



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

11 MARCH 2014

This document is available in the following alternative formats upon request for people with specific needs; large print, Braille and computer disk

**INDEX
(11 MARCH 2014)**

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	Amendment No. 118 to Planning and Building Policies – New Policy No. 7.5.7 – ‘Licensed Premises’ (PLA0258)	13
9.1.2	Nos. 405 – 407 (Lots 55 & 56; D/P 2454) Oxford Street, Mount Hawthorn – Proposed Demolition of Existing Commercial Building and Construction of Four (4) Storey Mixed-Use Development Comprising Eleven (11) Offices, Three (3) Shops, One (1) Single Bedroom Multiple Dwelling, Ten (10) Multiple Dwellings and Basement Car Parking (PRO5755; 5.2013.480.1)	63
9.1.3	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Multiple Dwelling Comprising Ten (10) Multiple Dwellings With Associated Car Parking (PRO3238; 5.2013.553.1) [ITEM WITHDRAWN BY A/CEO AT THE REQUEST OF THE APPLICANT]	40
9.1.4	FURTHER REPORT: No. 12 (Lot: 2 STR: 50723) Hunter Street, North Perth – Proposed Construction of a Two Storey Plus Basement Grouped Dwelling (PRO6172; 5.2013.371.1)	42
9.1.5	FURTHER REPORT: No. 17 (Lot 27; D/P 1744) Gladstone Street, Perth – Proposed Construction of Four (4) Storey Multiple Dwelling Development Comprising of Eight (8) Multiple Dwellings and Associated Home Office and Car Parking (PRO4077; 5.2013.433.1)	80
9.3 TECHNICAL SERVICES		
9.2.1	City of Vincent Policy No. 2.2.8 – ‘Rights of Way’ – Guidelines Clause 5 ‘Naming’ Proposed Amendment (ADM0023)	93
9.2.2	Braithwaite Park – Proposed Nature Play Area (RES0028)	102
9.2.3	Vincent Staff Electric Bike Fleet (TES0524)	18
9.2.4	Vincent Bike Network Plan 2013 – Marketing Budget Progress - Report No.4 (TES0172; FIN0131) [Absolute Majority Decision Required]	106
9.3 CORPORATE SERVICES		
	Nil.	22
9.4 COMMUNITY SERVICES		
9.4.1	Tender 480/13 – Supply, Installation, Commissioning and Associated Maintenance of Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines (LEG0047)	109
9.4.2	Angove Street Festival – 2014 Festival Date Change (CMS0110) [ITEM WITHDRAWN BY A/CEO AT THE REQUEST OF FESTIVAL ORGANISING COMMITTEE]	41
9.4.3	Reconciliation Week Project – ‘Yarns of the Heart’ (CMS0144)	23
9.5 CHIEF EXECUTIVE OFFICER		
9.5.1	Use of the Council's Common Seal (ADM0042)	26
9.5.2	Draft Policy No. 4.2.14 - "Local Government Elections" - Adoption (ADM0023) [Absolute Majority Decision Required]	121
9.5.3	City of Vincent Policies - Review of Policies 2014 [Absolute Majority Decision Required]	124
9.5.4	Local Government Structural Reform – Progress Report No. 3 (ORG0031)	28
9.5.5	Appointment of Community Members to the City of Vincent Children and Young People Advisory Group [Absolute Majority Decision Required] (CMS0142)	128

**INDEX
(11 MARCH 2014)**

ITEM	REPORT DESCRIPTION	PAGE
9.5.6	Appointment of Business Representatives to the City of Vincent Local Business Advisory Group (ORG0088)	52
9.5.7	Specification of Britannia Road Reserve as a Dog Exercise Area – Consideration of Submissions (LEG0009) [Absolute Majority Decision Required]	55
9.5.8	City of Vincent – Underground Power Strategy (TES0313)	130
9.5.9	Information Bulletin	39
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
10.1	NOTICE OF MOTION: Cr Joshua Topelberg – the City of Vincent to review the Residential Design Elements Policy 7.2.1	135
10.2	NOTICE OF MOTION: Mayor John Carey – Additional Consultation on Underground Power Project in Brookman and Moir Streets	136
10.3	NOTICE OF MOTION: Mayor John Carey seeks Approval to Amend the Previously Approved Plan No. 3105-CP-01A to change the proposed Newcastle Street Bicycle Lanes, Carr Street to Loftus Street, from ‘red’ to ‘green’ and for all Future Bicycle Lanes in keeping with this practice [Absolute Majority Decision Required]	137
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil	138
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil	138
13.	URGENT BUSINESS	
	Nil	138
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)	
14.1	CONFIDENTIAL REPORT: Beaufort Street Enhancement – Major Artwork – Consideration of Contract and Progress Report No. 10 (TES0237)	140
14.2	CONFIDENTIAL REPORT: Design Advisory Committee (DAC) Policy No. 4.2.13 – Appointment of Additional Members (FIN00207)	142
15.	CLOSURE	143

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 11 March 2014, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.07pm 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:

2.1 Cr Pintabona arriving late due to personal reasons.

(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
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 (arrived at approximately 8.35pm)
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Rick Lotznicker	Director Technical Services (until approximately 9.40pm)
Jacinta Anthony	Acting Director Community Services
Petar Mrdja	Acting Director Planning Services (until approximately 9.40pm)
Gaby Pieraccini	Director Special Projects (until approximately 9.40pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.40pm)
<u>Employee of the Month Recipient</u>	
Peta Bartlett	Building Support Officer (until approximately 6.45 pm)
<u>Media</u>	
Sarah Motherwell	Journalist – <i>"The Guardian Express"</i> (until approximately 9.40 pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 9.40 pm)

Approximately 22 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. Garry Shier of 7 Seabrook Street, Mount Hawthorn – Item 9.5.7 Stated the following:
 - Mr Shier had lived in the area for over twenty five (25) years. Mr Shier background regarding Britannia Reserve was that he was a founding member and served on the Britannia Reserve Precinct Group, which merged with Mount Hawthorn.
 - Mr Shier stated that he has a long and close history with the reserve and he uses it for personal use and takes his kids down there, had problems with dog owners when the dogs have jumped onto his kids. He stated that when he attended the meeting tonight as he could not understand and certainly had not been given a reason why a big push for the whole of the Britannia Reserve which is a big Reserve to be off dog leash, there is no capacity apparently for people who want to just go down there and participate in the recreational activities without being hindered by dogs.

2. Ara Casella of AJCD – Boutique Architectural firm – Item 9.1.4 Stated the following:
 - Miss Casella is one of the Directors at the above firm. At the most recent City of Vincent Council Meeting held on 25 February 2014, there were concerns expressed regarding the proposed development at 12 Hunter Street, North Perth in specific to the site survey and natural ground levels. In consultation with the City's Planning Officers it was established that the site survey which had been referenced during the design process and subsequently submitted as part of the development application is relative to the current natural ground level of the site. The survey was produced on the 15 of August 2013 a short time after her client purchased the property in April 2013. The survey was produced by a qualified professional surveyor who confirmed that the levels shown were true and accurate at the time of production.
 - The surveyor was unable to attend the meeting tonight and provided her with a statement to read on his behalf if required. *"the proposed development as designed by AJCD has been assessed and amended several times in accordance with feedback from City of Vincent Planning Department Officers and has been positively received by them, since the last Council Meeting the plans have been resubmitted to the City of Vincent Planning Department including an addition of 1600 higher screening to the alfresco southern and eastern boundary and a planter to the South elevation which provides buffering and screening for neighbouring residents. The recent amendments have been made in attempt to accommodate the concerns previously expressed by the neighbouring residents despite the previous plans being compliant. All efforts have been made to provide an attractive design solution that complies with the requirement of the council as well as the R codes, I trust that this meets with the requirements of the Council."*
 - Ms Casella read out a statement from Leo Manella at total survey solutions: *"Hello Ara I was engaged by Mr Anthony Bryson to carry out a contour and feature survey of Lot 2 on Strata Plan 50723, 12 Hunter Street, North Perth, the survey was carried out by me on the 15th August 2013 using a Geodimeter 5 -10 total station calibrated in January 2013, the level datum for the survey was derived from the lid level of sewer manhole 4193, this level is shown as 29.45 metres on the plan information generated by the Water Corporation and obtained by me from Dial before you Dig, the survey was carried out by me in a diligent manner to capture enough information to reasonably depict the lay of the land on the site. Given that it is a a sloping and uneven site the plan generated by my survey is a good representation of what is there, the information was passed onto Ara Casella in both PDF and DWG formats for her to commence designing the new abode."*

3. Bruce Williams of 54 Redfern Street, North Perth – Item 9.1.4 Stated the following:
- Mr Williams are the owners at the adjoining property. The rear half of their block adjoins the block the applicant wishes to build on. He had originally lodged written objections and his wife addressed the last Council Meeting which he could not attend.
 - Mr Williams stated that there view was that the Council should reject this application, but if the Council do approve it all the conditions recommended by the City's Technical Officer's must be required by Council.
 - Mr Williams stated that the point he was making is that he is not anti development or anti two storey houses, what he did object to in this particular is that the particular proposal is simply for a very large house on a pretty small block and the design frankly ignores the impact on the adjoining residences including himself.
 - His objections are about the destruction of privacy and amenity caused by the bulk of the building, these concerns are real and they are significant, these concerns are frivolous.
4. Ian Postie of 103 East Street, Mount Hawthorn – Item 5.4 – Petition Stated the following:
- Mr Postie stated that following a small letterbox by the Cardinals in November 2013, word started to spread within the Community regarding proposed redevelopment of the Park. About five (5) years ago there was a Community Consultation meeting that was hosted by the Cardinals and at the time there were looking to put some new lights up and they were using the facility so training two – three nights a week.
 - Mr Postie stated that it is a small community park and is fairly unique in what its used for within Mount Hawthorn and within the City of Vincent being houses facing it on all sides and only nineteen (19) parking bays and the proposed expansion really is he believed to the detriment of the users of the park. The petition that was handed in last Thursday had seventy five (75) signatures there has been no door to door work, it had just been word of mouth and he presented another eleven (11) tonight and he felt it was timely at the Council Meeting but the collection process had not stopped and this will continue.

The Presiding Member advised Mr Postie that he had been spending the last two to three months trying to find an alternative location. So he had been personally with the Director Technical Services having meetings with other stake holders at the Charles Vervard Oval and trying to find a solution as that is underutilised park in winter and in fact it is only used two times a week by the hockey club, so Cardinals seemed open to this idea. Hopefully we can get this across the line and it actually makes sense for Council because then we can invest in lighting the upgrade of the centre, other upgrades to the oval itself and will be benefiting three sporting clubs in one centre.

