays) 0.9 (The proposed development is within a District Centre zone). 	(0.612) = 44.06 car bays
Minus the car parking provided on-site	24
Resultant shortfall	20.06 car bays

Issue/Design Element: Proposed Uses -Parking (CURRENT POLICY)	
<p>Proposed:</p> <p>Car parking requirement (nearest whole number):</p> <ul style="list-style-type: none"> Office 1 space per 50 square metres of Net Lettable Area Net Lettable Area: (Proposed 1917 sqm + 180.9sqm) = 2097.9 car bays Total 41.958 car parking bays required Recreational Facility (gym) 1 space per 4 persons 50 persons (as per Health Assessment) 12.5 car bays Eating House (Cafe) 1 car parking space per 5 Persons 96 Persons (as per Health Assessment) 19.2 car parking spaces <p>Total car bays required = 73.658 car bays</p>	= 74 car bays
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> 0.8 (The proposed development is within 400 metres of a bus stop/station) 0.85 (The proposed development is within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking bays) 0.9 (The proposed development is within a District Centre zone). 	(0.612) = 45.288 car bays
Minus the car-parking provided on site	24
Resultant shortfall	21.29 car bays

According to the current policy, the shortfall of the proposed Office and Gym (21.29 car parking spaces) is more than the original shortfall (20.06 car bays). The resulting car parking spaces shortfall is 1.23 car parking spaces.

Considering that the original application was lodged, on 31 August 2013, prior to the current Parking and Access Policy, the proposal was not originally assessed using the current Car Parking and Access Policy. Planning Services have determined that it is fair and reasonable in this instance to apply the previous Car Parking Policy that therefore the car parking number is compliant. Furthermore, considering the gym's peak usage will be outside the office hours, the proposal is not considered to be detrimental to the area.

If Council did wish to apply the new Policy, that is at their discretion. If it were to recommend approval under the new policy, a condition relating to cash-in-lieu be added to this approval. Based on the current shortfall (1.23 car parking spaces) the cash-in-lieu will be \$6150.

Bicycle Parking	
Proposed Bicycle parking requirement (nearest whole number):	28.15 bicycle spaces
<ul style="list-style-type: none"> • Office 1 space per 100 square metres of Gross Floor Area Gross Floor Area: (Existing 2349 square metres) – (Proposed: Less 249.54 square metres) = 2099.46 square metres = 20.9946 bicycle bays • Recreational Facility (gym) 1 space per 60 square metres Gross Floor Area 249.54/60 = 4.159 • Eating House (Cafe) 3 bicycle spaces as per previously approved 	
Total: 28.15 bicycle spaces required.	
Provided on site as per the previous approval	16 bicycle spaces
Shortfall	12.15 bicycle spaces

A previous condition of approval is as below:

“(xiii) Prior to the first occupation of the development, nine (9) class 1 or 2 and seven (7) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the side and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.”

Considering that the building was recently constructed and that there would be no possibilities to include additional bicycle rack, it is recommended that the proposal be approved with the above bicycle shortfall.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	22 January 2014 to 6 February 2014		
Comments Received:	Six (6) submissions in support and nine (9) objecting to the proposal were received. One (1) was a late submission.		

The comments below relate to the second round of advertising from 22 January 2014 till 6 February 2014, which covered a radius of 200 metres of the subject site. The Minutes of Council Meeting dated 17 December 2014 contain the previous comments received as per the first advertising period. Overall, the comments are very similar.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Car Parking</u></p> <p>There is already parking issues in the area and the gym will exacerbate the problem.</p> <p>The car parking area associated with the building is locked and will not be accessible for the patrons of the gym.</p>	<p>Noted. The proposal is compliant with the car parking requirements. The Wasley Street Council Car Parking is also accessible 24 hours a day. Any increase in usage is expected to be minimal as peak hours for gyms are generally early in the morning or after business hours.</p> <p>The two outside car parking spaces will be available for the customers and staff at all times. The attached Plan of Management further details the car parking arrangement.</p>
<p><u>Amenity for residents</u></p> <p>The proposal will result in an increase of the Wasley Street parking at night time which is disturbing for adjoining residences.</p>	<p>Noted. The Wasely Street parking is already open 24 hours and is an established use.</p>
<p><u>Bicycle Parking</u></p> <p>The bicycle parking shortfall does not support environmentally friendly transport.</p>	<p>Noted. As the building is already existing, it would not be appropriate to require additional bicycle parking as cycling is not a popular form of transport for most people.</p> <p><u>The building is existing and with its good accessibility to public transport and close proximity to surrounding residential/commercial areas, the variation to the bicycle parking shortfall in this instance is supported.</u></p>
<p><u>Streetscape</u></p> <p>A “gym” will disrupt the “cafe-strip” style streetscape.</p>	<p>Noted. The gym will contribute to the variety of commercial uses within the area.</p>
<p><u>Access</u></p> <p>The main doors of the building will remain open 24 hours, 7 days a week to use the bathroom in the common area. This will create a safety issue.</p>	<p>Noted. The main building doors will be locked outside office hours. The attached Plan of Management further details how the proposal will operate.</p>
<p><u>Opening hours</u></p> <p>A 24 hours gym will should not be allowed to be so close to residential areas.</p>	<p>Noted. The commercial nature of the Fitzgerald Street is well established and the proposal is not considered to create excessive noise.</p>
<p><u>Commercial</u></p> <p>This type of use does not bring trade to the local community and will reduce the funding to community installation such as sports complexes.</p>	<p>Noted.</p>
<p><u>Ancillary use</u></p> <p>Other uses may tag on with time such as relaxation massage.</p>	<p>Noted. A massage facility would require a new application, as the use will then be a ‘Consulting Room’. At present, the application is for a Recreational Facility only.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposed Schedule of Finishes was referred to Design Advisory Committee (DAC) meeting on 5 February 2014. The DAC provided the following comments:

“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).

- *The Applicant and the DAC have become involved with this project at the last stage, therefore it is difficult to fully understand the complexities and problems associated with the project. The ability for the DAC to address concerns is limited.*
- *As the site is a landmark site it is important for the development to have the level of finish specified in the approved Council documents.*
- *The engineers have advised they will only certify the proposed tiles to the first floor level, however it is important to find a way to achieve the cladding to the full height, even if there is added expense in fixing the tiles.*
- *The Applicant presented two tile options; a thin grey porcelain tile and thicker travertine stone tile.*
- *Utilise different tile formats within the tile type to create variety when designing the layout to corner and feature wall elements.*
- *Supply a tiling drawing with the sample tile to the DAC.*
- *An alternative lightweight tile close to the originally approved stone tile should be obtainable.*
- *Consider using smaller format mosaic tiles that would not create a safety problem.*
- *Consult with wall system providers AFS to see what their recommendations are with regard to fixing to the walls or perhaps the company who supplied the sample tiles may be able to give advice with regard to an alternative fixing method*

Recommendation:

The applicant should explore finishes commensurate with the quality of that which received DA approval. The applicant has been advised that the fixing method used at the ground floor will not support the tiles nominated and approved in the DA, at upper floors. The applicant should investigate alternative fixing systems (furring channel/brackets) that would allow the approved travertine stone to be hung from the existing structure. If this is not possible, the applicant should explore a smaller natural stone tile, of a similar quality that will allow a different fixing method. If these are unsuccessful, the City could consider a thin porcelain tile that closely approximates the travertine stone in texture, scale and colour, which would be able to be adhered to the existing structure. The ability for the DAC to address concerns is limited as we have not had involvement with this proposal until this late stage.

Mandatory:

Investigate the options outlined above.

Supply a tiling layout drawing and sample tile to the DAC for consideration before going to Council. A tiling layout drawing should show the extents of the tiling as well as the detailed patterning created by the size and position of tile.

Technical:

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

In light of the above, the applicant submitted amended plans (attached) and samples (will be presented to Council) which were referred to DAC meeting on 19 March 2014. The DAC provided the following comments:

"Whilst we are keen to assist Council to improve the quality and finish of this project, we have very limited capacity to do this at such a late stage in the build/planning process.

Whilst this is a domestic porcelain tile, it offers a textured and interesting finish and will complement the existing travertine marble and paint colour palette chosen. The DAC suggest laying this tile in a "stretcher bond" with the textured bands running horizontally. If a half height format of this tile is available then this would be the most suitable.

It is still advisable for the applicant to supply a tiling layout drawing for consideration by the DAC before going back to Council. A tiling layout drawing should show the extents of the tiling as well as the detailed patterning created by the size and position of tile."

The DAC has advised that this matter be resolved through the provision of a planning condition to the satisfaction of the City.

COMMENTS & CONCLUSION:

Change of Use

As outlined above, the proposal was advertised to surrounding properties within a radius of 200 metres from the subject site. The comments received were addressed in the Consultation/Advertising section.

The subject site is located within a Commercial Zone, along an activity corridor (Fitzgerald Street) and this type of use (gym) is expected in this area subject to the City is satisfied that there will be no undue impact on the surrounding area.

The Management Plan submitted as part of this application, it is expected that there will be a maximum number of 20 patrons at the peak times and group fitness classes will not be offered. Moreover, Closed Circuit Television Cameras will be used for monitoring the users of the gym and noise levels within the gym. Therefore it is expected that the gym will not have an undue impact on the surrounding properties in terms of the noise.

The activation of the gym will increase the activity in the area after office hours which will contribute to a dynamic and attractive area of North Perth Centre. The proposed gym will provide passive surveillance day and night which will be beneficial to the surrounding business activities and also to the local residents. Furthermore the proposal will provide additional recreational facilities for the residents of the surrounding area.

With regard to parking, it is considered that the site is accessible by public transport and within walking distance from the nearby residential area, and therefore it is considered that parking for the users of the gym will not have any undue impact on the amenity of the area. It is considered car parking is to be assessed as per the previous car parking policy as the application was received when the previous policy was still operational.

Schedule of Finishes

The applicant provided the following information:

"Further to our telephone discussion late this afternoon please find attached a copy of the follow up advice received from the consultant structural engineer confirming that they are not prepared to certify the use of travertine stone as originally proposed on the external facade of the building due to the weight of the stone. This includes any proposed mechanical fixing methods.

Our client has been in discussion with Imported Ceramics in Osborne Park about alternative cladding options but have not been able to find a suitable mechanical fixing system and stone type finish to affix to the walls of the building. The range available is not huge and what is available is very expensive.

Our client has again spoken with the structural engineer about the use of ceramic tiles and has been advised that it is possible to affix tiles however the outer layer of compressed fibre board on the external walls will need to be removed so as to expose the bare concrete underneath upon which the tiles will then be fixed using high strength epoxy glue. The glue manufacturers have advised that they will warrant the use of their product for this particular application.”

The location of the proposed schedule of finishes will be the same as per the approved building permit. With regard to the materials, as outlined above, the applicant advised that they could not have stone finishes as the structural engineer would not certify the finishes to the full height of the building. The applicant is proposing to use two types of tiles, Tile 1 – Mopavia Cream Ceramic Wall Tile and Tile 2 – Mopavia Sand Ceramic Wall Tile for the finishes. Tile 1 cladding will be used up to the third storey at the corner of Fitzgerald Street and Wasley Street, Tile 2 cladding will be used on the ground floor, and the building will be painted in different colours. The plans show the proposed external facades upon completion which will improve the aesthetic of the building.

DAC supports the proposed tiles subject to the tiles being laid in a “stretcher bond” with the texture bands running horizontally. If this application is supported by Council, as part of the Condition of approval, the applicant will be required to submit a tiling layout plan to be approved by the City.

Balconies

The existing balconies at the corner of Fitzgerald Street and Wasley Street encroach into the road reserves. The City does not support encroachments into road reserves. The City Technical Services advised that it is not possible under current legislation to have tenure over development within road reserve and this raises concerns for the City as Management Authority of the road reserve in respect of liability. However, the power/authority to approve the encroachment of balconies, lies with Department of Lands and not the City.

The applicant can apply to Department of Lands and if the Department of Lands approve the encroachment of the balconies then the City will be able to approve the balconies as part of an Occupancy Permit Unauthorised (under Section 51 of the Building Act 2011).

Conclusion

In view of the above, it is considered that the recreational facility will not have an undue impact on the amenity of the area, rather the proposed gym will provide passive surveillance day and night and will activate the Town Centre area. With regard to the schedule of finishes, they have been referred to the DAC and are supported subject to final approval from the City. Issues relating to the encroachment of balconies, they will be dealt with by the Department of Lands as the matter falls under their jurisdiction.

9.1.5 No. 277 (Lot: 19 D/P: 1561) Vincent Street, Leederville – Proposed Demolition Of Existing Building and Construction Of Four (4) Storey Multiple Dwelling Comprising Ten (10) Multiple Dwellings With Associated Car Parking

Ward:	South	Date:	17 March 2014
Precinct:	Oxford Centre, P4	File Ref:	PRO3238; 5.2013.553.1
Attachments:	001 – Property Information Report & Development Application Plans 002 – Applicant Justification Report		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory) T Elliott, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Carrier and Postmus Architects on behalf of Wilkat Pty Ltd & 4 Crows Pty Ltd for Proposed Demolition Of Existing Building Construction Of Four (4) Storey Multiple Dwelling Comprising Ten (10) Multiple Dwellings With Associated Car Parking, at No. 277 (Lot: 19 D/P: 1561) Vincent Street, Leederville and as shown on plans stamp-dated 21 November 2013 and amended plans dated 25 February 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. 279 and 273 Vincent Street, and No. 198 Car Place in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;

2. **Residential Car Bays**

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

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

3.1 **Privacy**

The windows on the first and second floor to the bedroom 2 (Units 2, 3, 4, 5, 6, 7, 8) 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 3.0 metres respectively from a neighbouring boundaries. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013; and

3.2 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;

3.3 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, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

3.4 Landscape and Reticulation Plan

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy in relation to Leederville Town Centre Masterplan and Built Form Guidelines 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:

- 3.4.1 Provision of increased soft landscaping of to ten (10) percent of the total site with a view to significantly reduce areas of hardstand and paving;
- 3.4.2 The location and type of existing and proposed trees and plants;
- 3.4.3 All vegetation including lawns;
- 3.4.4 Areas to be irrigated or reticulated;
- 3.4.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 3.4.6 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and

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);

3.5 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;

3.6 Schedule of External Finishes

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

3.7 Storerooms

The applicant to provide revised plans noting each dwelling to have a storeroom of a minimum area of 4.0 square metres and minimum dimension of 1.5 square metres in accordance with the Residential Design Codes of WA 2013;

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 Vehicular Entry Gates

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

4.3 Clothes Drying

Each multiple dwelling shall be provided with screened outdoor area for clothes drying or an internal clothes tumble dryer;

4.4 Visitor Bays

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

4.5 Bicycle Parking

Three (3) and one (1) bicycle bays for the residents and visitors of the development shall be provided respectively;

5. 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:

5.1 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:

5.1.1 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 \$20,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$2,000,000; and

5.2 in conjunction with the above chosen option;

5.2.1 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**

5.2.2 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; and

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

ADVICE NOTES:

- 1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
- 2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street or from the river;**
- 3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;**
- 4. Any new street/front wall, fence and gate within the Vincent 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;**
- 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;**
- 6. The applicant shall gain approval of Western Power in relation to the proposed development; and**
- 7. In accordance with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Vincent Street frontage of the property are to be undergrounded (with the exception of the high voltage lines), at the Developer's full cost. The developer is required to liaise with both the City of Vincent and Western Power to comply with the respective requirements.**

COUNCIL DECISION ITEM 9.1.5

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Harley

“That Clause 2 be amended to read as follows:

2. Residential Car Bays

A minimum of ~~nine-ten~~ (29) and three ~~two~~(23) car bays shall be provided for the residents and visitors respectively. The twelve (12) car parking spaces provided for the residential and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

Debate ensued.