5. Stuart Lofthouse of 123 Oxford Street, Leederville – Item 9.5.6 Stated the following:
- Mr Lofthouse asked the Council the following question:
 - Q1: *On the working groups, I noticed that Leederville Business Advisory Group has just had an appointment, made in the name of Jeff Bullen, my question is why wouldn't someone who applied to go on that group, go on ahead of Jeff?*

The Presiding Member advised Mr Lofthouse that he would take the Question on Notice.

- Mr Lofthouse stated that the piece of art to be finished is back on the Agenda, *where is this going? Is that going into the original place that it was meant for or are we still going to spend a couple of hundred on that for a piece of artwork, I think that was the aquatic centre?*
- The one in all in campaign are we going to keep wasting money on that and keep spending ratepayers on something that the Councillors never really acted in the best interest of the ratepayers in the first instance.

6. Debbie Saunders of 150 Oxford Street, Leederville Stated the following:
- Ms Saunders stated that she had three questions.
 - My First question is: *“how many people were at the Town Hall Meeting that had just happened?”*

The Presiding Member advised Ms Saunders that there were roughly around 300-400 that attended.

- You keep mentioning that it is an overwhelming support for the Council position and I just don't see the numbers matching up to that.
- My second question is: *“on the statement that your hands were tied behind your back in regards to not putting forward a submission to keep the whole of Vincent and Vincent, could you please qualify what you mean?”*

The Presiding Member advised Ms Saunders that effectively the Government has made it very clear that it does not expect or is not accepting on the table that Vincent can stay as is, that is my first preference and that is the Council's first preference but we have a forced Council Amalgamation process so this is not a voluntary process, this is actually a forced process, no one is getting a final say and so we have been required as all Council's to make submissions and we are trying to do the best deal for our ratepayers which is to keep Vincent as one.

- Ms Saunders stated that surely if there are majority of ratepayers that want Vincent as Vincent you could put that in as a submission, whether or not it eventuates or not that is what the ratepayers are saying.

The Presiding Member stated that as part of our submission to the board we stated that first, that this was our first preference, the Communities preference at the time the Council made the decision, so remember Ms Saunders that this was not decided upon this year, the position of Council was decided straight after the decision by Government, that was the position, then we went to a plebiscite as we rightly did and then we reaffirmed the Communities views that it wants Vincent to stay as is. Had you attended the Meeting on Sunday you would have heard my speech, which made it very clear on the Public record that I support Vincent staying as is, but the Political reality being forced upon us, as it is not a voluntary process it is a forced is that we have to also put other submissions in that try to save Vincent being not split.

- Ms Saunders stated *“then why could you put more than one submission in like other Councils have?”*

The Presiding Member advised Ms Saunders that this was the decision that the Council made last year.

- Ms Saunders stated that she thought this was not just a coincidence that at the time the then Mayor was going up for Election and needed those votes from people in Perth.

The Presiding Member asked Ms Saunders if this was a question.

- Ms Saunders stated that it was a statement. Her next question is that the Beaufort Street Artwork, *“how much to date has been spent on this? I understand that it is confidential, the legal side but the amount?”*

The Presiding Member advised Ms Saunders that it is \$73,000 to date.

- Ms Saunders stated that she objected to the Council allowing another \$20,000 on top of \$2.5 million on a Bike Plan, if you did not factor in those things to begin with, then you know tough luck or plan better.

The Presiding Member thanked Ms Saunders for her positive as always comments.

7. John Lennard of 56 Redfern Street, Mount Hawthorn – Item 9.1.4 Stated the following:

- Mr Lennard spoke on behalf of his daughter Naomi Lennard who was currently overseas on business. Ms Lennard is the sole owner of the above address which is overlooked by the proposed residents at Hunter Street, North Perth.

- Mr Lennard wrote a statement that his daughter had asked him to present:
“Naomi Lennard is the sole owner and occupant of 56 Redfern Street, she has never owned nor sold the Lot at 12 Hunter Street, North Perth, she has never met nor spoken to the current owners of 12 Hunter Street, North Perth, whilst she does support the development on 12 Hunter Street, North Perth and encourages contemporary architecture and design, she does not believe that it should be designed unless it is respectful of the privacy and the rights of the neighbouring properties. The photos which have been submitted to the Council indicate the impact on the adjoining properties, it also a section indicates the clear bulk and impact of overshadowing loss of natural sunlight, especially in winter. The survey shows a variation in levels and a lack of spot levels within three and half metres of the boundary where the levels are most critical. The proposed building has a massive impact on the property, to the South and the East, whilst visual privacy has been addressed by the Planning Officers and I wish to thank them for their attendance at the site. The visual impact of the structure itself cannot be addressed in its present form. The proposed entertaining of 12 Hunter Street open on all three levels, direct onto southern boundary and two levels to the Eastern boundary, it is clear that entertaining is a major consideration of the applicant and we embrace this lifestyle, however there is no sound proofing for the multiple entertainment areas or within the proposed residence and a grey of concern is the affect on the neighbours with the entertainment noise and their loss of amenity. I would just like to say that the need for the R Codes and the design implementation Policy is critical and is in place to match a design for a proposed dwelling with the size and topography of the site, one question why codes and Policies are frequently allowed to be over ridden by deemed to comply, when they obviously fly in the face of the Codes principles. The Key statements made in the City of Vincent Design Elements codes section 7 and in particular Section 7.4.1 protect all amenities of the adjoining properties. In the opinion of most people that I have spoken to, the residents at 12 Hunter Street is to large for the site, it has four bedrooms, four bathrooms, five entertaining areas, three dining rooms and the Motion that has been put forward, that things don't fit on a small block, I have had planning approval myself for a two storey house on this site, which had two large entertaining areas, two bathrooms a double garage and three bedrooms and at that stage I was kept to three metres setback from the front, now this design was very adequate and was an upmarket design.”
8. Jenny McGuvren of 273 Vincent Street – Item 9.1.3 Stated the following:
- This item had been withdrawn from the Agenda tonight.
 - Ms McGuvren stated that she was not against development on Vincent Street, she simply asked for the proposed construction to be compliant with the R Codes that had been specified for development by the WA Planning Authority. One of the major concerns on this proposal is that they asked for 32% increase in the recommended height of their development. The R Code stated 10 metres and they are requesting 13.2 metres, higher than the Council building. If this proposal is approved it will set a precedent for the rest of Vincent Street, between Loftus Street and Oxford Street for every property to be knocked down and developers allowed to make sizeable and destroy the current environment in a veil attempt to satisfy density target.
 - Ms McGovern questioned the comments provided supporting the height of this project, mainly it states that it allows for solar access. The other reason given for this approval in December 2012, it is approval for 281 Vincent Street, yet I believe there is no working drawing submitted and approved for this property. On this basis it is inaccurate for this approval to be given for this reason. The other query she noted was that, this development was referred to only seven (7) property owners for comment, six (6) of these property owners were vacant blocks and had just been sold for development, so there was no consultation other than 273 Vincent Street, with residents that are keen to stay there.

9. No Name or Address Stated – Item 9.1.3 Stated the following:
- I did not expect to be speaking tonight and am not sure what to think upon arriving to the meeting.
 - I find Page 30 of the Agenda for tonight's meeting had been replaced changing the actual height from 10 metres to 13 metres, I am flabbergasted without explanation.
 - I see there is also amendments on point 5 on a donation for art and I think I have a little bit of understanding about that, I do not require my three (3) minutes, but I think I am going to need a little bit more time to understand that on Page 30 why this document has been changed. I came to the Council yesterday and I note that there was a change made at 3.50pm on the 10/03/14, there was a change made at 10.15 this morning and we get a phone call at three this afternoon. *"I ask the question what is going on?"*
10. Craig Willis of 13 Woodville Street, North Perth Stated the following:
- Mr Willis stated that he would like to applaud the previous speaker's frustration as she shared it and living it, as he has a four (4) storey building next door to his place and his neighbours was in tears on Sunday.
 - First point is his disappointment in the actions of the Council in the Chief Executive Officer Mr. John Giorgi, JP situation. Regardless of my own personal issues with Mr. Giorgi and some of the situations, I believe that the Council has acted inefficiently by managing my money and acting in the best interests of the Council. He believed that the closed door provisions would have been more appropriate to negotiate whatever issues need to be sorted it out and I harp back to most of the Councillors being in Angove Street late last year standing on the back of a truck, holding hands like they won a Formula one grand Prix "One in All In" so I don't understand why we can have one situation like that and have someone who he thought has twenty (20) years service has done a reasonable job and this needs to be readdressed and take it out of the papers and put it back as a corporate structure as a way it should be running as a business.
 - Second point is to do with last week's Council Meeting as he was away and it is about a development and Cr Peart made a comment in the local paper that this development was cheap and nasty. The Acting Director Planning Services is doing an excellent job putting these plans up to the Council and he did not realise that developments had to be expensive and sparkling.
11. Natasha Gesualdo of 12 Hunter Street, North Perth – Item 9.1.4 Stated the following:
- Ms Gesualdo is the property owner at the above address. She attended the Meeting tonight to address the concerns that had been brought to the Council attention by the neighbours with regards to the proposal of her new home.
 - She had worked very closely with Ara Casella her architect to come up with the design for her dream home and she had altered and changed these plans multiple times to comply. She had been so excited during this process to see the plans developing and is really enthusiastic to begin building it and to see this beautiful design come to life. This will be hers and her partners first home.

There being no further speakers, Public Question Time closed at approx. 6.40pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from M and L Baker, M. O'Connell and B Barnett of Angove Street, North Perth along with 80 signatures requesting that the Council install traffic calming devices and other visual cues to reduce traffic speed on Angove Street, North Perth and advising as follows: *"Many motorists do not slow down from 60km per hour from Scarborough Beach Road and actually speed up from the east end once clear of traffic calming there. Approximately 10,000 vehicles per day use Angove Street and an average of 28 accidents are reported annually."*

The Acting Chief Executive Officer recommended that this petition be received and referred to the Director Technical Services for investigation and report.

Moved Cr Harley, Seconded Cr McDonald

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

- 5.2 Petition received from M. Gismondi of Scarborough Beach Road, Mount Hawthorn along with 11 signatures requesting that the Council reject the proposed Change of Use Application from Retail Shop to Small Bar including Signage at No. 5/160 Scarborough Beach Road, Mount Hawthorn.

The Acting Chief Executive Officer recommended that this petition be received and referred to the Director Planning Services for investigation and report.

Moved Cr Harley, Seconded Cr McDonald

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

- 5.3 Petition received from Mr R Voulon of Lane Street, Perth along with 16 signatures from residents and ratepayers in 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.

The Acting Chief Executive Officer recommended that this petition be received and referred to the Director Technical Services for investigation and report.

Moved Cr Harley, Seconded Cr McDonald

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

- 5.4 Petition received from Mr D. Bishop of Sasse Avenue, Mount Hawthorn, along with 75 signatures, on behalf of ratepayers and/or residents of Mount Hawthorn and/or regular users of Menzies Park, requesting that the Council oppose all of the proposals of redevelopment and additions to Menzies Park as proposed by the Cardinals Football Club and the University Cricket Club. These proposals include the installation of additional night training lights, a scoreboard, cricket training nets and a limestone retaining wall, and increasing the size of the existing oval.

The Acting Chief Executive Officer recommended that this petition be received and referred to the Director Technical Services for investigation and report.

Moved Cr Harley, Seconded Cr McDonald

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

Moved Cr Harley, Seconded Cr Buckels

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Buckels

That the item be DEFERRED and Public Question time be retyped verbatim and to be reported to the Ordinary Meeting of Council to be held on 25 March 2014.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

Against: Cr Topelberg

(Cr Pintabona had not yet arrived at the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey read the following;

7.1 **Employee of The Month Awards For The City Of Vincent For January 2014**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

The Employee of the Month Award for January 2014 is awarded to Peta Bartlett, Building Support Officer in the City's Planning and Building Services Section.

Peta was nominated by the City's Senior Building Surveyor, Sean Doherty, as follows:

"Peta has excelled in her position since her appointment last year [2013], not only carrying out the duties of the Building Support Officer but taking on extra responsibilities in the preparation of certified building permits. Peta's skill set and knowledge of the building process has increased dramatically. Peta has an unbelievable attitude towards her work and is never too busy to assist her colleagues at a moment's notice, regardless of the extent of her work load.

She has been verbally commended by many customers and co-workers for her polite and helpful attitude when dealing with customers over the phone or at the front desk.

This was confirmed in a letter of thanks sent to the City in December from a resident expressing deep gratitude to Peta for her efforts in assisting in locating plans for an archive search. With staff on leave over the Christmas break and the unprecedented workload experienced in this time, having several larger complex developments to approve, I know the Building Services Section would not have been able to cope as it did without the hard work and dedication of Peta throughout this period."

These comments were also endorsed by the A/Director Planning Services and A/Manager Planning and Building Services who both agreed that Peta does a great job.

Congratulations to Peta - and well done!!

Received with Acclamation!

7.2 **Withdrawal of Item 9.1.3**

It is announced that Item 9.1.3 on tonight's Agenda relating to No. 277 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 has been WITHDRAWN at the request of the applicant.

The applicant would like to investigate further options for this development application.

7.3 **Withdrawal Of Item 9.4.2**

It is announced that Item 9.4.2 on tonight's Agenda relating to Angove Street Festival – 2014 Festival Date Change has been WITHDRAWN at the request of the North Perth Business & Community Association in order to secure funding for the Festival.

This matter will be reported to a later meeting of the Council.

7.4 **North Perth Town Hall Meeting**

This meeting was organised urgently and was held on Sunday 9 March 2014 at 1pm. It was a stand out attendance it was packed and there was an incredible positive vibe and determination shown through the community. The energy in the room I had no doubt that there will be a large number of submissions that will be going into the Local Government Advisory Board.

Unlike the City of Stirling we have not done a proforma and we have actually asked and that was part of the reason for the Town Hall Meeting was to ask people to consider their own ideas, but to understand the context and the reasoning and the factors involved by the Local Government Advisory Board in making their decision, we went through the different proposals that are on the table and including as listed on the website the proposal that residents can make for City of Vincent to stay as is.

It is all there we are asking residents to make their choice and to make their submission and I think the Board will appreciate that we have not encouraged a cut and paste task that we have actually asked our residents to articulate their own reasons and again it is a great demonstration following our rallies, which were the largest on the public record within the Metro area, that is fantastic to see the Vincent community so strong on this issue.

7.5 **Extraordinary Elections**

My last announcement is to congratulate and acknowledge Cr James Peart who joins us for the first time on Council. Last Tuesday we officially swore James in and we congratulate you on your hard work and also acknowledge the other two candidates Mark and Gary who also campaigned hard. It is great to see three people so interested and passionate about their community and I wish you best of luck on council.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Cole declared an Impartiality interest in Item 9.1.1 - Amendment No. 118 to Planning and Building Policies – New Policy No. 7.5.7 – ‘Licensed Premises’. The extent of her interest being that she is an employee of the Drug and Alcohol Office. However, this does not impact on her ability to consider this matter on its merits and vote accordingly.
- 8.2 Cr Cole declared an Impartiality interest in Confidential Item 14.2 - CONFIDENTIAL REPORT: Design Advisory Committee (DAC) Policy No. 4.2.13 – Appointment of Additional Members. The extent of her interest being that she knows Damien Pericles, who is recommended for approval to the DAC. The extent of this relationship is that they both have children in the same class at school last year.
- 8.3 Cr Harley declared an Proximity interest in Item 9.1.2 - Nos. 405 – 407 (Lots 55 & 56; D/P 2454) Oxford Street, Mount Hawthorn – Proposed Demolition of Existing Commercial Building and Construction of Four (4) Storey Mixed-Use Development Comprising Eleven (11) Offices, Three (3) Shops, One (1) Single Bedroom Multiple Dwelling, Ten (10) Multiple Dwellings and Basement Car Parking. The extent of her interest being that she owns a property at 401-403 Oxford Street, Mount Hawthorn. . She has asked to participate in debate and not Vote on the Item.

Cr Harley departed the Chamber 6.50pm.

PROCEDURAL MOTION:

Moved Cr Wilcox, Seconded Cr Cole

That Cr Harley be allowed to participate in the debate.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

**(Cr Harley was absent from the Chamber and did not vote.)
(Cr Pintabona had not yet arrived at the Meeting.)**

Cr Harley returned to the Chamber at 6.51pm.

- 8.4 Cr Peart declared an Impartiality interest in Item 9.2.3 - Vincent Staff Electric Bike Fleet. The extent of his interest being that he is employed by the Department of Transport, which may have contributed directly or indirectly to funding for this item.

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 9.1.4, 9.5.6 & 9.5.7

- 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 9.2.4, 9.5.2, 9.5.3, 9.5.5, 9.5.7 & 10.3

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

Item 9.1.2

Presiding Member, Mayor John Carey, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	Nil
Cr Buckels	Nil
Cr Cole	9.1.2, 9.2.1, 9.2.2 & 9.5.8
Cr Harley (Deputy Mayor)	Nil
Cr McDonald	9.2.4
Cr Peart	9.1.5
Cr Pintabona	Nil
Cr Topelberg	9.4.1
Cr Wilcox	Nil

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

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

Items 9.1.1, 9.2.3, 9.4.3, 9.5.1, 9.5.4 & 9.5.9

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.2.3, 9.4.3, 9.5.1, 9.5.4 & 9.5.9

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

Items 9.1.4, 9.5.6 & 9.5.7

(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 Buckels, Seconded Cr Wilcox

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

Items 9.1.1, 9.2.3, 9.4.3, 9.5.1, 9.5.4 & 9.5.9

CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

9.1.1 Amendment No. 118 to Planning and Building Policies – New Policy No. 7.5.7 – ‘Licensed Premises’

Ward:	Both Wards	Date:	28 February 2014
Precinct:	All Precincts	File Ref:	PLA0258
Attachments:	001 – Policy No. 7.5.7 – ‘Licensed Premises’ 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	M Tarca, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

- ADOPTS** the final amended version of Policy No. 7.5.7 relating to Licensed Premises as shown in Appendix 9.1.1; and
- AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 7.5.7 relating to Licensed Premises in accordance with Clause 47(6) of the City of Vincent Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the outcomes of the formal advertising period for the new Policy No. 7.5.7 relating to Licensed Premises.

BACKGROUND:

The City has recently seen an influx of development applications for Small Bars and as a result it was recommended that a Policy be prepared to provide a framework to consider the applications. During the development of the Policy it was considered appropriate to include provisions and standards for other commonly considered licensed premises.

History:

Date	Comment
3 December 2013	The Council at its Ordinary Meeting initiated Amendment No. 118 to consider a new Policy No. 7.5.7 relating to Licensed Premises.
14 January 2014	The advertising period for Amendment No. 118 commenced
11 February 2014	The advertising period for Amendment No. 118 concluded.

Previous Reports to Council:

This matter was previously reported to the Council on 3 December 2013.

The Minutes of Item 9.1.8 from the Ordinary Meeting of Council held on 3 December 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.

DETAILS:

The Council at its Ordinary Meeting held on 3 December 2013 initiated Amendment No. 118 to consider a new Policy No. 7.5.7 relating to Licensed Premises. The subject of Amendment No. 118 includes a series of development provisions which provide consistent guidelines for the establishment of licensed premises.

This policy is only applicable to the following licensed premises – Small Bars, Hotel, Tavern, Night Club, Restaurant, Extended Trading Permits and any other premises prescribed by the Department of Racing, Gaming and Liquor (DRGL).

As a result of the community consultation, Policy No. 7.5.7 has been amended to include a new Clause 3.9 relating to Acoustic Reports. The policy has been amended to ensure that an Acoustic Report is required for the establishment of licensed premises. The new Clause 3.9 details the requirement for Acoustic Report in accordance with Policy 7.5.21 relating to Sound Attenuation. The purpose of an acoustic report is to assess the noise environment affecting a proposed development site and to demonstrate how the proposed development will be designed and constructed so as to has been acoustically assessed and designed for the purpose of minimise the effects of noise intrusion upon the site and noise emissions from the site. Acoustic Reports are required for Small Bars, Hotels, Taverns and Night Clubs.

Other minor grammatical amendments have been made to the policy to ensure the policy reads well and is clear in its intentions.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

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

Consultation Period: 28 days, 14 January 2014 to 11 February 2014.