AMENDMENT PUT AND CARRIED (7-2)

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

Against: Cr Pintabona and Cr Topelberg

Debate ensued.

MOTION AS AMENDED PUT AND LOST (2-7)

For: Cr Buckels and Cr Wilcox

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

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

Concerns with rear and front lot boundary set backs.

REPORT TO ORDINARY MEETING OF COUNCIL:

The above item was withdrawn prior to the Ordinary Meeting of Council on 11 March 2014 at the request of the applicant.

No amendments have been made to the proposal.

PURPOSE OF REPORT:

The proposal is referred to the Council for determination, given the proposal is for the construction of four storey development comprising of ten (10) multiple dwellings.

BACKGROUND:

Date	Comment
3 August 2005	The City under delegated authority approved a development application for partial demolition of and alterations and additions to existing single house.

Previous Reports to Council:

Date	Comment
26 August 2008	The Council at its Ordinary meeting conditionally approved the Demolition of Three (3) Existing Single Houses and Construction of Eighteen (18) Single Bedroom Multiple Dwellings at Nos. 277, 279 and 281 (Lots: 19, 18 and 17) Vincent Street, Leederville.

DETAILS:

Landowner:	Wilkat Pty Ltd & 4 Crows Pty Ltd
Applicant:	Carrier and Postmus Architects
Zoning:	Residential R80
Existing Land Use:	Residential
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	521 square metres
Right of Way:	N/A

The subject site is located within the Leederville Town Centre Masterplan area and Precinct 7; Carr Place Residential Area. The Carr Place Residential Area Guidelines are applicable to the site.

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		
Leederville Town Centre Built Form Guidelines and Masterplan (Front Setback)			✓
Lot Boundary Setbacks			✓
Boundary Wall	✓		
Building Height			✓
Building Storeys	✓		
Roof Forms	✓		
Open Space	N/A		
Bicycles	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Dwelling Size	✓		
Site Works	✓		
Utilities and Facilities			✓
Surveillance	✓		
Landscaping			✓
Outdoor Living Areas	✓		

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

Issue/Design Element:	Front Setback
Requirement:	<p>Leederville Town Centre Masterplan and Built Form Guidelines Carr Place Residential</p> <p><u>Front Setbacks</u> Ground Floor – 4.0 metres Above 2nd Storey – 7.0 metres</p>
Applicants Proposal:	<p>Ground Floor – 3.6 metres (minimum) Upper Floors (Balcony) - 5.34 metres</p>
Performance Criteria:	N/A
Applicant justification summary:	<p><i>If Western Power approval is also required for the front setback this can be obtained, however a setback from the overhead power lines to the front of the upper level balconies of 8m is being provided.</i></p>
Officer technical comment:	<p>Supported. The reduced front setback is supported as the ground floor setback at a minimum of 3.6 metres is for 51 per cent of the street frontage and not considered as a bulky treatment to the street frontage. The front setback proposed is also considered to be consistent with the recently conditionally approved Four Storey Multiple Dwellings development at No. 281 Vincent Street, Leederville, by the Council at its Ordinary Meeting held on 18 December 2012. In the case of No. 281 Vincent Street, Leederville, although the front setback proposed for the ground floor was 4.0 metres, the front setback also included a steep staircase feature which intruded within the 4.0 metre setback requirement. On this basis this element provides precedence for the minor variation to be supported.</p> <p>With regard to upper floors, the proposed front setbacks (5.34 metres) are generally consistent with the upper floors at No. 281 Vincent Street, Leederville (approved front setback 5.5 metres). It is noted this part of Leederville is considered an area in transition, with the remaining single house stock likely to change in built form through redevelopment.</p> <p>It is noted the applicant is required to seek the approval of Western Power for the safe provision of power to the lot and is conditioned accordingly.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement	<p>Residential Design Codes Clause 5.1.3 (C3.1) <u>Ground Floor – Third Floor</u> Western – 4.0 metres Eastern – 4.0 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 7.0 metres Average Boundary Wall Height – 6.0 metres Built to one side Boundary only.</p>
Applicants Proposal:	<p>First Floor <u>First Floor</u> Western: Nil – 2.3 metres Eastern: Nil – 2.3 metres</p> <p><u>Second Floor</u> Western: Nil – 2.3 metres Eastern: Nil – 2.3 metres</p> <p><u>Third Floor</u> Western: 1.0 – 2.3 metres Eastern: 1.0 – 2.3 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 8.8 metres Average Boundary Wall Height – 8.8 metres Built to two side Boundaries.</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1) Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>“The proposal of a four storey development is consistent with the vision for the Masterplan and Precinct 7 – Carr Place Residential Precinct, and, other approved developments in the locality which allows for a 4m setback to the bottom 2 storeys with the bulk off development above two storeys being setback at 7m from Vincent Street.</i></p> <p><i>A setback to balcony elements on the top storeys of 5.5m is provided which is consistent with other approved developments in the locality and is necessary in providing this narrow lot with the outdoor spaces required for the apartments without impacting on the amenity of the units. The main setback to the solid elements of the building is 7m with balustrade elements forward of this setback being perforated or open aspect.</i></p>

Issue/Design Element:	Lot Boundary Setbacks
	<p><i>Good surveillance is provided by way of large balconies looking onto Vincent Street. These balconies are connected to the main habitable room windows further providing opportunities for actual and perceived surveillance. North facing bedroom windows also provide surveillance to Vincent Street.</i></p> <p><i>The front setback area will be landscaped and will not contain any car park spaces. Unobstructed sight lines are provided at vehicle access ways and passing bays with fences along the boundary adjacent to the cross over not being over 750mm high.</i></p> <p><i>The allocation of a multi purpose communal space for the residents to the street front encourages activation of Vincent street. As a communal office/lounge or gym space in this area, activation and surveillance at street level is promoted as well as interaction between residents. This not only makes the area safer but improves the amenity and standard of living for the residents.”</i></p>
Officer technical comment:	<p>Supported - The proposed setback to the second and third floor eastern and western boundaries comply with the Design Principles as they provide for adequate daylight, direct sun and ventilation to both the subject site and the adjoining properties, with the proposal also having minimal impact on the building bulk to adjoining properties.</p> <p>The boundary walls to the first and second floors are articulated and do not occupy the full length of the eastern and western boundaries. This articulation will contribute to provide sunlight and ventilation to the adjoining neighbours and to the future residents of the development. The third floor setback varies from 1 metre to 2.3 metres and therefore is considered not to have an undue impact to the adjoining land owners. Moreover the proposed development complies with the overshadowing requirement as per the Residential Design Codes.</p> <p>In addition the presence of an access leg to the eastern adjoining property (No. 273 Vincent Street) on their western side with a width of 4.0 metres, will significantly ameliorate the impact of the side setbacks proposed along this boundary.</p> <p>The building has been designed with it stepping in from the boundary to ensure windows provide adequate daylight.</p> <p>The overshadowing proposed by of the development complies with the Design Principles provisions of Clause 6.4.2 “Solar Access for Adjoining Sites” of the R-Codes; whereby although the overshadowing intrudes into the adjoining southern property’s rear area, the outdoor living area immediately at the rear of the dwelling is still afforded significant area well in excess of the outdoor living requirements of the Residential Design Codes.</p>

Issue/Design Element:	Building Height
Requirement:	Residential Design Codes Clause 6.1.2 Maximum Height - Top of external wall (concealed roof): 13 metres
Applicants Proposal:	13.2 metres
Design Principles:	<p>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:</p> <ul style="list-style-type: none"> • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; • access to views of significance; • buildings present a human scale for pedestrians; • building façades designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.
Applicant justification summary:	<p><i>“The permitted building height under the Masterplan and Precinct 7 – Carr Place Residential Precinct is 4 storeys to Vincent Street. The proposal is a four storey development and is consistent with the objectives of the Masterplan. Measured from the average natural ground level along the Northern (Vincent Street) boundary, the building is 12m high.”</i></p>
Officer technical comment:	<p>Supported. The proposed building height is supported as it allows for the provision of solar access for the dwellings; the major openings proposed on the Northern facade are provided with adequate daylight; and the design of the street setback is articulated and landscaped to reduce the perception of height at the front facade. The proposed height of 13.2 metres and therefore the variation is 0.2 metre which is considered minor and will not have undue impact on the adjoining property.</p> <p>It is also considered the proposed height is similar to the development at No. 281 Vincent Street which was conditionally approved by the Council, at a height of 13.1 metres and four storeys. Based on this the height is not considered out of scale with the future development of this part of Vincent Street.</p>

Issue/Design Element:	Landscaping
Requirement:	Residential Design Codes Clause 6.3.2 Landscaped Area within the Street Setback – Maximum 50 per cent hard surface.
Applicants Proposal:	73.4% hard surface, not landscaped. Soft Landscaping Provided – 19.62m ² or 3.76%

Issue/Design Element:	Landscaping
Performance Criteria:	<p>Residential Design Codes Clause 6.3.2</p> <p>The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape.
Applicant justification summary:	<p><i>“A feature tree with under planting in the front setback on ground will provide richness at pedestrian level for residents and passing pedestrian traffic. It is proposed that the feature tree within the development be provided in lieu of the Street tree on the verge as this requires removal to provide vehicle access to the development. In order to comply with the less than 50% requirement for hardscape in the front setback, the development also proposes planting terraces with cascading planting to the first floor level which will soften the building and take attention away from driveway elements and vehicle gates on ground.</i></p> <p><i>All landscaping will be selected to minimise water consumption, have no invasive roots and be hardy plants with a long lifespan. Consideration of the coastal environment and sandy alkaline soils will influence the selection of plants, and native species will be used wherever appropriate. Hard finishes external to the building will compliment those of the adjoining public domain. A landscape proposal has been included in the Appendix.”</i></p>
Officer technical comment:	<p>Supported. The proposed landscaping in the form of a street tree on the verge along with the proposed feature tree and landscaping provides a softening to the street is considered adequate to meet the needs of the existing streetscape. The presence of two pedestrian access points, a passing bay and vehicular entry point restricts further provision of landscaping. The presence of the existing street tree provides a softening to the hard materials at the front of the property.</p> <p>The lessening of the landscaping at the front of the property has been impacted by the requirement during the DAC process for the ground level gym to be provided with separate access to activate the street, whilst the remaining units on the upper floor were required to have a clear access from the street. This was in addition to the need for access to the car parking area and a passing lane for access for vehicles entering and exiting the site.</p> <p>It is also noted that in the case of the development at No. 281 Vincent Street, Leederville, conditionally approved by the Council in December 2012, that in order to reduce the hard scaped areas of the property that 10 per cent of the total site area (52.1 m²) is to be provided as soft landscaping as per the City’s Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings.</p>

Issue/Design Element:	Privacy
Requirement:	<p>R-Codes Clause 6.4.1 C1.1</p> <p><u>First Floor</u> Bedrooms – 3.0 metres (Cone of Vision Privacy Setback)</p> <p><u>Second Floor</u> Bedrooms – 3.0 metres (Cone of Vision Privacy Setback)</p>
Applicants Proposal:	<p><u>First Floor</u> Bed 2 – Units 2, 3, 4 – 2.4 metres (East and West)</p> <p><u>Second Floor</u> Bed 2 – Units 5, 6, 7, 8 – 2.4 metres (East and West)</p>
Design Principles:	<p>R-Codes Clause 6.4.1 P1.1</p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	<p><i>Balconies facing the rear are proposed with 1650mm (AFL) high screening elements so as not to overlook into the adjacent lots in accordance with the Visual Privacy requirements of the Residential Design Codes.</i></p>
Officer technical comment:	<p>Not supported. The proposed bedrooms are required to comply with the Residential Design Codes screening requirements, in the event of any approval.</p>

Issue/Design Element:	Utilities and Facilities
Requirement:	<p>R-Codes Clause 6.4.6 C6.1</p> <p>Enclosed Lockable Storage Area of a minimum dimension of 1.5 square metres and area of 4.0 square metres for each multiple dwelling</p>
Applicants Proposal:	<p><u>Storerooms</u></p> <p>Units – 1, 2, 6, 7, 8 – Less than 4.0 square metres and 1.5 metres in dimension.</p>

Issue/Design Element:	Utilities and Facilities
Design Principles:	<p>R-Codes Clause 6.4.1 P6.1</p> <p>P6 External location of a storeroom, rubbish collection/bin areas, and clothes drying areas where these are:</p> <ul style="list-style-type: none"> • convenient for residents; • rubbish collection areas which can be accessed by service vehicles; • screened from view; and • able to be managed
Applicant justification summary:	Not Provided
Officer technical comment:	Not supported. The proposed storerooms are required to comply with the Residential Design Codes requirements and are conditioned accordingly to be provided.

Car Parking

Residential Car Parking	
<p>Small Multiple Dwelling (75 square metres or less)- 0.75 bay per dwelling (8 dwellings)= 6 car bays</p> <p>Large Multiple Dwelling (110 square metres plus)-1.25 bays per dwelling (2 dwelling)= 2.5 car bays – 3 car bays</p> <p>Visitors= 0.25 per dwelling (10) dwellings) = 2.5 car bays – 3 car bays</p> <p>Total= 12 car bays (9 Residential/3 Visitors)</p>	<p>Provided 12 residential car bays</p>
Shortfall	Nil

The proposed car parking configuration is compliant according to the parking requirements of the Residential Design Codes for the ten (10) Multiple Dwellings proposed. It is noted that one car bay will be available for nine (9) Units with the remaining three (3) bays to be utilised for the remaining one (1) unit and the visitor allocation.

Bicycle Parking		
Bicycle Parking	<p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (10 Dwellings Proposed – 3.33 required or 3.0) and 1 bicycle space to each 10 dwellings for visitors – 10 Dwellings proposed – 1.0 required.):</p> <p>Three (3) bicycle bays for the residents and one (1) bicycle bay for the visitors.</p>	<p>Storeroom for bike facilities has been provided.</p> <p>The applicant is required to provide the required number of bicycles in the event of approval.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	13 January 2014 – 4 February 2014
Comments Received:	During the consultation period three (3) submissions were received, one (1) support and two (2) objections. The objections conveyed the proposal to be excessive in the existing context.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Building Height</p> <ul style="list-style-type: none"> The height and bulk proposed is not an appropriate transition to achieve the desired density in the area. The building height should be limited to 10 metres. 	<p>Not Supported - The proposed building height is supported as it allows solar access for the dwellings; the major openings proposed on the Northern facade are provided with adequate daylight; and the design of the street setback is articulated and landscaped to reduce the perception of height at the front facade. As previously noted the height proposed by the subject development is in line with the conditionally approved development at No. 281 Vincent Street at a similar height of 4 storeys or 13.1 metres</p>
<p>Issue: Plot Ratio</p> <ul style="list-style-type: none"> Concerned with the overall plot ratio proposed by the development. 	<p>Not Supported – The proposed plot ratio is compliant with the 1.5 requirement of the Leederville Town Centre Masterplan Built Form Guidelines.</p>
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> The overshadowing diagram conveyed in the application does not encapsulate overshadowing that may occur at an afternoon interval which would overshadow adjoining properties private open spaces. 	<p>Not Supported – The overshadowing proposed by of the development complies with the Design Principles provisions of Clause 6.4.2 “Solar Access for Adjoining Sites” of the R-Codes; whereby although the overshadowing intrudes into the adjoining southern property’s rear area, the outdoor living area immediately at the rear of the dwelling is still afforded significant area well in excess of the outdoor living requirements of the Residential Design Codes. In addition this calculation is based at midday 21 June as per the Residential Design Codes 2013.</p>
<p>Issue: Setbacks</p> <ul style="list-style-type: none"> The proposal does not protect the amenity of the adjoining sites, extensive boundary walls should be articulated to alleviate their bulk and presence. 	<p>Not Supported - The proposed eastern and western elevations are considered to be well articulated to provide access for adjoining properties to natural light and ventilation. The development is articulated on both the western and eastern sides of the development. With the top floor setback at least a minimum of 1.0 metre along the eastern and western boundaries.</p> <p>The presence of an access leg on the western side of the adjoining property at No. 273 Vincent Street will enable greater light and ventilation being available to the residents of these properties along with the setbacks proposed.</p> <p>It is also noted the development is consistent with the conditionally approved development at No. 281 Vincent Street, with it similarly being designed with a side boundary to boundary construction.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Overlooking</p> <ul style="list-style-type: none"> Insufficient information is provided in regard to overlooking. Overlooking into adjoining private open spaces should be alleviated. 	<p>Noted – To ensure the proposed development is compliant in terms of visual privacy a screening condition has been applied to the middle bedroom windows on the first to third floor on the northern and southern elevation.</p>
<p>Issue: Landscaping</p> <ul style="list-style-type: none"> The removal of mature trees is disappointing as landscaping is insufficient on the site. 	<p>Noted - A landscaping and reticulation plan is required should the Council grant conditional approval of this development. The existing street tree at the front of the property is to be retained to soften the appearance of the development</p>
<p>Issue: Car parking</p> <ul style="list-style-type: none"> The proposal does not convey sufficient car parking for the site, this will impact the on street parking of the locality. Safety is compromised with excessive on street parking. 	<p>Noted – The development is compliant with car parking in accordance with the requirements of the Residential Design Codes of WA 2013.</p>
<p>Issue: Boundary Walls</p> <ul style="list-style-type: none"> Concern over the existing boundary walls. 	<p>Noted. – A 1.8 metre boundary wall is proposed to the southern boundary. Any proposed fencing is to be in accordance with the Dividing Fences Act.</p>
<p>Issue: Construction</p> <ul style="list-style-type: none"> Adjoining properties may be affected by the construction. 	<p>Noted – A construction management plan is required as part of the Building Permit.</p>
<p>Department of Planning (DOP)</p> <ul style="list-style-type: none"> Comment from the Department of Planning was sought as Vincent Street is categorised as an Other Regional Road (ORR). The response from the DOP is as follows; <i>“ILUC has no objection to the proposed development on Transport Planning grounds.”</i> 	<p>Noted.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: 18 September 2013 and 6 November 2013