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

A total of seven (7) submissions were received during the four week consultation period as follows:

Authority and Organisation Submissions

Position	Number Received	Percentage
Support	2	40%
Object	-	-
Not Stated	3	60%
Total	5	100%

Community Submissions

Position	Number Received	Percentage
Support	1	50%
Object	1	50%
Not Stated	-	-
Total	2	100%

Total Submissions Received

Position	Number Received	Percentage
Support	3	43%
Object	1	14%
Not Stated	3	43%
Total	7	100%

Summary of Comments Received

Issue	Comment
<p>Hours of Operation</p> <p><i>“Amendment is contrary to Noise and Liquor licensing hours for small bars, 10pm curfew is not necessary if a building complies with “Noise Act”. The 10pm curfew is not necessary as small bars cater for mature clientele and have minimal impacts on the surrounding community.</i></p> <p>Weekdays are generally not as busy as public holidays, further restrictions are not necessary. Proposed amendment does not take into account New Years Eve (public are more tolerant to noise)</p> <p><i>“Hours of operation be allocated by a case by case basis”</i></p>	<p>Noted, however, the licensed premises which are affected by the 10pm ‘curfew’ are those within or directly abutting a residential area. The reason for this change from 12am close to a 10pm close is to ensure that the residential amenity of the area is retained.</p> <p>Application to extend opening hours on public holidays and special events may be applied for by the owner. The City of Vincent and the Department of Gaming Racing and Liquor may grant special approval to extend opening hours on special events through planning approval.</p> <p>Noted, a one size fits all approach is never practical. Each premise is individual and has its only characteristics (clientele, location, zoning, size and type of premises etc), and as such every application is assessed on its own merit. However the City takes the view that standards should be placed in policy and that additional hours may be given at the Council’s discretion if the location of the licensed premise does not negatively alter the amenity of residential land uses.</p>
<p>Traffic Management</p> <p>In regards to 3.4.2 (Festivals & One Off Events) events which are likely to impact surrounding roads require adequate traffic management.</p>	<p>Noted, adequate consultation will be given to relevant authorities and residents/land owners in the event of a festival or one off event.</p>
<p>Local Amenity</p> <p>Small bars add to local amenity, value and community. The guidelines need to support local businesses.</p>	<p>Noted.</p>
<p>Acoustic Reports</p> <p>3.5 (Management Plans), preparation of Acoustic Reports should be required for all hotel/tavern and small bar, night club and restaurant applications within residential, residential/commercial zones, and when a local centre/commercial and district centre zones abut residential zones.</p>	<p>Supported – An Amendment has been prepared to ensure that an acoustic report is required.</p>

Issue	Comment
<p>Suggested Wording Improvements for:</p> <p>3.4 Festivals and One off Events <i>insert as follows</i></p> <p>3.4.2. (b) <i>“Applications will be required to be submitted to the City’s Health and Compliance Services Section for Extended Trading Permits for festivals and one off events, these must be submitted with a management plan, as per Clause 3.5 of this Policy and a Public Interest Assessment as per Clause 3.8 of this Policy. Further restrictions may be imposed by the City’s Health and Compliance Services Section.”</i></p> <p>3.5 Management Plans <i>insert <u>Plan</u> as follows</i></p> <p>3.5.2. <i>“Where the City has not requested the submission of the Management Plan prior to the issue of Planning Approval, a condition will be applied requiring the submission of the Management Plan prior to the first occupation of the proposed licensed premises”</i></p>	<p>After assessing the sentence in question, it requires grammatical correction. It will be amended as follows:</p> <p>“3.4.2(b) Applications will be required to be submitted to the City’s Health and Compliance Services Section for Extended Trading Permits for festivals and one-off events. <u>These plans must</u> be submitted with a Management Plan, as per Clause 3.5 of this Policy and a Public Interest Assessment as per Clause 3.8 of this Policy. Further restrictions may be imposed by the City’s Health and Compliance Services Section.”</p> <p>After assessing the sentence in question, it requires grammatical correction. It will be amended as follows:</p> <p>“3.5.2 Where the City has not requested the submission of the Management Plan prior to the issue of Planning Approval, a condition will be applied requiring the submission of the <u>Management Plan</u> prior to the first occupation of the proposed Licensed Premise.”</p>

A summary of the submissions received is outlined in Appendix 002.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies.
- City of Vincent Policy No. 4.1.5 Community Consultation
- Town Planning Regulations 1967; and
- Liquor Control Act 1988

RISK MANAGEMENT IMPLICATIONS:

Low: The City already has the ability to consider licensed premises under the provisions of the Town Planning Scheme No. 1, however this Policy will provide a clearer framework and ensure that applications are considered consistently.

STRATEGIC IMPLICATIONS:

In keeping with the City’s *Strategic Community Plan 2011-2021* Objectives 1.1.1:

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

SUSTAINABILITY IMPLICATIONS:

The Policy Amendment has no direct sustainability implications relating to the City's Sustainable Environment Strategy 2013-2017.

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

ENVIRONMENTAL
Nil

SOCIAL
This Policy will provide a clear framework for considering applications for licensed premises which will give greater certainty to the community when these applications are considered.

ECONOMIC
This Policy will provide a clear framework for developers and ensure that the process for preparing an application for licensed premises is more efficient.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$73,000
Spent to Date: \$13,048
Balance: \$59,952

COMMENTS & CONCLUSION:

This Policy will provide a clear and consistent framework for considering applications for licensed premises. This will provide more certainty for the developer and the community.

In light of the above, it is recommended that the Council adopt the Officer Recommendation.

9.2.3 Vincent Staff Electric Bike Fleet

Ward:	Both	Date:	28 February 2014
Precinct:	All	File Ref:	TES0524
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	F Sauzier, Travel Smart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that the 2013 Vincent TravelSmart Workplace Plan identified, as a key action, the creation of a staff electric bike fleet to be used by staff to replace possible business trips currently done by car;
2. **NOTES** that a Healthier Workplace WA Small Grant Application to fund the purchase of two (2) electric bikes and some cycle education has been successful;
3. **APPROVES** the development of a Vincent Staff Electric Bike Fleet; and
4. **AUTHORISES** the Chief Executive Officer to;
 - 4.1 **progress** the purchase and management of the Vincent Staff Electric Bike Fleet; and
 - 4.2 **report** on the usage of the Bike Fleet in twelve (12) month's time.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the development of a Vincent Staff Electric Bike Fleet.

BACKGROUND:

The Vincent TravelSmart Workplace Plan was approved by the City's Executive in August 2013. The overarching purpose of the travel plan is to reduce the single occupancy car usage by City of Vincent employees and to promote alternative modes of transport such as walking, cycling, public transport, carpooling and telecommunications.

DETAILS:

The Vincent TravelSmart Workplace Plan was developed in conjunction with the Department of Transport's TravelSmart Workplace coordinator and Vincent staff. The plan is the result of staff online surveys and an employee workshop, which have helped inform strategies for change. These strategies include the following:

1. Encourage those with Council vehicles to carpool once a week;
2. Engage all Council employees to consider sustainable travel choices;
3. Enhance workplace policies and practices; and
4. Promote carpooling and other Active Transport for business trips.

A significant action identified within Strategy 4 is;

"4.3 Set up an electric bike fleet at the City of Vincent."

The establishment of the staff bike fleet will allow staff who feel confident, to cycle to meetings or to site visits within the City's boundaries. In addition, the electric bikes could be used by the new Town Centre Managers, providing a high profile example of the City supporting more sustainable transport systems.

\$5000 funding for the electric bike fleet has been successfully obtained from the Healthier Workplace WA Small Grants Scheme. This has included funds for the purchase of two (2) electric bikes and trailers.

Each electric bike will include a pannier, lights, and helmets be based in the City of Vincent administration building secure carpark. It must be noted that these bikes are 'pedal assist' electric bikes, and that the rider must pedal to achieve mobility (it is not just a throttle system).

Quotes from a number of electric bike suppliers have been sought, but given the price and service commitment, it is recommended that the ZAP Electric bikes be purchased for the establishment of the Vincent Staff Electric Bike Fleet.

Supplier	Items	Purchase Costs	Service fees
ZAP	2 x City to Surf bikes, helmets, panniers	\$5,072	1 year full (monthly)service and all parts included in bike purchase

Additional Costs:

In addition to the purchase costs the following costs are anticipated:

2 x bike cargo trailers	\$ 800
Bike education course for staff (provided by Cycling WA)	\$ 450
Installation of 2 x power points for bike recharging	\$ 300
Bike carrier attachment (recommended)	\$ 400
Total additional costs	\$1,950

The following headings confirm how the fleet will be managed.

Management of the Fleet:

Education

Prior to access, all staff interested in riding the fleet bikes will be invited to a safe cycling course held at the City's Administration. Staff who already have cycling competence will be asked to sign a 'skills/competency sheet';

Access

Staff will be able to book the bikes by use of a Calendar on the City's Microsoft Outlook service;

Storage

The bikes will be stored in the secure underground carpark of the administration building, ideally in the immediate vicinity of the current bike racks;

Recharging

Two (2) standard power outlets will be installed in this area to allow for the bikes to always be recharged;

Insurance

The bikes and the use of them will be covered under the City's Public Liability and Worker's Compensation insurances;

Maintenance

The bikes will be regularly serviced by the suppliers, under a maintenance agreement to be funded by the TravelSmart Actions fund. Staff will also be advised that a 'fault reporting' form will need to be completed if any issues are detected during use;

Monitoring use

The use of the bikes will be monitored by the number of kilometres ridden and by the number of bookings made through the Staff Calendar function. In addition, there will be an official launch as well as a 'staff breakfast' held six months post the launch to maintain the profile of the fleet with staff;

Marketing

Local newspaper editorial will be sought to publicise the use of an innovative electric bike fleet by the Council, acknowledging the Healthier Workplace funding; and

Review

The use of the bike fleet will be reviewed twelve (12) months after set up.

CONSULTATION/ADVERTISING:

The advent of the staff electric bike fleet comes out of the Workplace TravelSmart online survey and staff workshop and positive reaction from staff of a number of 'come and try' electric bike trial days.

LEGAL/POLICY:

Staff will be required to abide by the Guidelines developed for the usage of the bike fleet.

RISK MANAGEMENT IMPLICATIONS:

Low: Staff will be required to sign a cycling competency note and/or take part in a bike riding workshop.

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

1.1.3 take action to reduce the City's environmental impacts and provide leadership on environmental matters"

(b) Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use).

SUSTAINABILITY IMPLICATIONS:

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

"3 Ensure that the City acts in an environmentally sustainable manner in all its operations

(d) Consider green alternatives to ensure that the City Administration's purchases are sustainable, environmentally friendly, and energy efficient where possible and practicable.