Summary of Design Advisory Committee Comments:

Amended plans were presented to the Design Advisory Committee at its meeting held on 6 November 2013. The Design Advisory Committee provided the following comments:

“Recommendation:

- The DAC has viewed and supported revised plans on 14th November. The revised plans meet the items requested during the meeting as noted below:*

Mandatory:

- Increase the dimensions of the light wells to improve natural light and ventilation to bedrooms and bathrooms. A small relaxation in setbacks would be considered appropriate to achieve this.*
- Increase the width at the entry to create a more generous entry foyer.*

Design Considerations:

- *The DAC are aware that fire separation influences the design, however endeavour to redesign apartments to achieve full access to light.*

Technical:

- *Introduce operable windows to the third floor plan bathrooms.”*

Based on the above mentioned comments from DAC, the applicant has made the following amendments to take into account the proposal:

1. Introduction of lightwell corridors in the middle of the building on both the eastern and western boundaries to assist the provision of light and ventilation to the bedrooms and bathrooms.
2. Provision of two distinct entrances to the building on both the ground floor and first floors. Provision of a more generous porch open area prior to the entry corridor.

Based on the above, the proposal is considered to comply with the Mandatory provisions of the recommendations from the Design Advisory Committee (DAC).

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Existing Building and Construction of Four Storey Multiple Dwelling Comprising of Ten (10) Multiple Dwellings and Associated Car parking at Nos. 277 Vincent Street, Leederville.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013; and
- Leederville Town Centre Masterplan and Built Form Guidelines– Appendix 18.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL
The design of the dwellings allows for adequate natural light and ventilation through numerous windows and light corridors on the sides and front of the building. These design elements have the potential to reduce the need or reliance on artificial heating, lighting and cooling.
SOCIAL
The proposed development provides opportunities for a greater housing choice within the Leederville area.
ECONOMIC
The construction of the building will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Heritage Services

Heritage Services have assessed the proposed demolition of the existing single house and advised no objection to the proposal.

In light of the above, an advice note is listed above regarding the requirement of a demolition permit.

Conclusion

The development is proposed in an area experiencing transition from single residential dwellings to a higher density inner city area. The proposed development is contemporary in the context of the area and will activate the locality for increased active and passive surveillance. The proposal offers an alternative to traditional dwellings therefore increasing housing options for residents within the City, particularly in an area well serviced by Public Transport in accordance with the requirements of Directions 2031.

The principle variations proposed to the development in the form of front setbacks, side setbacks and overall building height are considered supportable as the development efficiently utilises the site area and is well articulated along both the eastern and western boundaries. The height of the development is considered in line with the future redevelopment of the area and in accordance with other residential developments currently under construction along Vincent Street and the provisions of the Leederville Masterplan area. In addition, the positive recommendation of the City's Design Advisory Committee and the mandatory changes made to the proposal provide for a good design outcome.

In light of the above, it is recommended the proposal be approved, subject to the above-mentioned conditions.

9.1.6 LATE ITEM – FURTHER REPORT – No. 12 (Lot: 2 Str: 50723) Hunter Street, North Perth – Proposed Construction of a Two Storey Plus Basement Grouped Dwelling

Ward:	North	Date:	21 March 2014
Precinct:	North Perth, P8	File Ref:	PRO6172; 5.2013.371.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification 003 – Licensed Surveyor Statement 004 – Figure Series 7 as extracted from the Residential Design Codes (2013)		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer		
Responsible Officer:	P Mrdja, 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 Ara Casella from AJCD on behalf of owner Natasha Gesualdo for Proposed Construction of a Two Storey Plus Basement Grouped Dwelling at No. 12 (Lot 2 Str: 50723) Hunter Street, North Perth and as shown on plans stamp-dated 18 March 2014, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 14 Hunter Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
2. All screening indicated on the approved plans are to be fixed and obscured and compliant with the privacy requirements of the Residential Design Codes 2013;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
 - 3.1 The proposed courtyard is to setback a minimum of 1 metre from the southern boundary;
 - 3.2 The courtyard on the ground floor on the eastern and southern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground floor level, any point within the cone of vision less than 7.5 metres from a neighbouring boundaries. Alternatively, the floor level of the private open space be reduced to achieve privacy compliance with the Residential Design Code 2013; and
4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

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

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

FURTHER REPORT:

The report was previously referred to the Ordinary Meeting of the Council on 25 February 2014 where the Council resolved the following:

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

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 25 February 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

The applicant then provided further justification for the design of the site with amendments to the plans to improve visual privacy for the adjoining properties to alleviate concerns over the changing levels of the site. These amendments were presented to the Council at its Ordinary Meeting held 11 March 2014 where the Council resolved the following:

"That the item be DEFERRED for further consideration of the site surveys and ground levels and be reported to the Ordinary Meeting of Council to be held on 25 March 2014."

The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 11 March 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

DETAILS:

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

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

ADDITIONAL INFORMATION:

Following the Councils deferral of item 9.1.4 at its Ordinary Meeting on 11 March 2014 the Mayor, Councillors and the City's Senior Planning Officers met with the applicant, owners and Licenced Land Surveyor to discuss the proposal and the abovementioned concerns over the levels of the site. Following the meeting the applicant amended the plans and provided justification regarding these changes. The amendments are explained below with Officer comments.

Natural Ground Level

Applicant Amendment: *"Alternative natural ground level indication on sections (40cm lower than original NGL, dashed line shown to all)."*

Officer Response: As previously advised, the City is required to assess the proposal on the plans that have been submitted. The applicant provided a site survey certified by a Licenced Land Surveyor relating to the levels on site. The adjoining land owners have raised concern over the levels conveyed on the abovementioned site plan, and have provided alternative ground level as a representation for the Council's consideration. It is to be noted that the alternate levels provided are from the adjoining landowner referencing the original subdivision of the site, and not as provided by a applicant's Licenced Land Surveyor. The neighbours were concerned about the assessment of the undercroft and whether the difference in levels would vary compliance. The applicant has provided plans conveying the natural ground level as assessed by the Licenced Land Surveyor and the levels provided by the neighbour. In both situations more than 50 percent of the volume of the undercroft is below the natural ground level, and therefore assessment of the undercroft does not change. To further alleviate neighbours concerns, the above representation confirms that in either situation the undercroft is considered a basement and not considered the ground floor having no affect on the compliance of the proposal.

It should also be noted that the Explanatory Guidelines of the Residential Design Codes (2013) state, *'Development on steep or undulating sites should be designed to minimise the amount of cut and fill required. Buildings should have a form that responds to the natural topography of the area.'* The undercroft is proposed to the south of the site, and is considered that the building form responds to the natural topography of the site, whilst making an efficient use of the small lot area.

Attachment 003 to this report is a statement from the applicant regarding the validity of the survey of the land from the Licenced Surveyor engaged to complete the contour survey used in this development application.

Boundary Setbacks

Applicant Amendment: *"The previous setback variations of 100mm to the East and North boundaries are now removed to ensure that all setbacks comply 100%. (except the garage to the street-front setback which is deemed to comply and given the orientation of the property and the conditions of the streetscape is inarguably acceptable.)"*

Officer Response: The assessment of the amended boundary setbacks has been included in the Details section of this report. The amendments to the setbacks are considered to improve the amenity of the adjoining property and ensure the northern setback is deemed-to-comply.

Open Space

Applicant Amendment: *"The Open Space calculations read as follows: 53.9% open space on site. These calculations clearly indicate that the development is not overwhelming in mass and bulk, but it is actually very much below required ratios of open space to built mass, which is exceptional given the size of the property."*

Officer Response: As per the Residential Design Codes (2013), the proposal requires 45 per cent open space. As above the applicant has provided an excess to the requirement which provides an opportunity for residents to use space external to the building for outdoor pursuits and access around the site.

Building Height

Applicant Amendment: *"Height of building had been reduced to 7m prior to 11 March meeting but report notes did not reflect this clearly, this is 100% compliant with requirements."*

Officer Response: The amendment is noted in the details section of this report conveying that the building height is now deemed-to-comply.

FURTHER AMENDMENTS:

A meeting was held 20 March 2014 with the Mayor, various Councillors, the Acting Director Planning Services, Planning Officer, Licensed Surveyor and the affected adjoining land owners. The meeting was held to discuss the adjoining land owners concerns regarding the development at No. 12 Hunter Street. A main concern of the adjoining landowners regarded the levels of the site and the impact of the development on the amenity of their property. It was agreed that the levels provided in the site survey submitted with the development application and the levels provided by the adjoining land owners were overall the same with minor discrepancies due to the time which the levels were taken and the methods used. The concern then lied with the use of the levels supplied on the plans conveying the development and whether these were accurately matching the site levels on the site survey. The applicant has provided amended plans conveying the Australian Height Datum levels in relation to the Natural Ground Level on the elevations and sections of the proposed development to alleviate these concerns and clearly illustrate a compliant development in terms of building height.

It should be noted that Figure series 7 – *Building Height* of the Residential Design Codes states, *'where natural ground level varies across the site, deemed natural ground level is to be used.'* Figure series 7 has been included as attachment 004 to this report.

The adjoining property owners also raised concern over the following points which have been re-assessed and explained below.

Open Space

In accordance with Clause 5.1.4 *Open Space* of the Residential Design Codes (R-Codes) the proposal at No. 12 Hunter Street is permitted to have a minimum of 45% (of the total site area) open space on the site.

Open Space as defined on page 55 of the Residential Design Codes (2013) states:

“Generally that area of a lot not occupied by any building and includes:

- *open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*
- *areas beneath eaves;*
- *verandahs, patios or other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides, and covering no more than 10 per cent of the site area or 50m² whichever is the lesser;*
- *unroofed open structures such as pergolas;*
- *uncovered driveways (including access aisles in car parking areas) and uncovered car parking spaces;*

but excludes:

- *non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5m above natural ground level; and/or*
- *covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms. “*

Therefore in calculating the open space of the site, ‘*open areas of accessible and useable flat roofs and outdoor living areas above natural ground level*’ were measured and included. It has been found that an area of 102.73m² is provided for open space which is 49.86 per cent of the total site area an excess of the required 45 per cent.

Overshadowing

In accordance with Clause 5.4.2 *Solar access for adjoining sites* of the Residential Design Codes (R-Codes) the shadow cast by the proposal at No. 12 Hunter Street on the adjoining property is not to exceed 35 per cent of the site area. The proposal has been re-assessed due to the amendments to the height. The shadow cast by the proposed dwelling covers 63 m² of the adjoining site area. This is equal to 18.15 per cent of the adjoining site area which is deemed-to-comply.

Site works

In accordance with Clause 5.3.7 *Site works* of the Residential Design Codes (R-Codes), *“excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling”*. The undercroft has been amended to satisfy this deemed-to-comply criterion by setting the undercroft 0.5 metres back from the street.

It should be noted, the explanatory guidelines of the Residential Design Codes (2013) discuss excavation as follows: *“Excavation below natural level is not usually as visually obtrusive as filling above natural level. Consequently, excavation behind the street setback line is normally acceptable, provided the resulting spaces and rooms conform to BCA standards.”*

The adjoining property to the east contains a retaining wall 0.7 metres above natural ground level to the rear of the site. Therefore the dividing boundary wall is not excessive and is appropriate on the sloping site.

The amendments made to the plans have been included in the assessment below:

ASSESSMENT:

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

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

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

Issue/Design Element:	Street Setback – behind the rear of an original corner site
Requirement:	Residential Design Elements Code 7.2.1: Walls on ground floor are to be setback 2.5 metres Upper floor are to be setback 1.5 metres behind each portion of the ground floor setback Balconies are to be setback 3 metres.
Applicants Proposal:	Walls on ground floor: 2 metres Upper floor: 0 - 1 metre behind the ground floor setback Balconies 2 metres
Design Principles:	Residential Design Elements Code 7.2.1: Development is to be appropriately located on site to: (i) Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks;

Issue/Design Element:	Street Setback – behind the rear of an original corner site
	<ul style="list-style-type: none"> • External wall surface treatments and finishes; and • Building articulation.
Applicant justification summary:	<i>The treatment of the street frontage provides variations in materials and sufficient articulation. The use of glass will provide voids and open spaces, which will create visual depth and a sense of openness. The deck/balcony will provide further articulation. The variety of materials such as glass, steel, stone and timber will provide a visual interest and a layered, texture facade which will soften the building on the streetscape.</i>
Officer technical comment:	The proposed street facade is articulated and will provide a variety of depth and materials that will present adequate articulation.

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

Issue/Design Element:	Roof Form
Requirement:	Residential Design Elements Code 7.2.1: The Roof angle is to be between 30 and 45 degrees.
Applicants Proposal:	A concealed roof is proposed
Design Principles:	Residential Design Elements Code 7.2.1: The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>The proposed roof design is in keeping with the contemporary style and form of the building. The concealed roof will contribute to reduce the bulkiness of the development. There are examples of contemporary designs in the area.</i>
Officer technical comment:	The concealed roof is a common feature of contemporary style which is emerging in the area, and is considered to compliment the streetscape.