3.1 Air & Emissions - 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'.

FINANCIAL/BUDGET IMPLICATIONS:

Principal funding for this initiative will come from a Healthier Workplace WA Grant (\$5000).

Additional costs for the establishment of the Vincent Staff Electric Bike fleet are estimated at \$2000.

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

Budget Amount:	\$10,000
Spent to Date:	<u>\$ 2,200</u>
Balance:	\$ 7,800

COMMENTS:

The establishment of a Vincent Staff Electric Bike Fleet is a key action of the Vincent TravelSmart Workplace Plan. The initiative contributes to a reduction in traffic and congestion and greenhouse gas emissions in Vincent as well as improving the health of staff through the use of an Active Transport mode. It will also be a highly visible example of the City's commitment to sustainable transport to the broader community.

Funding has been successfully obtained to finance the purchase of the Vincent Staff Electric Bike Fleet including initial servicing for twelve (12) months, and it is recommended that the ZAP Electric bikes be purchased and the initiative progressed.

9.3 CORPORATE SERVICES

Nil.

9.4.3 Reconciliation Week Project – ‘Yarns of the Heart’

Ward:	Both	Date:	28 February 2014
Precinct:	All	File Ref:	CMS0144
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	C Mooney, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the proposed initiatives, as outlined in this report, for Reconciliation Week during 27 May and 3 June 2014; and
2. **NOTES** that a further report will be submitted to the Council no later than June 2014 regarding NAIDOC Week.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

To seek the Council’s approval for the 2014 Reconciliation Week organised by the City of Vincent to be held in Oxford Reserve, Leederville, or another suitable location within the City.

BACKGROUND:

National Reconciliation Week is celebrated across Australia each year between 27 May and 3 June. The dates commemorate two (2) significant milestones in the reconciliation journey; the anniversaries of the successful 1967 Referendum and the High Court Mabo decision.

The City has been involved in a number of positive initiatives involving Indigenous communities as follows:

- Flying of the Aboriginal flag at the Administration and Civic Centre;
- Aboriginal collection in the City of Vincent Library and Local History Centre;
- Aboriginal Live-Work projects at Banks Reserve (public artwork), Lee Hops Cottage and 245 Vincent Street;
- Reconciliation banners;
- Aboriginal Advisory Group;
- Work experience students;
- Wetlands Trail Masterplan community consultation;
- 'Welcome to Country' presentations at major events; and
- NAIDOC Week celebrations; and
- Acknowledgment of Country Statement at Council Meetings, Civic occasions and events.

Furthermore, the City has an active Vincent Reconciliation Group (VRG), which is an independent residents' group promoting reconciliation between Indigenous and non-Indigenous Australians.

DETAILS:

The 2014 City of Vincent Reconciliation Week project, namely 'Yarns of the Heart', proposes to host two (2) community workshops to expand on a sense of fun, identity and culture in the community, as well as acknowledging and paying tribute to appropriate Aboriginal historical themes.

It is proposed that the 'Yarns of the Heart' workshops could be held at Oxford Reserve, Leederville. This is subject to the reserve development timeline and if this is not possible an alternative venue will be sourced. The intention of holding the project in an outdoor venue aims to gain further exposure of the project and to engage onlookers in the spectacle.

The workshops will provide residents with the opportunity to work with experienced Noongar artists and learn simple techniques to create dolls which will tell a story of identity, family, community and/or ambitions. The Community Arts Network of Western Australia (CANWA) run workshops will aim to deliver participants a strong feeling of personal accomplishment, a sense of belonging and a better understanding of one's own community achievements.

Projects such as this are instrumental in bringing communities together and opening up conversations regarding equality and positive discrimination. A Welcome to Country will also be an integral element of this project.

Both of the CANWA artists have been a part of the WA Museum *Yarns of the Heart: Nyoongar Dolls* exhibition in 2011, and travelled to Sydney for the opening of the *String Theory: Focus on Contemporary Australian Art* exhibition at the Museum of Contemporary Art Australia, where the previous dolls were exhibited alongside other highly acclaimed Aboriginal textile artists.

CONSULTATION/ADVERTISING:

If the project is approved, it will be a registered event on the official National Reconciliation Week website, and promoted through the City of Vincent media portals. Flyers and posters will also be distributed, and a media release will be encouraged with the artists.

Local community groups, including those with Aboriginal focused services within the City of Vincent and servicing the area, will be encouraged to be involved in the project. Reconciliation WA will also be notified of the project.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

'Community Development and Wellbeing

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

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

3.1.6 *Build capacity within the community to meet its needs."*

SUSTAINABILITY IMPLICATIONS:

The initiatives will enable participants to explore concepts linking environmental and social/cultural issues and to foster harmony in the community.

FINANCIAL/BUDGET IMPLICATIONS:

The following costs are associated with the proposal:

Item	Estimated Cost
Doll Making Workshops	\$5,250
Catering	\$500
Marketing & Promotion	\$1,100
Marquee and Equipment Hire	\$500
Welcome to Country and Performances	\$1,150
Contingency (5%)	\$500
Total	\$9,000

Expenditure for the Workshops can be funded from the 'NAIDOC/Reconciliation Week Event' Budget as follows:

Budget Amount:	\$20,000
Expenditure to Date:	<u>\$ 6,592</u>
Balance:	\$13,408

COMMENTS:

The 'Yarns of the Heart' workshops will provide an opportunity for conversation, which in turn develops a process of building respectful relationships between Indigenous and non-Indigenous Australians. Often, the problems of disadvantage and discrimination are made worse because of the general community's lack of understanding and awareness of the historical facts. Through a continued process of reconciliation, we can learn to understand and respect one another's histories, cultures and heritage.

These initiatives are designed to educate on cultural diversity and involve a whole of community approach in the spirit of reconciliation. It is therefore recommended that the event is supported and approved by the Council.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	28 February 2014
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.5.1

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
03/02/2014	Notification under Section 70A -	1	City of Vincent and Mirus Holdings Pty Ltd of 61 Galwey Street, Leederville re: No. 430 (Lot 48; D/P 3784) Charles Street, North Perth - <i>To satisfy Clause (c) of Conditional Approval of the Ordinary Meeting of Council held on 6 December 2010</i>
12/02/2014	Lease	3	City of Vincent and Life Without Barriers, PO Box 2226, Dangar, NSW 2309 re: Portion of 176 Fitzgerald Street, North Perth - <i>As per Council resolution of the Ordinary Meeting of Council held on 14 May 2013 (Item 9.3.4)</i>
12/02/2014	Deed of Covenant	2	City of Vincent and B & M Ricciardello Nominees Pty Ltd of 243 Hay Street, Subiaco 6008 re: No. 158 (Lot 16; D/P 972) Bulwer Street, Perth - <i>Proposed Unlisted Use (Car Wash) - To satisfy Clause 6.1 of Conditional Approval of the Ordinary Meeting of Council held on 28 August 2012</i>
12/02/2014	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 18 (Lot 106 D/P: 2630) Doris Street, North Perth - <i>Deed of Covenant Conservation of Existing Dwelling - To satisfy Clause (iv) of Conditional Approval of the Ordinary Meeting of Council held on 28 August 2008</i>

Date	Document	No of copies	Details
12/02/2014	Section 70A Notification	3	City of Vincent and Cygnet Properties Pty Ltd of 15 Ord Street, West Perth WA 6005 re: Nos. 248-250 (Lot 801; D/P: 56574), Nos. 254-258 (Lot 800; D/P: 56574); No. 272 (Lot 201; D/P: 302144, Lot 2; D/P: 1121, Lot 3; D/P: 11210) Lord Street, Nos. 133-137 (Lot 1; D/P: 1121), No. 133 (Lot 7; D/P: 398) Summers Street and No. 10 (Lot 100; D/P: 74945) Coolgardie Terrace, Perth - <i>To satisfy Clause 6.2 of Conditional Approval of the Ordinary Meeting of Council held on 30 March 2011</i>
12/02/2014	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth WA 6000 re: Nos. 248-250 (Lot 801; D/P: 56574), Nos. 254-258 (Lot 800; D/P: 56574); No. 272 (Lot 201; D/P: 302144, Lot 2; D/P: 1121, Lot 3; D/P: 11210) Lord Street, Nos. 133-137 (Lot 1; D/P: 1121), No. 133 (Lot 7; D/P: 398) Summers Street and No. 10 (Lot 100; D/P: 74945) Coolgardie Terrace, Perth - <i>To satisfy Clause 6.9 of Conditional Approval of the Ordinary Meeting of Council held on 23 August 2011</i>
17/02/2014	Management Statement (Form 25)	1	City of Vincent and Cygnet Properties Pty Ltd of 262 Lord Street, Perth WA 6000 re: Nos. 248-250 (lot 801; D/P: 56574), Nos. 254-258 (Lot 800; D/P: 56574) No. 262 (Lot 201; D/P: 302414, Lot 2; D/P: 1121, Lot 3; D/P: 11210) Lord Street, Nos. 133-137 (Lot 1; D/P: 1121), No. 133 (Lot 7; D/P: 398) Summers Street and No. 10 (Lot 100; D/P: 74945) Coolgardie Terrace, Perth - <i>Management Plan noting the Strata By-Laws for Occupants and Owners of the Property and requiring the City to be a signatory of the document</i>
24/02/2014	Notification under Section 70A	1	City of Vincent and Urban Pulse Pty Ltd of 33 Giles Street, North Beach re: No. 51 (Lot 87; D/P: 6064) Milton Street, Mount Hawthorn - <i>To satisfy Clause 4.3 of Conditional Approval of the Ordinary Meeting of Council held on 26 June 2012</i>
24/02/2014	Notification Under Section 70A	1	City of Vincent and J D McAvoy, 24 Brandon Street, South Perth WA 6151 re: No. 17 (Lot: 11 D/P: 185) Lane Street, Perth - <i>To satisfy Clause (iv) of Conditional Approval of the Ordinary Meeting of Council held on 31 May 2013</i>
24/02/2014	Deed of Covenant (where Lots to be subdivided)	3	City of Vincent and Annibe Developments Pty Ltd of 7 Bugatti Way, Balcatta re: No. 134 Alma Road, North Perth - <i>Prior to issue of a building permit No. 134 Alma Road is required to be subdivided</i>
25/02/2014	Deed of Settlement & Release and Indemnity	1	City of Vincent and S A Pinese-O'Brien and G F O'Brien of 14A Scott Street, Leederville WA 6007 re: 14A Scott Street, Leederville WA 6007 - <i>Air Conditioner on Roof of Residence</i>
25/02/2014	Lease	3	City of Vincent and Grow (WA) of 1018 Logan Road, Holland Park, Queensland 4121 re: Portion of 81 Angove Street, North Perth - <i>As per decision of the Council at the Ordinary Meeting of Council held on 17 December 2013 (Item 9.3.7)</i>

9.5.4 Local Government Structural Reform – Progress Report No.3

Ward:	-	Date:	28 February 2014
Precinct:	-	File Ref:	ORG0031
Attachments:	<p>001 – City of Vincent Proposal Map – (TO BE PROVIDED PRIOR TO THE MEETING) 002 – State Government’s Proposal Map (TO BE PROVIDED PRIOR TO THE MEETING) 003 – City of Perth’s Proposal Map (TO BE PROVIDED PRIOR TO THE MEETING) 004 – City of Bayswater’s Proposal Map (TO BE PROVIDED PRIOR TO THE MEETING) 005 – City of Stirling’s Proposal Map (TO BE PROVIDED PRIOR TO THE MEETING) 006 – Local Government Advisory Board – Metropolitan Local Government District Inquiries Information Paper</p>		
Tabled Items:			
Reporting Officer:	John Giorgi, JP Chief Executive Officer		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES the Progress Report No. 3 as at 28 February 2014 concerning Local Government Structural Reform 2013; and**
2. **NOTES that;**
 - 2.1 **The Local Government Advisory Board (LGAB) has written to the City and to advise;**
 - 2.1.1 **That it has commenced public hearings and will receive submissions until 4pm. 13 March 2014;**
 - 2.1.2 **The LGAB will meet formally with the City of Vincent on 19 February 2014.**

COUNCIL DECISION ITEM 9.5.4

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the progress concerning Local Government Structural Reform. At the Ordinary Meeting of Council held on 11 February 2014 the Council requested that a progress report be submitted to each Council Meeting advising of Progress of the Amalgamations (Item 13.1, Clause 3.2).

BACKGROUND:

Premier and Minister's Announcement – Metropolitan Local Governments

On Tuesday 30 July 2013, the Mayor and Chief Executive Officer attended a meeting of Local Government Mayors and Chief Executive Officers, whereby the Premier and Minister for Local Government announced the Government's proposal for Local Government Structural Reform and proposed amalgamations for Metropolitan Local Governments, as follows;

1. The thirty (30) existing Metropolitan Local Governments will be reduced to 14.
2. Proposed new boundary changes/amalgamations are to be effective from 1 July 2015.
3. The City of Vincent is proposed to be split between the Cities of Perth and Stirling.
4. It is anticipated that Commissioners will be in place in early 2015 (or sooner if necessary).
5. All Metropolitan Local Government's are required to make a submission to the Local Government Advisory Board, by the 4 October 2013, on the Government's proposed amalgamations/structural Reform recommendations.'

Previous Reports:

The Council previously considered the matter of Local Government structural reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2013, 28 April 2013, 7 July 2013 and 25 August 2013, 22 September 2013, 9 March 2010, 7 December 2010, 20 December 2011, 13 March 2012, 8 May 2012, 22 May 2012, 6 November 2012, 26 March 2013, 30 July 2013, 13 August 2013 (Notice of Motion) 27 August 2013 and 24 September 2013, 11 February 2014 and 25 February 2014.

At the Ordinary Meeting of Council held on 11 February 2014, the Council considered the following;

"COUNCIL DECISION ITEM 13.1

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."*

At the Ordinary Meeting of Council held on 25 February 2014, the Council considered the following;

"COUNCIL DECISION ITEM 10.4

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

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

At the Special Council Meeting held on 30 July 2013, the Council considered the following;

"COUNCIL DECISION ITEM 7.1

That the Council;

1. *RECEIVES the report dated 30 July 2013 concerning the Local Government Structural Reform and proposed amalgamations of Metropolitan Local Governments, as detailed in this report and shown in Appendix 7.1 (Attachments 005, 006, 007 & 008);*
2. *RECOGNISES the need for Local Government structural reform in Western Australia;*
3. *OPPOSES the State Government's proposal to merge a significant proportion of the City of Vincent into the City of Stirling, as shown in Appendix 7.1 (Attachment 007 - Map 1), as it is considered there is very little "community of interest" between the population of the two municipalities and that it will be to the detriment of the inner city identity of the precincts that make up the City of Vincent;*
4. *STRONGLY SUPPORTS a full merger of the City of Vincent with the City of Perth, as this is considered the best way to deliver efficient and dynamic Governance for the City's residents, business's and five (5) Town Centres;*
5. *OPPOSES the State Government's decision to amend the Local Government Act 1995 to remove any poll or referendum provisions for residents or ratepayers of Metropolitan Local Government's;*
6. *Establishes a community and social media campaign, including petitions, town hall meetings and advertising to oppose the Stirling merger plan to be directed by a committee formed by the Mayor and four Councillors and relevant officers. The following four Councillors were appointed;*
 1. *Cr Carey;*
 2. *Cr Harley;*
 3. *Cr Topelberg;*
 4. *Cr Wilcox; and*
(Cr McGrath if Cr Topelberg is unavailable);
7. *REQUESTS the Chief Executive Officer to engage personnel with the skill to oversee the campaign for the next two (2) months;*
8. *APPROVES the appointment of the Mayor and Chief Executive Officer to the proposed Implementation Transition Committee for the City of Vincent;*
9. *REQUESTS the Chief Executive Officer to provide a report to the Council no later than 27 August 2013, concerning the following:*
 - 9.1 *the progress of the community campaign; and*
 - 9.2 *the preparation of a submission to the Local Government Advisory Board;*

10. *AUTHORISES the Chief Executive Officer and Mayor to;*
 - 10.1 *enter into discussions with stakeholders, including the Minister for Local Government, Members of Parliament, City of Perth, City of Stirling and any other relevant persons/organizations; and*
 - 10.2 *commence discussions with the City of Perth on a merger of the whole of the City of Vincent into the City of Perth;*
 - 10.3 *consult with the Vincent community concerning the Government's proposal;*
11. *REQUESTS its representatives in State Government to support the Council's position; and*
12. *ADVISES the Premier, Minister for Local Government, City's of Perth, City of Stirling and the City's ratepayers and residents of its decision."*

At the Ordinary Council Meeting held on 24 September 2013, the Council considered the following;

COUNCIL DECISION ITEM 9.5.2

"That the Council;

1. *RECEIVES the Progress Report No. 2 as at 20 September 2013 concerning Local Government Structural Reform 2013 and the City's Submission to the Local Government Advisory Board; and*
2. *being an affected Local Government within the meaning of Schedule 2.1 of the Local Government Act 1995 RESOLVES BY AN ABSOLUTE MAJORITY to submit a proposal to the Local Government Advisory Board, pursuant to Clause 2.1 of the Local Government Act 1995 which would amalgamate the whole of the district of the City of Vincent and the district of the City of Perth, as shown in Appendix 9.5.1, attachment 001; and*
3. *AUTHORISES:*
 - 3.1 *The Chief Executive Officer, in liaison with the Acting Mayor, to finalise and submit the City's Submission to the Local Government Advisory Board by 4 October 2013;*
 - 3.2 *The Chief Executive Officer to formally advise the Cities of Stirling and Perth of the Council's decision; and*
 - 3.3 *The Chief Executive Officer, as a matter of urgency, to appoint financial consultant Mr Ron Back to assist the Chief Executive Officer and Acting Mayor in the preparation of the City's submission to the Local Government Advisory Board."*

DETAILS:

ACTION TAKEN TO DATE:

Following the Council's Special Meeting held on 30 July 2013, the following action has been taken:

1. City of Vincent Submission

The City of Vincent's Submission was prepared in accordance with the Council decision of 24 September 2013 and submitted to the Local Government Advisory Board on 4 October 2013.

2. Working Group

The following persons were appointed;

1. Mayor Carey (*Chair*)
2. Cr Harley
3. Cr Wilcox
4. Cr Cole
5. Chief Executive Officer
6. Director Corporate Services
7. Marketing and Communications Officer
8. Executive Secretary Corporate Services.

3. The City of Vincent's Campaign:

No further meetings have been held, as no action has been required.

Banners – a number of banners erected at key strategic locations throughout the City have been left in place.

4. Petition

A petition was agreed by the campaign committee.

The petition has been placed in the:

- Administration and Civic Centre;
- Beatty Park Leisure Centre; and
- Library and Local History Centre – Street Co-ordinators have also been collecting signatures..

As at the 20 September 2013, approximately 7,000 signatures have been collected.

The Local Member for Perth Ms Eleni Evangel tabled the City's Petition in Parliament in October 2013.

5. Website

A special page has been included in the City's website and is regularly updated.

6. State Government's Proposal

The Minister for Local Government has lodged a submission to the LGAB. The Minister's submission does not include the Banks Precinct being amalgamated with PCC.

7. Meeting with the City of Perth

On Monday 12 August 2013 the former City's Mayor, Deputy Mayor and Chief Executive Officer met with the Lord Mayor of the City of Perth.

The City's Mayor John Carey, Deputy Mayor and Chief Executive Officer met with the City of Perth on 20 November 2013.

The City of Vincent has provided extensive information to the PCC in order to assist them with their decision

A map of the City of Perth's submission map is shown at Appendix 9.5.7 (Attachment 003).

8. Meeting with the City of Bayswater

The City of Bayswater has requested a meeting with the City's Mayor and Chief Executive Officer and this meeting was held on 4 February 2014.

A copy of the City of Bayswater's Submission Map is shown at Appendix 9.5.7 (Attachment 004).

9. City of Stirling

The Mayor and Chief Executive Officer's of City of Vincent and City of Stirling met on 4 September 2013.

The City of Stirling Council met on Tuesday 20 August 2013, to consider its position with regard to Local Government Reform and resolved the following:

"Council Resolution

Move Councillor Lagan, Seconded Councillor Proud

- 1. The City REAFFIRMS its decision of 19 March 2013 namely no changes to its boundary as there are no benefits for the current and future residents and ratepayers of the City of Stirling.*
- 2. That the CEO LIAISE with neighbouring Councils affected by the Structural Reform process to determine if any joint submissions can be made thaty may be in the interest of the City of Stirling and REPORT to Council.*
- 3. That the CEO RESPOND to the City of Bayswater correspondence advising that the City does not support a joint submission.*
- 4. that the MAYOR WRITE to all Parliamentarians whose boundaries reside within the City of Stirling seeking their support and outlining the position taken by the City of Stirling.*

The motion was put and declared CARRIED (12/0)"

A copy of the City of Stirling's submission Map is shown at Appendix 9.5.7 (Attachment 005).