Issue/Design Element:	Height
Requirement:	Residential Design Elements Code 7.2.1: The height to the top of external wall (concealed roof) is to be 7 metres.
Applicants Proposal:	Height 7.1 metres <u>7 metres</u> .
Design Principles:	Residential Design Elements Code 7.2.1: Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	Due to the high variation of spot levels, only a small part on the southern elevation is not compliant. The strong dip in the middle of the southern elevation causes the development to slightly exceed the maximum height.
Officer technical comment:	The variation in height is minimal and will not be visible from the street, and is supportable on this basis. <u>Due to the amendments received the building height is now deemed to comply, the above table has been retained to convey compliance.</u>

Issue/Design Element:	Lot Boundary Setback
Requirement:	Residential Codes Clause 5.1.3 <u>Ground floor:</u> Southern wall: 1.1 metre <u>Upper floor:</u> Southern wall: 1.2 metre Eastern Wall: 1.2 metre
Applicants Proposal:	<u>Ground floor:</u> Southern wall: Nil to 1.1 metre <u>1.2 metres</u> <u>Upper floor:</u> Southern wall: 1.1-1.2 metre <u>1.2 metres</u> Eastern Wall: 1.1 metre <u>1.2 metres</u>
Design Principles:	Residential Codes Clause 5.1.3 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

Issue/Design Element:	Lot Boundary Setback
Applicant justification summary:	The southern wall is minimally non-compliant and it a result of the small size of the block.
Officer technical comment:	<p>Due to the amendments received the setbacks conveyed in the above table are now deemed-to-comply, the table has been retained to convey compliance.</p> <p>The proposed variations are minimal and will not create overlooking or inadequate sun or ventilation to the adjoining properties except the ground floor setback to the southern boundary.</p> <p>The variation to the ground floor setback to the southern boundary is not supported as there will be an impact on the outdoor living area of the adjoining southern property in terms of visual impact, sunlight and ventilation. It is recommended the courtyard be setback a minimum of 1 metre from the adjoining southern property and the access to the courtyard be removed.</p>

Issue/Design Element:	Overlooking
Requirement:	<p>Residential Codes Clause 5.4.1 Ground floor: Courtyard - Eastern and Southern elevation: Unenclosed outdoor active habitable space is to be setback 6 metres, in direct line of sight within the cone of vision.</p>
Applicants Proposal:	<p>Ground floor: Courtyard: 1.5 metres to 2 metres</p>
Design Principles:	<p>Residential Codes Clause 5.4.1</p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	In amended plans submitted 6 March 2014 the applicant provided screening to the ground and first floors.

Issue/Design Element:	Overlooking
Officer technical comment:	<p>Amended plans convey screening to the courtyard area and also an area of 1 metre for screening vegetation has been included on the boundaries to the courtyard. This is considered an excess of screening however also considered necessary to alleviate adjoining property concerns.</p> <p>To ensure all appropriate screening is provided a condition of approval is to screen the courtyard area.</p>

COMMENTS & CONCLUSION:

The applicant has provided justification both written and visual to alleviate concern regarding the levels of the site; amended the proposal to comply with boundary setback requirements; and provided information relating to the provision of excess open space on site. These amendments are considered to improve the proposal and alleviate the concerns of adjoining property owners.

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

9.2.6 LATE ITEM: Cardinals Junior Football Club (CJFC) – Possible Use of Charles Veryard Reserve, North Perth

Ward:	North	Date:	20 March 2014
Precinct:	Smith Lake (6)	File Ref:	RES0012
Attachments:	001 – Reserve Site Plan No. 3134-CP-01		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**
 - 1.1 the proposed redevelopment plans for Menzies Park presented by the Cardinals Junior Football Club have not been well received by the local community and the regular users of Menzies Park;
 - 1.2 a petition with seventy five (75) signatures opposing the proposed redevelopment plans at Menzies Park was presented at the Ordinary Meeting of Council held on 11 March 2014; and
 - 1.3 the City's Mayor and Officers have held a number of meetings with the Tuart Hill Cricket Club, the Modernians Hockey Club and the Cardinals Junior Football Club to enable the co-existence of the three (3) clubs at Charles Veryard Reserve, North Perth, to provide better utilisation of the public open space, (refer attached Plan No. 3134-CP-01);
2. **AUTHORISES** the A/Chief Executive Officer to re-negotiate the current lease of the Charles Veryard Reserve pavilion to include the Cardinals Junior Football Club to the satisfaction of all parties;
3. **APPROVES BY AN ABSOLUTE MAJORITY** to reallocate an amount of;
 - 3.1 \$18,000 from the 2013/2014 'Forrest Park Fencing Installation Budget' for costs associated with Cardinals Junior Football Club's co-existence with Tuart Hill Cricket Club and Modernians Hockey Club at Charles Veryard Reserve for the winter season commencing 12 April 2014; and
 - 3.2 \$60,000 from the 2013/2014 'Birdwood Square Floodlighting Budget' for the proposed Charles Veryard Reserve Lighting Upgrade;
4. **LISTS** for consideration amounts of \$320,000 and \$60,000 respectively in the 2014/2015 Draft Budget for the provision of additional change rooms and including a storeroom, scoreboard, refurbishment of the existing building and the additional funding required to complete the sports lighting upgrade at Charles Veryard Reserve; and
5. **ADVISES** the petitioners and the Cardinals Junior Football Club, Tuart Hill Cricket Club and the Modernians Hockey Club of its decision.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of the report is to seek the Council's approval for the Cardinals Junior Football Club (CJFC) to use Charles Veryard Reserve, North Perth, which includes re-negotiation of the lease, an upgrade of the existing building and additional infrastructure to enable a number of clubs to co-exist on the reserve.

BACKGROUND:

On 10 December 2013, CJFC committee members presented at a Council Forum and outlined a redevelopment proposal for Menzies Park, Mount Hawthorn.

Following a letter drop undertaken by the CJFC around Menzies Park later in the year both the City's Administration and Council Members received numerous calls from concerned residents who were against any redevelopment of Menzies Park.

At the Ordinary Meeting of Council held on 11 March 2014 a petition was presented signed by seventy five (75) persons opposing the proposed CJFC development plans for Menzies Park.

DETAILS:

Discussions on a possible way forward:

As any further development at Menzies Park was likely to receive strong opposition from the local community, the Mayor and Officers looked at other sportsground options that could possibly be suitable for CJFC to utilise; therefore, taking some of the pressure off Menzies Park.

Charles Veryard Reserve in North Perth was identified as being an underutilised sportsground that could possibly be suitable as an alternative location for the CJFC to use given the expansion of their club over the past few years.

Meetings were subsequently set up with existing users to discuss the potential for all three (3) clubs* to co-exist at the reserve and to discuss redevelopment requirements should this proposal be successfully negotiated.

Note*: Cardinals Junior Football Club, Tuart Hill Cricket Club (THCC) and Modernians Hockey Club (MHC).

Cardinals Junior Football Club:

Meetings were held with the CJFC committee members on 29 January and 26 February 2014 to initially advise that their redevelopment proposal was receiving a significant backlash from the community and to offer them a possible alternative venue such as Charles Veryard Reserve from which to expand.

CJFC members visited Charles Veryard Reserve and were more than happy to progress this proposal and work with the other clubs. It was suggested that an upgrade of the existing building was required; an additional set of changerooms, a storeroom, provision for a scoreboard and AFL goalposts.

If the proposal is approved the CJFC are looking to hold games at Charles Veryard Reserve on a *Sunday* and train at the reserve on a *Wednesday night* which will take considerable pressure off Menzies Park.

Tuart Hill Cricket Club:

A meeting was held with the THCC committee members on 17 February 2014 and they were open to the idea of the CJFC using Charles Veryard as an alternative venue. Particularly with an upgrade to their building and facilities which is dire need of some work and one of the few buildings within the City yet to be upgraded.

Concerns were raised in regard to the clay cricket pitch maintenance; however, the City's officers are confident that with additional funding being allocated to the grounds maintenance budget and a contribution to the club being made to assist them in the spring in getting the clay cricket pitch prepared for the summer season, that this proposal would work.

Modernians Hockey Club:

Meetings were held with the MHC committee members on 29 January and 17 March 2014 and whilst some initial concerns were raised in regards to their times and use of the reserve during past seasons, the club were again open to the idea of the CJFC co-existing at Charles Veryard Reserve. Several concerns were raised in regard to maintenance of the turf surface; however, this can be addressed with additional operating funding.

To enable this proposal to be implemented light weight aluminium hockey goals with wheels would be required so that either the MHC or the CJFC could easily move goals on and off the fields as required, dependant on what code is being played at any particular time. This is estimated to cost \$18,000.

Lease agreement:

The THCC and MHC currently have a lease for the pavilion at Charles Veryard Reserve. The THCC also lease two (2) turf wickets and practice nets at the reserve as part of their lease arrangement. The current lease which expires on 30 September 2014 has an option for a further five (5) year period.

It is intended to negotiate the lease, at the end of the current lease period, to include the CJFC. Preliminary discussions regarding this matter have been held with the clubs.

Building redevelopment upgrade:

The building at Charles Veryard Reserve was constructed in 1973 and other than a minor facelift in 1990; it is in dire need of improvement both internally and externally.

With additional facilities required as part of the co-sharing proposal it would be an ideal time to redevelop the building, a request that has been forthcoming for some years by the two (2) existing lessees, MHC and THCC.

Sports lighting upgrade at Charles Veryard Reserve:

Funds have been allocated in the 2013/2014 budget for a sports lighting upgrade at Charles Veryard Reserve and this work is progressing with the design phase almost complete. A pre-budget estimate has been prepared and it is evident that additional funding is required to successfully complete this project in compliance with Western Power and Australian Standards sports lighting standards.

Subsequently, additional funding has been allocated for the Council's consideration in the 2014/2015 draft budget as outlined below under financial implications.

Maintenance of the Reserve:

As a result of the recent meetings held with all three (3) clubs the level of reserve maintenance was discussed and all agreed improvements had to be made in this area. Given the proposed additional use, additional funding will be required and allowance for this has been made in the 2014/2015 draft operating budget to enable specific turf maintenance works to be undertaken annually at Charles Veryard Reserve to maintain and keep the turf to a suitable standard.

In addition additional funding would be required to contribute towards the maintenance of the existing cricket pitch.

CONSULTATION/ADVERTISING:

Adjacent residents will be consulted in regard to the sports lighting upgrade of Charles Veryard Reserve in accordance with Council policy No. 2.1.6 Parks & Reserves – Playgrounds, Barbeques, Outdoor exercise equipment and Lights.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Insignificant.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The City's *Sustainable Environment Strategy 2011-2016*, Objective 9 states:

"Reduce the use of Toxic and hazardous materials within the City and facilitate the proper disposal of such materials."

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with this proposal are as follows:

Goalposts:

- | | |
|--|-----------------|
| • 1 set of aluminium AFL goalposts (installed) | \$ 8,000 |
| • 4 x aluminium hoquet goals with wheels | <u>\$10,000</u> |
| Total | \$18,000 |

Note: It is recommended that \$18,000 be reallocated from the 2013/2014 'Forrest Park Fencing Installation Budget'. This budget allocation comprised \$65,000 with an expenditure of \$23,000 to date leaving \$42,000 unexpended.

Sports lighting – (pre-budget estimate \$240,000):

A total of \$180,000 is included in the 2013/2014 budget for sports lighting upgrades and an additional \$60,000 is required to complete this project at Charles Veryard Reserve.

Note: It is recommended that \$60,000 be reallocated from the 2013/2014 'Birdwood Square Floodlighting Budget' for the proposed Charles Veryard Reserve Lighting Upgrade;

Building Redevelopment and Upgrade:

Following assessment on site it has been estimated that a total amount of \$320,000 is required to undertake an upgrade of the existing building, provide two (2) additional changerooms, a storeroom and scoreboard.

COMMENTS:

To enable the CJFC to commence their 2014 winter season at Charles Veryard Reserve this proposal need to be approved immediately to allow the City's officers to prepare the ground and source and install the new goals required prior to the CJFC's and MHC's first game of the season scheduled for early April 2014.

It is therefore recommended that the Council approves the proposal and allocates the appropriate funding to enable CJFC to co-exist at Charles Veryard Reserve with the MHC and THCC.

9.1.3 Nos. 129-131 (Lot: 5 D/P: 1231) Edward Street, Perth – Proposed Demolition of Existing Building and Construction of Four-Storey Multiple Dwelling Comprising of Twelve (12) Multiple Dwellings And Associated Car Parking

Ward:	South	Date:	17 March 2014
Precinct:	Beaufort; P13	File Ref:	PRO6024; 5.2013.518.1
Attachments:	001 – Property Information Report & Development Application Plans 002 – Edward Street Heritage Assessment (2008) 003 – Applicant Justification Report 004 – Environmentally Sustainable Design Report		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by C A Design & Drafting on behalf of the owner John Sloan Pty Ltd for Proposed Demolition of Existing Building and Construction of Four Storey Multiple Dwelling Comprising of Twelve (12) Multiple Dwellings And Associated Car parking, at Nos. 129-131 (Lot: 5 D/P: 1231) Edward Street, Perth, and as shown on plans stamp-dated 8 November 2013, and amended plans stamp-dated 24 March 2014 due to the following reasons:

1. The Proposal does not comply with the following objectives and general provisions of Clause 6 'Objectives and Intentions' of the City of Vincent Town Planning Scheme No. 1, in that it:
 - 1.1 Does not ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework; and
 - 1.2 Does not recognises the individual character and needs of localities with the Scheme zone area;
2. The proposal does not comply with the following provision of Clause 38 "Determination of Application – general Provisions" of the City of Vincent Town Planning Scheme No. 1;
 - 2.1 The number of variations proposed contribute to creating an adverse affect on the amenity of the locality;
3. Non-compliance with the provisions of the City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations, with regard to the following Clause:
 - 3.1 Clause 3.1 in relation to Variations to the number of Storeys under a Local Planning Policy;
4. Non-compliance with the provisions of the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings, with regard to the following Clause:
 - 4.1 Clause 4.2 in relation to the deemed to comply criteria of the Landscaping requirements;
5. Non-Compliance with the Mandatory and Design considerations recommended by the City of Vincent Design Advisory Committee (DAC).

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

Cr Wilcox departed the Chamber at 8.30pm.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

Cr Wilcox returned to the Chamber at 8.31pm.

Debate ensued.

Cr Pintabona departed the Chamber at 8.32pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 8.35pm.

Debate ensued.

MOTION PUT AND CARRIED (5-4)

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

PURPOSE OF REPORT:

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

BACKGROUND:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	John Sloan Pty Ltd
Applicant:	CA Design and Drafting
Zoning:	Residential Commercial R80
Existing Land Use:	Residential
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	685 square metres
Right of Way:	N/A

The proposal is for the demolition of the existing building and the construction of a four storey residential development comprising of twelve (12) multiple dwellings.

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			✓
Boundary Wall			✓
Building Height			✓
Number of Storeys			✓
Roof Forms			✓
Open Space	N/A		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Dwelling Size	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		
Landscaping			✓
Outdoor Living Areas			✓

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

Issue/Design Element:	Building Size
Requirement:	Residential Design Codes Clause 6.1.1 (P1) RC80 Plot Ratio = 1.0 (685m ²)
Applicants Proposal:	Plot Ratio = 1.3868 (950m ²)
Design Principles:	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:	<p><i>The proposed Multi-Dwelling Development positively contributes and relates with the context within the City of Vincent desired future character.</i></p> <p><i>The proposed development has a positive interaction with the streetscape, with visual interest and articulation to the front facade.</i></p> <p><i>The area is currently undergoing a transitional period with existing period built dwellings (early-mid 1900's) and light commercial in the area making way for inner city redevelopment.</i></p> <p><i>The proposed development is located within an area undergoing transformation. The site is located within 200m of main public transport bus routes (41, 42, 43, 47, 48, 55 to bus port esplanade) and routes 635, 637 and 638 from NIB Stadium. The proposed is also approx. 350m from Claisebrook train station and within walking distance to nightlife of Northbridge and Arts and Culture centres.</i></p>

Issue/Design Element:	Building Size
Officer technical comment:	Not Supported. Whilst the proposed height of the development is not considered to be out of context for the Beaufort Precinct, given the number of developments approved of a height of over three storeys (including 177 Stirling/180 Stirling/65-67 Brewer Streets). The additional floor, which accommodates the majority of the additional floor area, is considered to be of a size and context which will have an undue impact on the existing properties within close proximity to the development.