10. Local Government Advisory Board

The LGAB has published an Information Paper about its inquiries and this is shown at Appendix 9.5.7 (Attachment 006). The LGAB met formally with the City of Vincent on 19 February 2014. Mayor Carey made a presentation.

Cr Harley and Cr Topelberg also attended.

The Chief Executive Officer, Director Corporate Services, Director Community Services and Acting Director Planning Services also attended.

11. Submissions Affecting the City of Vincent.

There are five (5) submissions affecting the City of Vincent as follows:

1. The City of Perth proposal (Proposal Number 14): This only takes part of the City of Vincent to Bulwer Street and Leederville Town Centre up to Vincent Street.
2. The WA Ministers proposal (Proposal 01/2013): This boundary alignment proposal means that the City of Perth remains and the City of Vincent is abolished on 1 July 2015. The City of Perth can set the agenda for the new Council which takes place October 2015.
3. The City of Vincent proposal (Proposal Number 16): A full and equitable amalgamation between the City of Vincent and City of Perth, where both Councils are abolished to create a new Council. This proposal still enables residents to vote on the final merger, via the Dadour Amendment.
- 4&5. The City of Bayswater proposal (Proposal No 4) and the Minister's Proposal's for Bayswater/Bassendean (Proposal 03/2013): These two proposals take the Banks Precinct from the City of Vincent to the City of Bayswater.

12. Local Government Structural Reform - Implementation of Council Decision 11 February 2014

- 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;

Comment: Actioned. Meeting to be held 9 March 2014.

- 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;

Comment: Actioned. Letter to be prepared.

- 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

Comment: Actioned. Letter prepared.

- 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;

Comment: Actioned. First meeting held on Tuesday 18 February 2014.

- 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;

Comment: Actioned. RFQ being finalised and quotations obtained. RFQ close 28 February 2014. Three quotes received and decision to be made ASAP.

- 2.7 Chief Executive Officer to write the City of Perth to request the establishment of the Local Implementation Committee;

Comment: Actioned. Letter sent on 20 February 2014.

- 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;

Comment:

Actioned. Meeting held on Monday 24 February 2014. Researched commenced by Chief Executive Officer and Director Corporate Services and commencement of draft paper in progress.

3. REQUESTS the Chief Executive Officer to;

- 3.1 seek legal advice regarding the boundary alignment process for the City of Vincent; and

Comment: Email sent to Mayor to provide specific details as to what legal advice is required, so that the scope of the work can be presented to a legal firm to consider.

- 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;

Comment: A report will be provided to each Council Meeting.

- 3.3 identify a funding from a source to be determined by the Chief Executive Officer

Comment: Actioned. The CEO has requested the Director Corporate Services to provide options.

13. In-House Working Group.

At a meeting of the City's Directors and Managers, the Chief Executive Officer announced that an in-house working group is to be established to progress the items required by the DLG (as per their \$50,000 grant). This Working Group is to comprise of Officers from various Sections and information is to be finalised by 30 June 2014. Acquittal of the Grant will be required.

CONSULTATION/ADVERTISING:

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

The Council has approved of a campaign to engage with the City's ratepayers, residents and business proprietors, for the entire City to be merged with the City of Perth.

The City of Vincent Community Consultation Policy No 4.1.5 at clause 2 states:

“2. When we will Consult?”

The Council will consult with residents when:

- (i) the future use of a significant area of land within the City is being decided.*
- (ii) there is, or is likely to be, strong community concern or interest in the issue.*
- (iii) the proposals before the Council are anticipated to have a significant impact on the economy, lifestyle, amenity and/or environment of the City or its residents.*
- (iv) government agencies, other than the Council, have a stated interest in any policy or plans being considered.*
- (v) the resolution of an issue or implementation of a proposal is likely to require a substantial redirection of ratepayer funds either by up front or ongoing costs.*
- (vi) information is needed by Elected Members or officers about community needs, priorities or values to ensure planning is appropriate and responsive.*
- (vii) the Council has statutory obligations to consult with the community.*
- (viii) the Council wishes to ensure that minority or disadvantaged groups have information about, and access to, the Council's services and programs.”*

Community Consultation

No further Community Consultation is required at this stage.

LEGAL/POLICY:

Any Local Government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

The Premier and Minister announced that amendments would be made to the Local Government Act poll provisions (that is a Schedule 2.1).

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest;
- Physical and topographic factors;
- Demographic factors;
- Economic matters;
- History of the area;
- Transport and communication;
- Matters affecting viability of the Local Government(s) involved; and
- Delivery of Local Government services.

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

Any Local Government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

Current legislation requires a structural reform proposal to be made to the Local Government Advisory Board which will then hold a formal inquiry on the proposal. The Advisory Board will then make recommendations on the proposal and electors of each Local Government are then provided with an opportunity to demand a poll.

The Schedule provides that electors may demand a poll be conducted on any recommended amalgamation. It provides that the request for a poll is to be signed by at least 250, or at least 10% of electors of one of the affected districts. To be considered valid, at least 50% of the electors of one of the affected districts must vote and of those electors who vote, should a majority vote against the recommendation, the Minister is to reject the recommendation. Should a poll be requested and at least 50% of the electors of one of the districts vote; and of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

Based on previous experience, the structural reform process would normally take 18 months to two years, following a Council resolution to formally proceed with a proposal.

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest
- Physical and topographic factors
- Demographic factors
- Economic matters
- History of the area
- Transport and communication
- Matters affecting viability of the Local Government(s) involved
- Delivery of Local Government services

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

RISK MANAGEMENT IMPLICATIONS:

HIGH: It is essential that the City of Vincent commence work on the various matters associated with Structural Reform Process.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2021 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The City is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

The Amalgamation process has commenced to gain momentum. The City has commenced implementation of the Various Council Decisions.

9.5.9 Information Bulletin

Ward:	-	Date:	28 February 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 28 February 2014, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.9

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

DETAILS:

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

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Claisebrook North Community Liaison Group Meeting held on 12 February 2014
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 5 February 2014
IB03	Mindarie Regional Council Ordinary Council Meeting Minutes held on 20 February 2014
IB04	Vincent Bike Week 2014
IB05	Register of Petitions – Progress Report – February 2014
IB06	Register of Notices of Motion – Progress Report – February 2014
IB07	Register of Reports to be Actioned – Progress Report – February 2014
IB08	Register of Legal Action (Confidential – Council Members Only) - Monthly Report (January 2014)
IB09	Register of State Administrative Tribunal Appeals – Progress Report – As at 21 November 2013
IB10	Register of Applications Referred to the Design Advisory Committee – December – February 2014
IB11	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB12	Forum Notes – 18 February 2014
IB13	Notice of Forum – 18 March 2014

9.1.3 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

ITEM WITHDRAWN BY A/CEO AT THE REQUEST OF THE APPLICANT.

9.4.2 Angove Street Festival – 2014 Festival Date Change

**ITEM WITHDRAWN BY A/CEO FOR FURTHER
CONSIDERATION.**

9.1.4 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:	7 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		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer		
Responsible Officer:	R Rasiah, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by 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 6 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 external access stairs to the courtyard are to be removed; and
 - 3.3 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. With regard to condition 3 above, the external access stairs to the courtyard are considered to unduly affect the adjoining property in terms of bulk and overshadowing of the adjoining property's outdoor living area. Furthermore access to the courtyard is provided by an internal staircase;

4. Any new street/front wall, fence and gate within the Hunter Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Peart

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.

PROCEDURAL MOTION PUT AND LOST (3-5)

For: Cr Cole, Cr Harley and Cr Peart

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

(Cr Pintabona had not yet arrived at the Meeting.)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Cole

That the item be DEFERRED for further consideration of the site surveys and ground levels.

PROCEDURAL MOTION PUT AND LOST (2-6)

For: Cr Cole, Cr Harley

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

(Cr Pintabona had not yet arrived at the Meeting.)

Debate ensued.

Cr Harley wished to make a personal statement regarding the Item. *"I would like to put on the record that the information in regards to the Site survey, has gone tonight from Similar, zero to no difference to exactly the same 30cm's to now 30-40cm's and I wish to make a personal explanation to say, that I will be voting on this matter but feel conflicted about the information I have received."*

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Peart

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.

**MOTION PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

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

Against: Cr Buckels, Cr McDonald, Cr Topelberg and Cr Wilcox

(Cr Pintabona had not yet arrived at the Meeting.)

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 has 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.

ADDITIONAL INFORMATION:

Following the Councils deferral of item 9.1.2 the City’s Officers met onsite with adjoining landowners to discuss the proposal. The main points of concern are outlined below with Officer comments.

Site levels and Overshadowing

Neighbours Comments: *“Incorrect Site Levels and Overshadowing - Site plan review. Incorrect measurements used to determine allowability of an Undercroft area. - this also then creates height and overshadowing issue. Blocking all Northern light for southern boundary (56 Redfern Street). At least 30cm out- does not sound much but when requesting an undercroft this can be significant and either allow or deny allowability of undercroft/basement. It also significantly increases the "ground floor" height of the building to 30cm below the height of the 2.4m South boundary wall.”*

Officer Response: The City is required to assess the proposal on the plans that have been submitted. The applicant has provided a site survey certified by a Land Surveyor which is required to be accepted by the City. Based on the survey plan, the proposed undercroft contained partly underground, and therefore in accordance with BDADC 5 of the City’s Policy No. 7.2.1 relating to Residential Design Elements. The proposed undercroft is a basement and not considered the ground floor as it is 50 percent of the volume is below the natural ground level.

In regard to overshadowing of the adjoining property the proposal satisfies the deemed-to-comply criteria of Clause 5.4.2 relating to Solar Access for adjoining sites, of the Residential Design Codes (2013).

Privacy

Neighbours Comments: *“Outdoor living area (ground floor which is above the undercroft) on Southern Boundary , this is off their kitchen, living and dining space so primary entertaining area for 12 Hunter - floor height 30 cm below top of boundary wall that is 2.4m high. Therefore directly looking into my main living, kitchen, master bedroom, bathroom and outdoor living of southern property (Major Privacy issues).*

External Stairway and accessible pathway from front of property to the aforementioned Outdoor living area (ground floor which is above the undercroft). All visitors coming and going will be looking into our private space. Stairs are unnecessary as it is the same level and there is access through their front door and normal living space. These are extra. Pathway for maintenance only is fine, access for business and general use not acceptable.