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>First/Second/Third Floor</u> Western – 4.0 metres Eastern – 4.0 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 7.0 metres Average Boundary Wall Height – 6.0 metres Built to one side Boundary only.</p>
Applicants Proposal:	<p>First Floor</p> <p><u>First Floor</u> Western: 'Nil' – 3.0 metres Eastern: 1.0 - 3.0 metres</p>
	<p><u>Second Floor</u> Western: 'Nil' – 3.0 metres Eastern: 1.0 - 3.0 metres</p> <p><u>Third Floor</u> Western: 'Nil' – 3.0 metres Eastern: 1.0 – 2.0 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 12.0 metres Average Boundary Wall Height – 9.0 metres Built to three side Boundaries.</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1)</p> <p>Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>The proposed has been designed to minimise overlooking and to protect the amenity of adjoining properties. Privacy screens have been incorporated in the proposed design to ensure no direct overlooking.</i></p> <p><i>Proposed development provides surveillance of the street from half the residence in the development.</i></p>

Issue/Design Element:	Lot Boundary Setbacks
	<i>All dwellings maintain surveillance from the central courtyard areas, whilst maintaining internal privacy with use of courtyard planting and recessed entry area to dwellings.</i>
Officer technical comment:	<p>Supported. The staggered and articulated nature of the first to third floors of the building allow for the west and east elevations of the site to be provided with light and ventilation as well as solar access for the adjoining property.</p> <p>Both the west and east walls of the proposed development employ articulation to resolve the bulk at the boundary. The proposal efficiently utilises the site area and alleviates overlooking with the use of highlight windows and adequate visual privacy screening.</p>

Issue/Design Element:	Outdoor Living Areas
Requirement:	Residential Design Codes 6.3.1 Outdoor living areas Balconies to have a minimum depth of 2.4 metres
Applicants Proposal:	Balcony Depth 2.2 metres (minimum)
Design Principles:	<p>P1 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling that:</p> <ul style="list-style-type: none"> • Provide useable outdoor living areas for each dwelling with direct sunlight.
	<ul style="list-style-type: none"> • Assists in providing a landscaped setting for the building. • Maintains a sense of open space between buildings. • Contribute to the desired streetscape.
Applicant justification summary:	<p><i>The proposed construction method to use AFS Versiclad Wall system with openings to habitable living areas facing North.</i></p> <p><i>6 dwellings have balcony access and habitable living spaces addressing Edward street contributing to interaction with the streetscape and surveillance of the street.</i></p>
Officer technical comment:	Supported. The proposed balconies are provided to each unit with access to natural light and ventilation within the reduced floor area. The depth of the balconies at 2.2 metres is considered adequate for the needs of the residents.

Issue/Design Element:	Parking
Requirement:	Residential Design Codes Clause 6.3.3 Parking Visitor Car Bays – Three (3)
Applicants Proposal:	Visitor Bays – Two (2)
Design Principles:	<p>P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities. <p>P3.2 In mixed use development, in addition to the above:</p>

Issue/Design Element:	Parking
	<ul style="list-style-type: none"> parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking.
	<p>P3.3 In activity centre locations there may be consideration given to a reduction in on-site car parking provided:</p> <ul style="list-style-type: none"> available street parking in the vicinity is controlled by local government; and the decision-maker is of the opinion that a sufficient equivalent number of on-street spaces are available near the development. <p>P3.4 Some or all of the required car parking spaces located off-site, provided that these spaces will meet the following:</p> <ol style="list-style-type: none"> the off-site car parking area is sufficiently close to the development and convenient for use by residents and/or visitors; any increase in the number of dwellings, or possible plot ratio, being matched by a corresponding increase in the aggregate number of car parking spaces;
	<ol style="list-style-type: none"> permanent legal right of access being established for all users and occupiers of dwellings for which the respective car parking space is to be provided; and where off-site car parking is shared with other uses, the total aggregate parking requirement for all such uses, as required by the R-Codes and the scheme being provided. The number of required spaces may only be reduced by up to 15 per cent where the non-residential parking occurs substantially between 9am and 5pm on weekdays.
Applicant justification summary:	N/A
Officer technical comment:	Supported. The site utilises a basement level to provide both car parking for residents and visitors; storage; bin storage; and bicycle parking. The area has been used efficiently to provide for all of the amenities. The site cannot suitably provide another visitor car bay. It is also considered the property is in close proximity to a number of public transport links both in terms of bus and train services (Lord Street and Claisebrook Train Station). In addition the presence of the Nib Stadium Council Car Park also provides opportunities for visitors to be adequately catered for.

Issue/Design Element:	Number of Storeys
Requirement:	Policy No. 7.1.13 - Beaufort Precinct Exercise of Discretion Policy No. 7.5.11 Three (3) Storeys
Applicants Proposal:	Four (4) Storeys
Design Principles:	N/A
Applicant justification summary:	<i>The proposed development consists of 3 storeys residential dwellings plus car parking to the ground level.</i>
Officer technical comment:	Not Supported. In order for the Council to support an additional storey, the proposal is required to satisfy the

Issue/Design Element:	Number of Storeys
	<p>Essential Criteria and Additional Requirements of the Exercise of Discretion Policy. Compliance with the essential criteria is required to include the awarding of design excellence from the City's Design Advisory Committee. In addition the applicant is required to satisfy an additional requirement, with Sustainability as a common factor. The proposal itself has not received design excellence from DAC, but has been afforded with sustainability provisions above that required under the applicable standard. It is therefore considered the additional floor cannot be supported in this instance.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings 30% of Total Site Area– 205.5m²</p> <p>A minimum of 5% of the total site to be provided for Soft Landscaping within the private outdoor living areas of the dwellings – 34.25m²</p>
Applicants Proposal:	<p>70m² or 10.2% of Total Site Area</p> <p>Nil - provided for Soft Landscaping within the private outdoor living areas of the dwellings</p>
Design Principles:	<ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality; • Assists in providing a landscaped setting for the building; • Assists in the protection of mature trees; • Maintains a sense of open space between buildings; and • Assists in increasing tree and vegetation coverage.
Applicant justification summary:	<p><i>The proposed contributes to positive growth for the area in line with policy 3.4.8 "Multiple Dwellings in Residential Zones".</i></p> <p><i>Streetscape landscaping proposed to the front of screen wall and addressing entry foyer access. The entry foyer interacts with the streetscape via landscaped pathway.</i></p> <p><i>Select planting type to be Australian Native, the type to be nominated by Landscape Designer.</i></p> <p><i>Courtyard landscaping to be predominately hard scape with integration of exposed aggregate. Concrete, artificial lawn, timber and potted plants maintained with water tank storage to courtyard. The courtyard provides for both intimacy with plant screening within bench seat planters and the community feel with common interaction zone. Rear yard planting to ground level beyond car parking for amenity of rear site.</i></p>
Officer technical comment:	<p>Not Supported. The proposal conveys insufficient landscaping therefore the City, in the event of approval would impose a condition relating to the provision of landscaping.</p>

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy BDADC 3. Roof Forms 30- 45 degrees
Applicants Proposal:	Flat Roof
Design Principles:	Residential Design Elements Policy BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	N/A
Officer technical comment:	Supported. The proposed roof form is functional in this instance as a pitched roof would increase the bulk and overshadowing of this development.

Residential Car Parking	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (12 dwelling)= 12 car bay Visitors= 0.25 per dwelling (12 dwellings) = 3 car bays Total= 15 car bays (12 Residential/3 Visitors)	Proposed Twelve (12) residential car bays and two (2) visitor car bays. (Total 14 car bays provided)
Shortfall	One (1) Visitor car bays

It is considered that given the property is in close proximity to public transport and specifically within 200 metres from the train station and 100 metres from Lord Street, any visitors can access the site by alternative modes of public transport. Hence two (2) visitor bays in lieu of three (3) visitor bays is supported in this instance, given the proximity of the site to public transport.

Bicycle Parking		
Bicycle Parking	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (12 proposed – 4 bicycle bays) and 1 bicycle space to each 10 dwellings for visitors (12 proposed – 1.2 – 1.0 car bays): Four (4) bicycle bays for the residents and one (1) bicycle bay for the visitors.	Four (4) Residential Bicycle Bays have been provided. One (1) Visitor Bays

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	6 December 2013 – 24 January 2014		
Comments Received:	Six (6) submissions were received, two (2) support, three (3) objections and one (1) general concerns.		

Summary of Comments Received:	Officers Technical Comment:
Concern regarding the upper eastern setback and its impact on the adjoining property.	Not Supported. The proposed upper eastern portion of wall is staggered and articulated with setbacks ranging from 1.0 metres to 3.0 metres on the first and second floors and 1.0 metre to 2.0 metres on the third floor. This staggering of setbacks allows for light and ventilation to be afforded to the adjoining property. In addition, the openings on the proposed eastern elevation do not overlook adjoining properties. It is also noted the property abuts two properties to the south in which the overshadowing is compliant under the provisions of the Residential Design Codes of WA 2013.
Concern regarding the scale of the development that it is too bulky and out of sync with other developments in the area.	Supported. The proposed height of the development is not considered to be out of context for the Beaufort Precinct, given the number of developments approved of a height of over three storeys (including 177 Stirling Street/180 Stirling Street/65-67 Brewer Streets). The additional floor, which accommodates the majority of the additional floor area, is considered to be of a size and context which will have an undue impact on the existing properties within close proximity to the development.
Concern regarding any privacy impacts to the adjoining property from balconies and upper floor windows.	Not supported. The proposal does not overlook any adjoining properties, with any windows required to be screened accordingly if greater than 1.0 metre in area and outside the visual privacy provisions of the Residential Design Codes of WA 2013.
Note limited landscaping is provided over the entire site.	Supported. Increased landscaping would be required in the event of approval.
Request that no damage occurs during the demolition and construction of the building.	Noted. In the event of any approval of the development, a construction management plan and sound attenuation report are required to alleviate concern of surrounding residence.
Request a dilapidation report be carried out of the adjoining property for validation of its existing state at the commencement and end of the building of the development.	Noted. In the event of approval, a construction management plan is required for the development. To be covered as part of any future Building Permit.
Concerned about vibration and movement and its impact on the adjoining property particularly with the use.	Noted. To be covered as part of any future Building Permit.
Request any dust be maintained during construction.	Noted. To be covered as part of any future Building Permit.
The proposed dwelling should comply with the deemed to comply criteria.	Not supported. The development satisfies the deemed-to-comply criteria for some aspects of this development whilst others satisfy the design principles.
The proposal is too bulky and not matching the adjoining buildings.	Supported. See comments above in relation to scale and bulk.
The loft should be within the roof space.	Supported. The proposed top floor is considered as a storey and not a loft. It is noted however that the proposed

Summary of Comments Received:	Officers Technical Comment:
	development has not been awarded with design excellence and therefore the top floor is not supported.
The limitation in the numbers of visitor bays will mean visitors will spill out to the adjacent properties and streets	Not Supported. The reduced number of visitors car parking bays is a limitation of the site area. It is considered the property is in close proximity to a number of public transport links both in terms of bus and train services (Lord Street and Claisebrook Train Station). In addition the presence of the Nib Stadium Council Car Park also provides opportunities for visitors to be adequately catered for.
The proposed overshadowing from the development will impact the adjoining property.	Not Supported. The proposal is within limits of overshadowing the adjoining property. It is also noted the property abuts two properties to the south in which the overshadowing created by the proposed building only overshadows an existing car parking area and not any major outdoor living areas.

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 3 July 2013, 4 September 2013, 2 October 2013 and 5 March 2014. The following comments are from the meeting of 5 March 2014.

Summary of Design Advisory Committee Comments:

- *Joe Chindarsi excused himself from the meeting at 7.20pm as he had spoken privately to the applicant on this development and felt there was a conflict of interest.*
- *The proposal is going to be considered at the Ordinary Meeting of Council on the 25 March 2014.*
- *The bulk and scale of the development needs to be further reduced.*
- *Upper floor mansard approach has not sufficiently reduced the bulk and scale of the upper floor. Upper floor needs to be physically set back so that it is not visible from eye height from the footpath across the street. Consider a setback from the side boundaries also. Consider using an even darker colour to the roof element so that it (further) visually recedes. Consider losing an apartment or bedrooms to achieve this.*
- *The front of the building needs to be further articulated to reduce the heaviness of the dark framed balcony element. This heaviness contributes to the appearance of bulk. Possibilities proposed were to a) Consider lightening the colour, reducing the upper portion of the frame so that the edge thickness is consistent and using a lightweight balustrade above, or b) using a lightweight partly visually permeable material to frame the sides of the balconies such as a metal or timber screen.*
- *Ground floor active use is very small and appears to address this requirement for activation in a token manner.*
- *Suggest the ground floor room is set back so that it can be shaded by the balcony above removing the need for the pergola as it reduces the integrity of the boxed element.*
- *Understanding the site is constrained, the proposal does not seeks to optimise amenity through orientation. Half the apartments enjoy a northerly aspect, though most bedrooms are east and west facing. The top floor could be designed to bring light in from above.*
- *Applicant is naturally trying to optimise yield but the design quality proposed does not ameliorate the impacts of this.*

- *Proposal relies too heavily on high strip windows due to proximity to boundary issues. Shade east and west windows.*
- *Materiality has improved somewhat but still employs a predominantly commercial palette. Refer to the surrounding context for cues on materials. Contemporary interpretations of these are encouraged.*
- *The DAC have not seen the Sustainability Report.*
- *Consider reconfiguring the proposal to employ a “loft” approach for the top floor so that Design Excellence is not required.*

Recommendation:

While the applicant has responded to the requests from the DAC the proposal has not yet adequately addressed the issues raised to achieve DAC support. The proposal needs to have adequately responded to the DAC 10 Principles to be considered as having achieved Design Excellence. The DAC commends the applicant for engaging with the process to date as it has resulted in some improvements, however, the DAC believe the proposal may be overdeveloped, as the quality of the design proposed has still not managed to successfully ameliorate the impacts of this, in particular the bulk and scale issues raised previously.

Mandatory:

- ***In order to achieve Design Excellence the design is required to have adequately responded to the DAC’s 10 Principles of Good Design.***
- ***Further reduce the bulk and scale of the development. Achieve this by;***
 - *Physically setting back the upper floor so that it is not visible from eye height from the footpath across the street. Consider a setback from the side boundaries also. Consider using an even darker colour to the roof element so that it (further) visually recedes. Consider losing an apartment or bedrooms to achieve this.*
 - *The front of the building needs to be further articulated to reduce the heaviness of the dark framed balcony element. This heaviness contributes to the appearance of bulk. Suggestions offered are; a) Consider lightening the colour, reducing the upper portion of the frame so that the edge thickness is consistent and using a lightweight balustrade above, or b) using a lightweight partly visually permeable material to frame the sides of the balconies such as a metal or timber screen.*
- ***Increase the size of the ground floor active use. Set back the ground floor habitable room so that it can be shaded by the balcony above removing the need for the pergola as it reduces the integrity of the boxed element. Reductions in yield on the top floor may allow a reduction in carbays to achieve the above points.***
- ***Reduce reliance upon high strip windows. Introduce windows with a portion of translucent glazing for privacy with clear operable glazing above.***
- ***Improve materiality. Reduce the use of commercial palette of materials. Refer to the surrounding context for cues on materials. Contemporary interpretations of these are encouraged.***
- ***Optimise amenity generally by;***
 - *Improving the number of apartments with northern solar access to living areas (consider articulating the roof to allow light in through clerestory windows),*
 - *ameliorate east and west facing low angle sun,*
 - *demonstrate adequate cross-ventilation to apartments,*

Design Considerations:

- ***Reconsider the filigree metal elements on the balustrading – consider introducing a section of opaque/screened handrail to screen utilities on balconies.***
- ***Consider reconfiguring the proposal to employ a “loft” approach for the top floor so that Design Excellence is not required.”***

The applicant has provided amended plans prior to the meeting which noted the following:

- Reworked fourth floor which reduces the size and scale of this floor, creating a less prominent appearance;
- The applicant has engaged a Sustainability assessment based on the Green Star Energy Rating which addresses the categories of energy, emissions, water, materials and management (occupancy).
- Removal of the drying court on the first level.

Whilst the design has not achieved design excellence under the auspices of the DAC, it is considered the amendments to the design over the four considerations by DAC have created a far more sustainable development. The above mentioned items recommended by DAC at the meeting of 5 March 2014 have not been introduced into the proposed plans.

It is noted the application has been presented to the DAC on four occasions which has resulted in delays in reporting the application to a meeting of the Council.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Existing Building and Construction of Four Storey Multiple Dwelling Comprising of Twelve (12) Multiple Dwellings and Associated Car parking at Nos. 129-131 Edward Street, Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 7.1.13;
- Development Guidelines for Multiple Dwellings Policy No. 7.4.8; and
- Exercise of Discretion Policy No. 7.5.11.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL
The design of the 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
The provision of multiple dwellings provides for greater housing choice.
ECONOMIC
The construction of the building will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Demolition

A heritage assessment of the property was undertaken in September 2008 which indicates a row of semi-detached cottages constructed in Edward Street has some aesthetic and historic value to warrant protection through design guidelines. However, the Heritage Assessment remained a draft and no further action in the development of design guidelines has since been taken.

A further assessment of the subject property undertaken on 11 February 2014 indicates that whilst the place has some aesthetic significance in terms of its contribution to the setting along Edward Street the place has little historic, scientific or social heritage significance 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. Therefore the City has no objection to the demolition of the existing building onsite.

Technical Services

The submitted drawings are not dimensioned, and therefore Technical Services has been unable to conduct a full assessment. Parking is required to meet the minimum requirements of AS2890.1, and therefore bays must be a minimum of 2.4 metres in width. An amendment to the design is required to provide a 1.0 metre setback of the security gate from the visitor's bay, for adequate turning room.

It is noted that access to stores is obstructed by parking bays, which must be allocated to residents other than the store owner. This could possibly cause conflict between residents, and it is recommended that stores be relocated.

The bin store must be redesigned to accommodate eleven (11) bins. Bins are not permitted to be "stacked" as indicated with each bin to be accessible. The footprint for each bin must be 800 millimetres wide by 950 millimetres deep. Bins will have to be transported through the foyer to the street for collection – no steps are permitted within the travel path. This appears difficult to achieve, with the access stairs opening into the bin store area in this current design, and no access available through the car park.

Access to several of the bike rails is obstructed by parking. A set out of bike parking must be amended to ensure clear access to the amenity.

Additional Information

The applicant has submitted amended plans noting the relocation of the proposed bin store to the location of the former car bay 14 area. This has enabled the bins to not have to be accessed through the foyer area and be in a closer proximity to the bin collection point at the front of the property. In addition this has enabled the relocation of storerooms further along to the northern end of the building and allowed for the relocation of the unit 11 store to the south western corner of the site.

Sustainability

The applicant submitted an Environmentally Sustainable Design Report which has examined the building in accordance with the Green Building Council of Australia (GBCA) Green Star rating system in that it addresses the categories of energy, emissions, water, materials, waste and management (occupancy). As set out in the report summary, the sustainable design features and management systems to be put in place will result in:

- 17.4% improvement in thermal performance above BCA mandated baseline'
- 25% reduction in lighting energy;
- 20% reduction in water use by occupants;
- A significant reduction in demolition and construction waste; and
- The facilitation of energy harvesting and real time monitoring to individual apartments – potential for further significant energy savings.

The proposal has therefore considered to have resulted in a significant improvement in sustainability performance above the BCA mandated baseline.

Conclusion

The development is proposed in an area experiencing a transition from 1900's residential dwellings to a commercial area inviting inner city redevelopment. The development is contemporary in the context of the area and will activate the locality for increased active and passive surveillance.

It is not unreasonable to contend that the variations proposed will not be detrimental to the amenity of the locality as the development efficiently utilises the site area and the proposal offers an alternative to traditional dwellings therefore increasing housing options for residents within the City. The proposed setbacks and siting of the building area considered appropriate given the mainly commercial context of land uses in the area and the staggered design proposed.

Notwithstanding the above, the proposal does not satisfy the requirement for additional height in accordance with the City's Policy 7.5.11 relating to Exercise of Discretion for Development Variations, Essential Criteria EC 1.3, in that it has not been afforded Design Excellence from the City's Design Advisory Committee.

In consideration of the above, it is recommended the application be refused by the Council.

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

9.2.1 Hyde Park Perth – Proposed Bike Traffic Calming and Path Signage – Progress Report No. 1

Ward:	South	Date:	14 March 2014
Precinct:	Hyde Park (12)	File Ref:	TES0524, RERS0016
Attachments:	001 - Hyde Park – Bike Traffic Measures		
Tabled Items	Nil		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**

- 1.1 pole signs and path signs have been implemented in Hyde Park to reduce pedestrian and cyclist conflict;
- 1.2 six (6) path signs have been tampered with and/or removed; and
- 1.3 the cost of production and installation of the chicane treatments have exceeded the initial estimates; and

2. **APPROVES** to allocate additional funding of up to \$10,000 from the TravelSmart Community Programmes budget for the production and installation of chicanes in Hyde Park, from the TravelSmart Community Programmes budget.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Topelberg

PURPOSE OF REPORT:

The purpose of the report is to advise the Council on the progress of the Hyde Park Proposed Bike traffic calming and path signage project and to seek the Council's approval for additional funding for the production and installation costs for the chicanes, to be installed at four (4) entry locations at Hyde Park.

BACKGROUND:

Ordinary Meeting of Council held on 3 December 2013:

The Council made the following decision:

“That the Council;

1. *APPROVES a range of measures to reduce cyclist and pedestrian conflict along the paths in Hyde Park estimated to cost in the order of \$5,500, as shown on attached Plan No. 3101-CP-01, and as included in the report, including;*
 - 1.1 *the installation of chicanes at all path entrances to Hyde Park;*
 - 1.2 *on-path signs to encourage courteous shared path behaviour; and*
 - 1.3 *pole signs installed at path entrances to encourage more attention by pedestrians and cyclists; and*
2. *REFERS the matter to the Heritage Council of Western Australia regarding the proposal; and*
3. *RECEIVES a further report on the matter, after two (2) years.”*

DETAILS:

As at February 2014, the pole signage and path signage had been implemented in several locations in Hyde Park.

<p><i>Pole Signs:</i></p> <p><i>Pole signs (as shown opposite) have been installed at eight (8) entry points to Hyde Park, replacing the ‘Cyclists Dismount’ signs</i></p>	
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Path Signs:

A variety of message signs were applied using the Earth Wrap decal product, a highly durable product used on coastal bike paths and throughout Perth City.



Within days of application, six (6) path signs had been tampered with. The sign installer inspected the signs and advised that stretches in the material indicated that the signs had been deliberately lifted or removed.



Sign removed and relocated



Bottom edges lifted after application

The six (6) path signs removed will be replaced in April.

Chicanes:

The production and installation of chicanes has been delayed due to significantly higher costs for the delivery of these than originally budgeted for. In November 2013, the City received an indication of expected costs associated with the manufacture and installation of custom built chicanes in Hyde Park to reduce pedestrian and cyclist conflict.

Detailed costing has now revealed that the chicanes, with appropriate signage, cost in the order of \$1,000 per chicane, considerably in excess of the initial estimate.

Eight (8) chicanes had originally been considered for the four (4) main paths affected by cyclist/pedestrian conflict (two [2] chicanes per path).

Due to the significant width of the main Norfolk Street and Vincent Street entrance, four (4) chicanes are recommended for this path, bringing the total requirement to ten (10) chicanes.



Samples of chicane treatment.

Heritage Council of Western Australia:

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places and the place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth.

As per the Council decision the proposal was referred to the Heritage Council on 18 December 2013 however no formal response has been received at the time of writing this report.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: There have been some isolated incidences of bicycle/pedestrian conflict, though the prevalence of these has been minor.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There is no specific budget for improvements to paths in Hyde Park. Improvements to path signage and some infrastructure can be financed from TravelSmart Community Programs.

TravelSmart Programs and Events	\$65,000
Expenditure to date	\$17,000
Funds Remaining	\$48,000

COMMENTS:

In order to help mitigate conflict between pedestrians and cyclists using the paths in Hyde Park, a series of path signs, pole signs and chicanes had been recommended. The path and pole signs have been installed, but the detailed costing on the chicane treatments recommended at four (4) entrances to Hyde Park have revealed a much higher cost than originally estimated.

It is recommended that Council approve the additional funding allocation of \$10,000 to progress the chicane treatments in Hyde Park.

9.2.2 Proposed Beatty Park Leisure Centre Secure Bicycle Shelter Location

Ward:	South	Date:	14 March 2014
Precinct:	Smith's Lake (6)	File Ref:	TES0172
Attachments:	001 –Map of Proposed Location		
Tabled Items	Nil		
Reporting Officer:	F. Sauzier, TravelSmart Officer		
Responsible Officer:	R. Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that a 'concept' design for a 'Secure Bicycle Parking Shelter' facility near the front entrance at the Beatty Park Leisure Centre has been prepared;
2. **APPROVES IN PRINCIPLE** the 'concept' design and proposed location of the 'Secure Bicycle Parking Shelter' as shown on attached Plan No. 3114-CP-01;
3. **CONSULTS** with stakeholders and users of Beatty Park Leisure Centre regarding the proposal; and
4. **RECEIVES** a further report at the conclusion of the consultation to enable this matter to be progressed.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 8.55pm.

Debate ensued.

Cr Harley returned to the Chamber at 8.57pm.

Debate ensued.

Cr McDonald departed the Chamber at 8.57pm.

Debate ensued.

Cr McDonald returned to the Chamber at 8.58pm.

Debate ensued.

AMENDMENT

Moved Cr Peart, **Seconded** Cr Buckels

"That a new Clause 4 be inserted as follows:

4. **ASSESS** the existing site for customers who would not have security access to the parking and look ways to improve the passive surveillance of the bike parking"

The Mover, Cr Peart advised that *he* wished to *withdraw his* amendment. Cr Peart withdrew his amendment.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to finalise a location and present an initial design for the installation of the Beatty Park Leisure Centre's 'Secure Bicycle Parking Shelter'.

BACKGROUND:

Ordinary Meeting of Council 8 February 2011:

Council Decision Item 9.1.3

"That the Council;...

(vii) *PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:*

(a) *Bicycle Parking Facilities*

A minimum of fifteen (15) class 1 or 2 bicycle parking facilities and a minimum twenty-five (25) class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities. Additional class 1 or 2 and 3 facilities are to be provided, if there is additional demand for these facilities;"

Although recommended as part of the approval, no Class one (1) or Class two (2) bicycle parking facilities have been provided for at the development.

- *Class 1 facility – a fully enclosed individual locker*
- *Class 2 facility – locked compound fitted with Class 3 facilities*
- *Class 3 facility – a facility to which a bicycle frame and wheels can be locked.*

October 2012:

The City successfully applied for a 2013/2014 Perth Bicycle Network Grant of \$10,000 for a secure bicycle shelter to be built at Beatty Park Leisure Centre (at a total cost of \$40,000), having tentatively identified a location to the immediate southeast of the main entrance.

This site had previously been identified as the possible location for a major artwork, but it was considered possible that both the bicycle shelter and major artwork could share this location.

May 2013:

The City allocated \$40,000 in the 2013/2014 Budget (including the \$10,000 PBN Grant) to construct a secure bicycle shelter at Beatty Park Leisure Centre.

October 2013:

Quotes from three (3) suppliers were sought based on a 5 metre x 5 metre square design.

The Manager Beatty Park Leisure Centre recommended an alternative design based on using the entire space to the south east of the steps (a triangular shape) and a concept was prepared.

December 2013:

At the Ordinary Meeting of Council held on 17 December 2013, the following was resolved:

"That the Council;

1. *RECEIVES the Progress Report No. 1 relating to Major Artworks;*
2. *APPROVES the recommended location near the main entrance of Beatty Park Leisure Centre as detailed in the report as shown in Appendix 9.4.1A and 9.1.4C;”*

This area had also been mooted as a possible location for the secure bicycle parking shelter.

DETAILS:

Although recommended as part of the requirements for the redevelopment of the Beatty Park Leisure Centre, no secure bicycle parking has been provided at the location. A recent spate of theft of bikes from the Centre, regardless of clearly advertised security camera surveillance, highlights the need for greater security of bicycle parking.

The location to the immediate south east of the entrance steps to Beatty Park Leisure Centre had initially been considered as a possible location for a secure bicycle shelter.

Given that this space has been approved as the recommended location for the Beatty Park Leisure Centre major artwork, and the process to deliver the artwork may take in excess of twelve (12) months, an alternative site for the proposed bicycle shelter is being sought.

In order for a secure bicycle shelter to be used effectively, it needs to be located in close proximity to the entrance to the Centre.

Location:

The location now being recommended is to the north-east of the main entrance (see Attachment 001). Importantly, the shelter will also benefit from the passive surveillance of users of the gym at Beatty Park Leisure Centre and would be easily accessed from the existing pathway and the newly created Beatty Park Reserve Shared Path.

Design:

Initial designs have been sought from Leda Securabike and National Group of Companies who also supply secure bicycle shelters to the Perth Transit Authority. Some opportunity exists to powdercoat the finishes in black to better blend in with the surrounds.



NGOC Design



LEDA Design

Internal Fittings:

The opportunity exists to use sixteen (16) of the LEDA BR108B racks (currently slated for removal from Beaufort St) in this shelter.

Constraints:

It is expected that the secure bicycle shelter would be accessed via an access control swipe card system as per the entrance to Beatty Park Leisure Centre. Centaman are advising of the feasibility of connecting the shelter to the existing access system to Beatty Park.

CONSULTATION/ADVERTISING:

The Vincent Bicycle Network Plan 2013 identified the community need for more and sheltered bicycle parking, especially at community facilities (Table 4-1: Workshop Identified spending priorities; pg9).

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2011-2023*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2023 Objective 1* states:

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

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

(d) Promote alternative methods of transport."

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

"Objective 1: Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City".

SUSTAINABILITY IMPLICATIONS:

The provision of end of trip facilities such as a secure bicycle parking shelter contributes to an increased cycling participation rate by both residents and the wider community. This should lead to improved general health and well being of the community, while reducing carbon emissions and the dependence on motorised transport.

FINANCIAL/BUDGET IMPLICATIONS:

Budget Amount:	\$40,000 (inc \$10,000 2013-14 PBN Grant)
Expenditure to date:	\$ 0
Balance:	<u>\$40,000</u>

COMMENTS:

A location for the Beatty Park Leisure Centre secure bicycle shelter has been proposed to the immediate northeast of the main entrance of Beatty Park, in a prominent and highly visible location. The facility would provide an end-of-trip facility in keeping with the high quality of facilities and service supplied as a result of the redevelopment.

Once the location and the concept design has been signed off, the matter will be presented to the Council for approval.

The Presiding Member requested that the Confidential Items be brought forward as there were still Members of the public present.

PROCEDURAL MOTION

At 9.05pm **Moved Cr Buckels, Seconded Cr Wilcox**

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to:

“(d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

Confidential Item 14.2, as this matter relates to:

(a) “a matter affecting an employee or employees;.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

There were 0 members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

Media departed the Meeting.

Acting Chief Executive Officer, Mike Rootsey, Acting Director Community Services, Jacinta Anthony, Acting Director Planning Services, Petar Mrdja and Director Technical Services, Rick Lotznicker departed the Meeting.

PRESENT:

Mayor John Carey Presiding Member

Cr Roslyn Harley (*Deputy Mayor*) North Ward (until approximately 10.20pm)

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
Cr Julia Wilcox	North Ward

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 No. 315 (Lot: 528 and 530 D/P: 30376) Fitzgerald Street, North Perth – Proposed Reconsideration of Conditions of Previous Planning approval for a Recreational Facility - Review State Administrative Tribunal (SAT) DR 7 of 2014

Ward:	South	Date:	14 March 2014
Precinct:	Smiths Lake, P6	File Ref:	PRO0883; 5.2013.507.1
Attachments:	Confidential: Property Information Report and Development Application Plans Confidential: Applicant Submission Confidential: Parking Management Plan		
Tabled Items:	Nil		
Reporting Officer:	R Underwood, Planning Consultant (Planning Solutions)		
Responsible Officer:	P Mrdja, Acting Director of Planning Services		

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 confidential report, circulated separately to Council Members, relating to Proposed Reconsideration of Conditions of Previous Planning Approval for a Recreational Facility - Review State Administrative Tribunal (SAT) DR 7 of 2014 at No. 315 (Lot: 528 and 530 D/P: 30376) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 4 November 2013, as this matter relates to:

“(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;” and

2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr McDonald

That the recommendation be adopted.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-2)

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

Against: Cr Harley and Cr Pintabona

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

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, the Chief Executive Officer and Directors.

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.

14.2 CONFIDENTIAL ITEM: Chief Executive Officer's Contract of Employment

Ward:	-	Date:	25 March 2014
Precinct:	-	File Ref:	
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Mayor John Carey		
Responsible Persons:	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 Chief Executive Officer's Contract of Employment, as this matter relates to;
 - (a) "a matter affecting an employee or employees;"and

COUNCIL DECISION ITEM 14.2

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-1)

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

DETAILS:

Mayor John Carey has requested that this matter be included as a Confidential Item as it relates as the matter relates to an employee. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information by the Chief Executive Officer.

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 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 10.20pm Moved Cr Wilcox, Seconded Cr Pintabona

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED (8-1)

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

Against: Cr Harley

Executive Assistant (Minutes Secretary) – Jerilee Highfield returned to the meeting.

Media returned to the Meeting.

Acting Chief Executive Officer, Mike Rootsey, Acting Director Community Services, Jacinta Anthony, Acting Director Planning Services, Petar Mrdja and Director Technical Services, Rick Lotznicker returned to the Meeting.

PRESENT:

Mayor John Carey Presiding Member

Cr Roslyn Harley (*Deputy Mayor*) North Ward (until approximately 10.20pm)

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
Cr Julia Wilcox North Ward

Mike Rootsey Acting Chief Executive Officer
Jacinta Anthony Acting Director Community Services
Rick Lotznicker Director Technical
Petar Mrdja Acting Director Planning Services

Jerilee Highfield Executive Assistant

Media
Sarah Motherwell Journalist – “*The Guardian Express*”

David Bell Journalist – “*The Perth Voice*”

Cr Harley departed the meeting and did not return.

9.2.3 Adoption of the 'Vincent Greening Plan'

Ward:	Both	Date:	14 March 2014
Precinct:	All	File Ref:	TES0234; PLA0253
Attachments:	001 – Draft Vincent Greening Plan – 2014		
Tabled Items:	Nil		
Reporting Officers:	J Parker, Project Officer – Parks and Environment J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the 'Vincent Greening Plan' to be used as a guiding document for the implementation of greening projects and initiatives within the City, as shown in attachment 9.2.3; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 advertise the Plan for a period of twenty-one (21) days, seeking public comment; and
 - 2.2 report back to the Council if any submissions are received.

Moved Cr Peart, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Peart, Seconded Cr Buckels

"That a Clause 2.2 be amended to read as follows:

- 2.2 report back to the Council if any submissions are received and with timelines and budget for delivery of the Greening Plan.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley had departed the Meeting.)

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

(Cr Harley had departed the Meeting.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

1. **ADOPTS** the 'Vincent Greening Plan' to be used as a guiding document for the implementation of greening projects and initiatives within the City, as shown in attachment 9.2.3; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 advertise the Plan for a period of twenty-one (21) days, seeking public comment; and
 - 2.2 report back to the Council if any submissions are received and with timelines and budget for delivery of the Greening Plan.

PURPOSE OF REPORT:

The purpose of this report is to seek adoption of the Vincent Greening Plan to be used as a guiding document for the implementation of greening projects and initiatives within the City of Vincent.

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.

DETAILS:

Six (6) main objectives have been identified and outlined in the Vincent Greening Plan are as follows:

Increasing Canopy Cover:

Increasing the overall tree canopy cover of the City from 11.7% to 20%, across public and privately owned land.

Enhancing Habitat and Promoting Biodiversity:

Increasing the diversity and overall height of trees and shrubs; linking areas of existing habitat through vegetated greenways and undertaking new habitat plantings across the City.

Greening, Enlarging and Enhancing Public Open Spaces:

Increasing the total area, usability and accessibility of the City's Public Open Spaces.

Greening the Town Centres:

Improving the amenity of Vincent's five (5) Town Centres and reducing the urban heat island effect in these locations.

Greening New Development:

Providing mechanisms to encourage the incorporation of green infrastructure, sustainable design principles and increased vegetation cover in private developments.

Greening the Community:

Increasing community awareness of the environmental and social benefits that green spaces provide and increasing community involvement in greening actions.

CONSULTATION/ADVERTISING:

The Vincent Greening Plan will be advertised for public comment for a period of twenty-one (21) days.

If no submissions are received, the Vincent Greening Plan will be adopted without any changes. Any submissions will be reported to the Council for consideration.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

1.1.3 Take action to reduce the City's environmental impact and provide leadership on environmental matters.

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is therefore recommended that the Vincent Greening Plan be adopted to assist in guiding the City when implementing greening projects and initiatives.

9.2.5 Lane Street, Perth - Proposed Amendments to Existing Parking

Ward:	South	Date:	14 March 2014
Precinct:	Hyde Park (12)	File Ref:	PKG0101
Attachments:	001 – Proposed Plan No. 3132-PP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the undertaking of a six (6) month trial of replacing the current time restrictions on the western side of Lane Street with a 2P time restriction 8.00am to 6.00pm Monday to Friday and “Resident Only” parking at all other times, as shown on the attached Plan No. 3132-PP-01;
2. **INVESTIGATES** the feasibility of planting trees and undertakes a traffic assessment as requested by the petitioners;
3. **CONSULTS** with the residents/businesses of Lane Street regarding the proposal as outlined in clause 1; and
4. **RECEIVES** a further report on the outcome of the consultation and investigations outlined above.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-1)

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

(Cr Harley had departed the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of some actions proposed in response to a petition submitted by Lane Street residents.

BACKGROUND:

A petition was received on 5 March 2014, along with sixteen (16) signatures from residents of Lane Street, requesting that the Council investigates the possibility to have Street Trees, ‘Resident Only’ parking and Traffic Calming Devices implemented in Lane Street, Perth for the following reasons:

- During the summer months Lane Street becomes extremely hot due to not having any trees;
- Parking is also a major problem as many residents do not have off-street parking; and
- Vehicles speeding through narrow street (only one lane) pose a safety hazard for young families taking children to school.

This petition was subsequently read at the Ordinary Meeting of Council held at the City of Vincent Administration and Civic Centre on Tuesday 11 March 2014.

DETAILS:

Lane Street which runs between Bulwer and Brisbane Street, is a narrow street approximately 280m long with a road reserve of 10.0m in width. The carriageway width is 5.0m with a footpath on either side and a number of crossovers into residential developments.

The street comprises a mix of residential and commercial development. The eastern side of the street comprises approximately twelve (12) residential dwellings and the side of a large commercial premise none of which have any off road parking. The western side of the street is similar but all residential.



Street Trees:

The City upgraded Lane Street several years ago, brick paved, resurfaced and drainage improvements. Due to the flat gradient of the very narrow street we installed PVC drainage pipes inside from the kerb line on both sides of the street with connected to a number of gullies.

It may be difficult to plant trees due to the existence of these drainage lines and this will need to be further investigated.

Parking:

Currently due to the narrow width of the Lane Street carriageway, the west side of the street has 2P parking 8.00am to 5.30pm Monday to Friday and the east side of the street has no parking allowed. A large portion of the west side of the street north of Brisbane Street currently comprises a 'No Stopping' zone further reducing the available parking availability in the street.

Following requests to increase the amount of parking in the street it was determined that the existing 'No Stopping' zone could be reduced to allow additional parking without compromising safety. The residents were subsequently consulted regarding the proposal and the Council made the following decision at its meeting held on 19 November 2013;

"That the Council;

- 1. APPROVES the introduction of parking in a portion of the 'No Stopping' zone on the western side of Lane Street, Perth as shown on the attached Plan A; and*
- 2. UNDERTAKES a moratorium on issuing parking infringement notices for a period of fourteen (14) days, from the date the signage is erected;"*

Request for Improvements:

The petition submitted by residents requested that the Council consider implementing Resident Only parking.

Proposal:

The following was trailed in Moir Street recently and has now been implemented: This is also currently been trailed in Harwood Place, West Perth.

- *1P time restrictions, 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times.*

Traffic:

Vehicle classifiers will be deployed in the street to measure to speed/volume and composition of traffic in the street. The matter will be referred to the iTAG if there is an issue.

CONSULTATION/ADVERTISING:

It is recommended that the residents/businesses in Lane Street be consulted regarding the proposed parking trial.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Nil.

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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

No funds are listed in the current budget for improvements in Lane Street.

COMMENTS:

It is recommended that the Council undertake a six (6) month trial of replacing the current time restrictions on the western side of Lane Street, with a 2P time restriction 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times. The other matters raised by the petitioners will be further investigated.

9.4.1 Mount Hawthorn Hub – Late Night Shopping Events – Progress Report No. 2

Ward:	North Ward	Date:	14 March 2014
Precincts:	Mount Hawthorn Centre (2); Mount Hawthorn (1)	File Ref:	CMS0057
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

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.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Pintabona

That the recommendation be adopted.

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

(Cr Harley had departed the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a progress report on the Mount Hawthorn Hub to date and seek approval to redisperse the remaining event funds towards Place Making activities.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 September 2013, the Council resolved as follows:

“That the Council:

1. *APPROVES the proposal from the Mount Hawthorn Hub to use the City's sponsorship of \$45,000 to deliver two smaller events;*
2. *AUTHORISES the following two ‘Up Late in Mt Hawthorn’ events to take place on Friday, 6 December 2013 and Friday, 11 April 2014; and*
3. *The events detailed in clause 2 above shall be subject to the following conditions:*
 - 3.1 *the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
 - 3.2 *‘event fees’ for the festivals shall be waived;*
 - 3.3 *a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;*

- 3.4 *a suitable traffic, risk management and event site plan shall be submitted to the City at least two (2) months prior to the event at the expense of the organisers;*
- 3.5 *the event organisers shall:*
- 3.5.1 *comply with the conditions of use and fees imposed, including Environmental Health and other conditions; and*
- 3.5.2 *ensure full consultation with businesses and residences within the event parameter and at a minimum of a five hundred (500) metre radius outside of the event parameter to ensure that the festival is representative of and attuned to the local businesses;*
- 3.6 *the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;*
- 3.7 *acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report and signed off in the sponsorship agreement with the City;*
- 3.8 *the funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and*
- 3.9 *full compliance with the City's Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy 1.1.8 'Festivals' and Policy 3.8.3 'Concerts and Events';*

to the satisfaction of the Chief Executive Officer."

DETAILS:

The Mount Hawthorn Hub is a newly formed Precinct Group. The Group has held one '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 Rd from Oxford Street to Coogee Street, and the activated area was Axford Park, which was transformed into an intimate venue featuring live music under the gazebo, food vendors and a pop up bar.

17 December 2013

The City's Officers met with the Mount Hawthorn Hub and the hired event organiser, Coveted Events, for a debrief meeting and made suggestions on how to improve the event and engage local businesses and residents further.

29 January 2014

The Mayor John Carey and the City's Officer met with the Group to further discuss the event being planned for 11 April 2014, providing some input on attracting more attendance as well as providing connectivity across the various nodes of activity.

4 March 2014

The Mayor John Carey and the City's Officers met with event management contractor, Jimmy Murphy, to discuss the second event in Mount Hawthorn and propose strategies for the second event. There was a suggestion to hold an event during Easter which would be a drawcard for the businesses in the area as well as include some activation in one of the side streets which could be closed.

12 March 2014

The City's Officers met with the Group who expressed the priority was for more street lighting and street banners rather than holding another event at this stage. It was noted that the event organiser had also gone over the allocated budget amount for the first event.

The Group requires significant work in refining their place governance structures. The branding for the Mount Hawthorn Hub is done; however, the memberships are low and the meetings are scarce. It is proposed that the City's Place Manager will work with the Group to devise an action plan for the Mount Hawthorn Hub and use the remainder of the allocated event amount to assist with this, and also provide smaller Place Making activities.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

“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.

RISK MANAGEMENT IMPLICATIONS:

Low: The importance to build on the structure of the Mount Hawthorn Hub as a lasting entity outweighs a small community event.

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$45,000 is allocated to the Mount Hawthorn Group in the 2013/2014 Budget for their proposed events.

Budget Amount:	\$45,000
Spent to Date (on first event):	<u>\$28,487</u>
Balance:	\$16,513

COMMENTS:

The first event was a success and has evoked some interest amongst local businesses and residents to continue a focus on Mount Hawthorn. The Mount Hawthorn Hub committee has expressed the need for assistance in setting up their Place Making governance and streetscape improvements.

With the Place Managers commencing at the City, the Officers will be focussed on working with the committee to ensure that an action plan is developed with strategies to ensure that Mount Hawthorn develops into an urban village that is robust, distinct and with unique places, which attract locals and visitors

9.4.3 “Crab Riders” – Progress Report No. 2

Ward:	South	Date:	14 March 2014
Precinct:	Forrest (14)	File Ref:	CVC0008
Attachments:	001 – Artwork Images		
Tabled Items:	Nil		
Reporting Officer:	Y Coyne, Coordinator Arts & Creativity		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to cancel the loan of the artworks entitled “Crab Riders” by Gillie and Marc and agreement accordingly to terminate.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Topelberg, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

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

(Cr Harley had departed the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to cancel the long term loan of the artworks “Crab Riders”, gifted to the City by artists Gillie and Marc.

BACKGROUND:

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

“That the Council;

- 1. DEFERS consideration of the additional estimated funding of up to \$8,000, for the additional costs with freight and installation of “Crab Riders” from the Public Community Artworks budget and writes to the artist to express its significant concern relating to the lack of information, process and expectation to the City to bear the costs associated with relating to the installation of the artwork and will RECEIVE a further report once comment has been received from the artist; and*
- 2. AUTHORISES for each Council Member to view the contract.”*

At the Ordinary Meeting of Council held on 24 September 2013, the Council resolved as follows:

“That the Council approves;

- 1. the recommendation of the Art Advisory Group to locate “Crab Riders” by artist Gillie and Marc as shown in Appendix 9.4.3A, at locations on Beaufort Street, adjacent to Birdwood Square, in consultation with the Acting Mayor, as shown in Appendix 9.4.3B; and*
- 2. BY AN ABSOLUTE MAJORITY to allocate additional estimated funding of up to \$10,500 towards the freight and installation of “Crab Riders”, from the ‘Arts Workshops’ expenditure which is listed as a total of \$16,000 in the 2013/14 Budget”.*

In July 2013, Artists Gillie and Marc contacted the City's Officers offering a long term loan of the works, entitled "Crab Riders". The images of the sculptures as shown in Appendix 9.4.3 were presented to the Arts Advisory Group at the meeting held on 22 July 2013. The Group resolved to accept the loan of artwork and suggested Birdwood Square on the corner of Beaufort and Bulwer Streets as a possible location.

There are three (3) separate sculpture components:

- 'Dogman on Crab': Length 215cm x Width 270cm x Height 236cm, Weight 450kgs;
- 'Rabbit Girl on Crab': Length 200cm x Width 230cm x Height 240cm, Weight 350kgs; and
- Small Crab: Length 160cm x Width 210cm x Height 110cm, Weight 245kgs.

It is the artist's intention that the sculptures be placed together. The area of turf at Birdwood Square will need to be prepared with a concrete slab, due to the weight of the works. The installation process will involve drilling into the concrete, placement of the sculptures via crane and chemical setting the rods into place on the concrete pads.

DETAILS:

Gillie and Marc provided the City with an opportunity to have the artworks on loan for five years. The works were essentially to be provided at no cost but the City was to be responsible for installation and freight costs. This was understood to be the arrangement from the beginning.

The decision by the Arts Advisory Group to place the sculptures at Birdwood Square meant that additional costs were required to dig up turf and lay a concrete foundation on the park as the turf would not support the weight of the artworks as there was concern about sinkage. An estimated cost of \$10,500 was approved by Council with quotes still being obtained. Final figures to freight, store and install these works came in over this amount. As the quotes for installation of the works were obtained unseen and without structural certification meant there was no guarantee that unexpected costs would occur post delivery or installation

As requested by the Council, the artists have been contacted about the lack of information provided to the City and they have apologised for any inconvenience. This resolution on this item has been deferred twice and the sculptures are currently in a storage facility at a cost of \$1,100 per month to the artists, who are concerned about lack of space.

In recent weeks, the artists made the City's Officer aware that the City of Melbourne has made an offer to purchase the works from the artists. The artists are now keen to resolve the matter quickly and to terminate the agreement with the City so that the works can be sold.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objective of the City's '*Strategic Plan – Plan for the Future 2013-2017*':

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Updated quotes received are as follows:

Freight & Delivery	\$7,755	Quoted
Storage, Concrete & Installation	<u>\$9,562</u>	Quoted
Total Estimate	\$17,317	

To install the artworks will require an additional funding of up to \$8,000 which could be taken out of the remaining budget for Public Community Artworks.

COMMENTS:

The artists have received an offer by the City of Melbourne to purchase the works for the sale price and it is recommended that the agreement be relinquished so that this sale able to occur. The offer of the loan has cost the artists money in storage fees, and recent media reports which the artists read had suggested the council's enthusiasm for the works had waned. Whilst the artists wish to have the works here, the significant sale of a work is equally important.

To ensure a good relationship is kept with the artists it is recommended that the acquisition agreement is relinquished and a good relationship is maintained with the arts community.

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

13.1 Governance Model – New City of Perth

Ward:	Both Wards	Date:	25 March 2014
Precinct:	All Precincts	File Ref:	
Attachments:	001 – Governance Model		
Tabled Items:	-		
Reporting Officer:	Mike Rootsey, Acting Chief Executive Officer		
Responsible Officer:	Mayor John Carey		

OFFICER RECOMMENDATION:

That the Council under a forced Council merger process;

1. **ENDORSES** the two ward structure for a combined Vincent and Perth Council, as proposed in the attached map, on the basis of:
 - 1.1 equal representation between a Central and North Ward, with each ward electing 6 Councillors;
 - 1.2 an equal or similar Councillor to elector ratio, to ensure fair representation for all ratepayers, regardless of ward location; and
 - 1.3 a Mayor directly elected by all ratepayers.
2. **STRONGLY rejects** a one ward structure model for a combined Vincent and Perth Council, which will:
 - 2.1 require candidates to have significant financial and organisational resources to reach an estimated 33,000 elector base;
 - 2.2 significantly disadvantage and discourage candidates who are not aligned with a group ticket who have pooled resources and shared the cost of campaigning;
 - 2.3 encourage a voting bloc mentality/factionalised approach on Council, where a successful group ticket may carry those strong relationship onto Council; and
 - 2.4 local residents and small businesses may lose a sense of accessibility to Councillors, with no apparent ward representation.
3. **RECOGNISES** that proposed boundaries of a two ward structure may vary based on achieving a similar Councillor to elector ratio, once all available electoral data is available for the final proposed boundaries of a new City Council;

4. SUPPORTS the following:

- 4.1 the creation of a precinct system within any new future City Council, with separate committees/organisations established for each defined precinct;
- 4.2 transitional arrangements for a new combined Vincent and Perth Council which ensures continued representation elected directly by City of Vincent ratepayers in the critical four month period between July 1 2015 and late October 2015; and
- 4.3 the appointment of Commissioners for a fourth month period to ensure fair implementation of a new structure for a combined Vincent and Perth Council, if representatives elected directly by City of Vincent ratepayers cannot be included in the transitional governance process.

COUNCIL DECISION ITEM 13.1

Moved Cr Topelberg, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Cole

(Cr Harley had departed the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to establish a Council position in relation to a proposed ward structure for a potential new City of Perth under the forced Council merger process established by the State Government.

BACKGROUND:

At the Ordinary Meeting of Council held on February 11 2014, the Council resolved as follows:

That the Council:

1. *Expresses absolute opposition to the WA "boundary alignment" which would see the City of Vincent abolished on July 1 2015 and the City of Perth govern from 1 July 2015 to 19th October 2015, on the basis of;*
 - 1.1 *This is not a fair and equal merger between both Councils when one Council is simply abolished;*
 - 1.2 *It is undemocratic to leave City of Vincent ratepayers without local elected representation for a period of four months and in a critical stage of decision making which will guide the structure and policies of a new City of Perth; and*
 - 1.3 *Recommendations from the Local Implementation Committee will have no legal recognition or authority with the current City of Perth Council if it chooses to ignore such advice;*
 - 1.4 *It excludes the Banks Precinct as part of the City of Vincent to City of Perth merger; and*

2. *AUTHORISES the;*
 - 2.1 *Mayor and Chief Executive Officer to hold a town hall meeting to provide a community forum for residents and ratepayers regarding the proposed boundary alignment and the transitional arrangements (the government proposals) post 1 July 2015;*
 - 2.2 *Mayor to write to the Minister for Local Government and the Member for Perth to express concerns about the government proposals and invite them to the town hall meeting;*
 - 2.3 *Mayor to send a written invitation to all residential households of the City of Vincent, inviting them to a town hall meeting and this to be funded from a source, as determined by the Chief Executive Officer;*
 - 2.4 *Mayor and the Chief Executive Officer to re-establish the 'Vincent to Perth' campaign committee with the first meeting to be held week commencing 17 February;*
 - 2.5 *Mayor and the Chief Executive Officer to begin Stage 1 of the Metropolitan Local Government Reform process;*
 - 2.6 *Chief Executive Officer, in consultation with the Mayor, to engage a Consultant to assist with the City of Vincent's 'Vincent to Perth' campaign, and the development of strategy and production of material as required, for at least a one month period;*
 - 2.7 *Chief Executive Officer to write the City of Perth to request the establishment of the Local Implementation Committee;*
 - 2.8 *establishes a working committee of the Chief Executive Officer, the Mayor, Deputy Mayor and two other nominated Councillors to examine options for a proposed Ward Structure in line with the City of Vincent Community Expectations and to be presented for consideration by the Chief Executive Officer at the first Ordinary Meeting of Council to be held in March 2014 and to be based on the Key Democratic Principle of one vote, one value and a multi ward system;*
3. *REQUESTS the Chief Executive Officer to;*
 - 3.1 *seek legal advice regarding the boundary alignment process for the City of Vincent; and*
 - 3.2 *provide a report to each Council meeting as a standing Agenda Item on the communication and progress between the City of Vincent and City of Perth, in regards to the amalgamation process;*
 - 3.3 *identify a funding from a source to be determined by the Chief Executive Officer; and*
4. *NOTES that the Chief Executive Officer has already lodged a grant application for \$50,000, available from the Department of Local Government and Communities, to assist with the forced merger process; and*
5. *ENDORSES Cr Cole as the Council Member representative on the Working Party for the Governance Model.*

Following the endorsement of this motion, the Mayor with Deputy Mayor Cr Ros Harley, Cr Joshua Topelberg and Directors met with the Local Government Advisory Board on 19 February 2014, as part of the LGAB's meetings with all metropolitan Councils affected by the forced Council amalgamation process.

During the meeting, board representatives recommended that the City of Vincent make a specific proposal on its preferred model for a merged City of Vincent and City of Perth Council. Accordingly, the working party has met to consider and examine a range of potential options, in accordance with the motion passed.

A range of options were presented and canvassed with all Councillors for comment at a Council Forum held on Tuesday 18 March 2014. These options include potential for two, three or four ward structures.

DETAILS:

City of Perth Restructuring Act 1993

Under the City of Perth Restructuring Act 1993, the Council composition is prescribed to elect one Mayor and eight Councillors, with the Council electorate to remain undivided (no ward structure).

However, the Governors Orders required to establish the new proposed City authority will also prescribe the new ward structure. It is understood this would then require amendments to the Act.

Local Government Advisory Board Guide

In developing a proposed ward structure, strong consideration has been given to The Local Government Advisory Board's *Ä Guide to Local Governments – How to conduct a review of wards and representation for local governments with and without a system* (December 2013). While the City of Vincent is clearly not conducting a review, the guide makes clear recommendations for which factors should be considered when deliberating on ward boundaries and structure.

The Guide recommends the following factors be considered:

- Community of interest;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and
- The ratio of Councillors to electors in the various wards.

These factors should be considered in terms of the whole district prior to assessing the options. It should be noted that of these factors, the Board considers:

“...that the ratio of Councillors to electors is particularly significant. It is expected that each local government will have similar ratios of electors to Councillors across its wards...” (pg 5, Dec 2013).

It is also worth noting that the board is also reluctant to recommend to the Minister:

“...changes to ward boundaries and representation that result in ward Councillor/elector ratios that are greater than plus or minus 10% unless exceptional circumstances apply...” (pg 6, Dec 2013).

In reviewing potential ward structure, significant consideration has been given to achieving similar Councillor to elector ratio.

City of Perth position

In its primary submission to the Local Government Advisory Board, the City of Perth proposes to continue to have an undivided/no ward structure for a new City of Perth under expanded boundaries. The Council would also continue to have eight Councillors and a Mayor. The submission cites both the City of Sydney and City of Melbourne as no ward structure systems.

One ward structure

There are two critical concerns with a no ward structure for a new City of Perth – encouraging and giving advantage group tickets to run at the expense of independent candidates, and the long term impact on governance of the City; and lack of accessibility for city residents to elected Councillors.

The Victoria Election Commission electoral review of the City of Melbourne and its final recommended for Melbourne Councillors to be elected from an un-subdivided municipality has been cited to support a new City of Perth remaining as a one ward system. However, greater examination of the report does not provide such a clear cut picture – and raises concerns about the impact of a one ward system and its impact on representation.

There is no doubt that shifting to a one ward system – of approximately 33,000 enrolled voters, will require candidates to invest significant time, financial resources and organisational capacity if they wish to campaign and make contact with the majority of voters.

As a consequence, candidates will actively group their resources and organise as tickets, to share the cost of a larger campaign and in doing so, be able to reach the full electoral base. This is formally acknowledged by the Victoria Electoral Commission in its report, where it states:

In short, to be elected local candidates would need to form a group and run for both the Leadership Team and Councillor elections. They would need to act together, and raise money for their campaign.

This is clearly the case in both Sydney and Melbourne City Councils, where group tickets dominate the electoral landscape. The organisations of these tickets also risk a factionalised City of Perth Council – candidates organising as group are very likely to carry those relationships onto Council and encourage a Council culture which adopts a similar group mentality or voting bloc mentality.

As part of the review, residents expressed significant concern about the ability of local candidates, not aligned to a group ticket, being elected to the City of Melbourne Council. This can be considered a reasonable concern – and that accordingly, a multi-ward system will provide fairer form of electoral campaigning.

As recognised by the Victoria Electoral Commission, submitters have mounted “*strong and reasonable arguments for a change to a ward-based structure, and such a structure would have the capacity to provide fair and equitable representation*”.

The second major concern is the lack of any ward structure provides no accountability for local issues and concerns. The Victoria Electoral Commission noted that:

“...submissions clearly express residents’ frustration at the inapproachability of the Councillors. To submitters, it appears that Councillors are purely concerned with major strategies, and are unwilling to listen to local concerns.

The Commission recognises that an unsubdivided structure “promotes a city-wide focus that tends to reduce attention to local issues”. It could be argued that dynamic contemporary local government should be able to do both – focus on the big vision for a Capital City while also having engaged and responsive Councillors who are prepared to engage with local issues.

The suggestion that any ward system will compromise the ability of election members to work for the city as a whole is not evident at the City of Vincent. As prescribed in the Local Government Act 1995, Councillors are aware of their duty to make decisions to be made in the interest of the whole district.

Proposal: Two Ward Structure

This report proposes a two ward system, based on the WA Government's proposal but with the addition of the Banks Precinct. The two ward structure is relatively balanced in terms of enrolled voters based in each ward, based on available electoral data from the City of Vincent, City of Perth and the City of Subiaco. It should be noted however that some estimations have been used.

The Central Ward would include the Central Business District, nearly all of the former South Ward of the City of Subiaco as well as the adjoining urban villages of Perth and East Perth. The northern border would be the boundary for the Highgate precinct, and using the major corridors of Fitzgerald Street and Lord Street.

The North Ward would include the town centres of Mt Hawthorn, North Perth and Leederville within one electoral district. Unlike the City of Perth boundary proposal, Leederville Town Centre and surrounding residential area would not be split and remain together. The area of West Perth – separated by a significant barrier of the Mitchell Freeway and Fitzgerald Street and closer to the Leederville Town Centre than the CBD, would be included in the North Ward.

Such a two ward system, based on proposed boundaries, ensures fair governance between the traditional CBD electoral district and the inner city areas like Mt Hawthorn, North Perth and Leederville, with proposed equal representation of 6 Councillors each. Most importantly it fulfils the recommendation provided by the Local Government Advisory Board in relation to the ward structure, by ensuring similar ratio of electors to Councillor across both wards, within the 10% plus or minus field.

If further electoral data becomes available, then the boundary between Central and North Wards could be adjusted to ensure similar Councillor to elector ratio for each ward.

A Precinct Model for a New City of Perth

As part of any governance model for a new City of Perth, consideration should also be given to the establishment of a new precinct system, with distinct precincts created around existing communities of interests and urban villages in a new City of Perth. The precinct system would provide both residents and business to provide advice on Council decision making through a structured and accessible format.

The precinct system would draw on existing joint ratepayer and business bodies (like the Beaufort Street Network and Leederville Connect), as well as create new precinct committees where none currently exist. A potential precinct system does not have to reinvent the wheel but rather look to other City based Councils for inspiration and reinvention within a new City of Perth authority.

Precinct committees would:

- Enable open forums in which any ratepayer can attend and be consult on a range of community issues affecting that specific precinct;
- Provide one avenue for informing Council of community opinion and maintain two way communication between Community and the Council;
- Provide a structured avenue for feedback on specific development or major projects within the precinct; and
- Promote Council initiatives with specific precincts to encourage community engagement and involvement.

Councils like the City of North Sydney have established a successful precinct system, with clear guidelines for how precinct committees should operate. The establishment of a precinct system could be developed by the Local Implementation Committee, with public comment sought from ratepayers. However, there are a number of obvious precincts based on community of interest, including the Leederville and Beaufort Street Town Centres, and older historical groups, like the Banks Precinct Group.

CONSULTATION/ADVERTISING:

Given the time frame, community consultation has not been possible; however it would be recommended that following the first four years of a new City of Perth structure, that a community consultative review be undertaken in accordance with Local Government Advisory Board Guide.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.40pm with the following persons present:

Mayor John Carey	Presiding Member
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
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	Acting Director Planning Services
Jerilee Highfield	Executive Assistant
<u>Media</u>	
Sarah Motherwell	Journalist – “ <i>The Guardian Express</i> ”
David Bell	Journalist – “ <i>The Perth Voice</i> ”

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 25 March 2014.

Signed:Presiding Member John Carey.

Dated this day of 2014.