No fixed and permanent screening on the aforementioned Outdoor living space to southern boundary, and questionable height of screening to Eastern side.

Spa area - labeled as 1st floor (visually and height wise from southern side a second Storey) no fixed and permanent screening therefore overlooking 56 Redfern streets main outdoor living, master bedroom and main living area."

Officer Response: The applicant has submitted amended plans on the 6 March 2014 demonstrating screening of the courtyard on the southern and eastern boundaries as per the Residential Design Codes 2013 requirements. However, the screening provided is insufficient, and a condition is proposed for screening of the courtyard. In addition, the City's Officers have concerns with regard to the location of the courtyard along the southern boundary and access to the courtyard. The outdoor living area of the adjoining southern property is located along the southern boundary of the subject site and there is a dividing fence wall of 2.2 metres between these two properties. The applicant is proposing to screen the courtyard and therefore the residents of the southern property will be looking at a wall of 3.2 metres in height from the natural ground level (~~the screen and existing fence height~~). In this instance it is considered that there will be an undue impact on the adjoining southern property in terms of visual impact, ventilation and sunlight. Moreover, given the stairs will be located along the southern boundary it is acknowledged that there will be an undue impact on the amenity of the adjoining outdoor living area in terms of noise by people using the stairs on a daily basis. As the courtyard can be accessed internally within the dwelling, it is considered that there is no necessity for another access to the courtyard externally and should be deleted from the submitted plans.

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

In view of the above, 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.

In regard to the spa area, amended plans submitted 6 March 2014 convey adequate screening to the first floor of the south elevation. As such the applicant has alleviated concerns over the privacy of the outdoor living areas by providing appropriate screening.

The amended plans that have subsequently been provided alleviate concerns of overlooking. The Officers assessment of the non-compliances are detailed below which include changes shown in strikethrough and underline to the previous Officer comments in the previous Agenda Report to the Ordinary Meeting of the Council held 25 February 2014.

DETAILS:

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

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

ASSESSMENT:

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

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

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

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

Issue/Design Element:	Street Setback – behind the rear of an original corner site
Applicant justification summary:	<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 provide adequate articulation.

Issue/Design Element:	Garages
Requirement:	Residential Design Elements Code 7.2.1: Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling (not open verandah, porch, portico and the like).
Applicants Proposal:	No setback from the front main building line.
Design Principles:	Residential Design Elements Code 7.2.1: (i) Garages and carports are not to visually dominate the site or the streetscape.
Applicant justification summary:	<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
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:	<i>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.</i>
Officer technical comment:	The variation in height is minimal and will not be visible from the street, and is supportable on this basis.

Issue/Design Element:	Lot Boundary Setback
Requirement:	Residential Codes Clause 5.1.3 Ground floor: Southern wall: 1.1 metre Upper floor: Southern wall: 1.2 metre Rear: 1.2 metre
Applicants Proposal:	Ground floor: Southern wall: 4 Nil to 1.1 metre Upper floor: Southern wall: 1.1-1.2 metre Rear: 1.1 metre
Design Principles:	Residential Codes Clause 5.1.3 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Applicant justification summary:	<i>The southern wall is minimally non compliant and it a result of the small size of the block.</i>
Officer technical comment:	The proposed variations are minimal and will not create overlooking or inadequate sun or ventilation to the adjoining properties <u>except the ground floor setback to the southern boundary.</u>

Issue/Design Element:	Lot Boundary Setback
	<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: Major opening to the dining room is to be setback 6 metres, in direct line of sight within the cone of vision. Unenclosed outdoor active habitable space is to be setback 6 metres, in direct line of sight within the cone of vision.</p>
Applicants Proposal:	<p>Ground floor: Eastern wall: Dining room window: 1.5 metres</p> <p>Courtyard: 1.5 metres to 2 metres</p>
Design Principles:	<p>Residential Codes Clause 5.4.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	<p>The applicant is agreeable to condition the development <u>In amended plans submitted 6 March 2014 the applicant provided screening to the ground and first floors.</u></p>
Officer technical comment:	<p>The proposal is to be conditioned accordingly. There are some difficulties in regards to achieving compliance with overlooking requirements for the private open space. Should the applicant sunk the private open space, the proposal would be able to achieve compliance without the need for additional screening.</p>

Issue/Design Element:	Overlooking
	<p><u>Amended plans submitted on 6 March 2014 show screening to the courtyard area, however, the screening is considered insufficient given that a person standing in the courtyard will still be able to overlook the southern property.</u></p> <p><u>The proposal is to be screened accordingly as included on the amended plans received 6 March 2014 to the side and rear boundaries on the ground and first floors.</u></p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Comments Period:	29 November 2013 to 13 December 2013
Comments Received:	A total of Six (6) objections were received. Two of the six objections were from the same property.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Setback:</u></p> <p><i>Setbacks on the first floor North side are not sufficient to prevent bulkiness and overlooking. The proposed first floor eastern setbacks will affect the amenity on the adjoining property. The reduced setbacks will result in the loss of natural light and ventilation to adjoining properties. It will give the impression of living next to an apartment building.</i></p>	<p>Noted. The plans were amended to provide appropriate screening which in turn has reduced the requirement for the setbacks, notably on the eastern elevation. The rear articulation is not uncommon in such small block.</p>
<p><u>Height:</u></p> <p><i>The applicant should not be allowed to exceed 7 metres in height. The height is excessive and will result in a building that will dominate the streetscape and will create unacceptable overlooking issues.</i></p>	<p>Not supported. The applicant has reduced the height of building since the plans were advertised. The only remaining non-compliant area is the result of a strong dip in the middle of the southern elevation.</p>
<p><u>Overlooking:</u></p> <p><i>The first floor window on the South elevation will create unacceptable overlooking issues. The high wall on the southern side of the garden deck is inadequate for screening. The eastern elevation would require a significantly higher fence to prevent overlooking. The upper floor balcony will overlook into adjoining properties. Pot plants and glass balustrades are not adequate means of screening. The upper floor bedroom windows will create unacceptable overlooking issues. Privacy of the adjoining properties was not taken into account when the design was made.</i></p>	<p>Noted. The applicant has amended the plans on the southern elevation to comply with the Residential Design Codes 2013. The remaining overlooking issues are on the eastern and southern elevation for a window and the private open space. Overlooking issues have been discussed above and conditioned appropriately.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Bulkiness:</u></p> <p><i>The combination of reduced setbacks and higher walls will create too much bulk and overshadowing. The reduced setbacks on all sides, the non-compliant height and the reduction of open space demonstrates that this proposed dwelling is too large for a block this size;</i></p>	<p>Noted. The plans have been amended to reduce the bulk and the height of the building. The open space is also compliant.</p>
<p><u>Inaccuracies:</u></p> <p><i>It appears that there are some inaccuracies on the plans:</i></p> <ol style="list-style-type: none"> <i>1. The boundary to the south is shown as 0.6 m on the site plan and 0.9m on other plans;</i> <i>2. The ground floor levels are inaccurate. In particular the elevations shown are incorrect as the FFL of the ground floor is above the screen fence, not below as depicted. The alfresco area is on fill to a height above the dividing fence level which is not accurately depicted;</i> <i>3. The undercroft plan indicates 4.426 m setback to the undercroft whereas the wall above indicates 4 m setback; and</i> <i>4. North and south elevations are reverse.</i> 	<p>Noted. The inaccuracies have been addressed by the applicant in the revised plans dated 5 February 2014. <u>Further to this, amended plans submitted 6 March 2014 indicate all ground and finished floor levels and revised overshadowing plans.</u></p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity. The City's Strategic Plan 2013-2017 states:

COMMENTS & CONCLUSION:

The Applicant has addressed the concerns raised in the submissions by amending the plans to remove overlooking issues, reducing the height of the building, the overall bulk and addressing the streetscape. Following the Ordinary Meeting of Council held 25 February 2014 further amended plans were submitted by the applicant to address concerns raised during the meeting between the adjoining property owners and the City Senior Officers on 5 March 2014.

Additional conditions relating to privacy, additional setbacks, and also deletion of the external stair access to the courtyard have been recommended to alleviate any potential adverse impact on the adjoining landowners.

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

9.5.6 Appointment of Business Representatives to the City of Vincent Local Business Advisory Group

Ward:	-	Date:	28 February 2014
Precinct:	-	File Ref:	ORG0088
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi JP, Chief Executive Officer		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPOINTS one (1) Business Representative to the City's Local Business Advisory Group for the term from date of appointment until 15 October 2015, from each of the recognised Business Groups/Associations in each of the following activity centres:**

- Leederville;
- Mount Hawthorn;
- Mount Lawley/Highgate; and
- North Perth;

as follows;

Leederville:

- Mr Jeff Bullen (Chair, Leederville Connect Inc);

Mount Hawthorn:

- Ms Carla Totaro (Secretary, Mount Hawthorn Hub Inc);

Mount Lawley/Highgate:

- Ms Pam Herron (Chair, Beaufort Street Network);

North Perth:

- Ms Jessica Dale (North Perth Business and Community Association Inc); and

2. **NOTES that there is no recognised Business Group/Association in the Perth Activity Centre and APPOINTS the following Business Representative from the nominations received to the Local Business Advisory Group for the term until 15 October 2015:**

Perth:

- Ms Kate McKie (Proprietor, William Topp, William Street, Perth)

COUNCIL DECISION ITEM 9.5.6

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint Business Representatives from the Business Groups/Associations in each of the City's Activity Centres to the City's Local Business Group for the term from date of appointment until 15 October 2015.

BACKGROUND:

At the Ordinary Meeting of Council held on 17 December 2013, the Council considered the appointment of business representatives to the Local Business Advisory Group and resolved as follows:

"That the Council ...

3. *APPROVES BY AN ABSOLUTE MAJORITY to;*

- 3.1 *DEFER appointing Business Representatives to the Local Business Advisory Group; and*
- 3.2 *REQUESTS the recognised Business Group/Association in each Activity Centre to nominate a suitable business representative to the Local Business Advisory Group;..."*

Letters were subsequently sent to each of the Business Groups/Associations in the respective Activity Centres asking them if they would like to nominate a suitable business representative onto the City's Local Business Advisory Group.

As the Perth Activity Centre does not have a recognised Business Group/Association that the City is aware of, the nomination received from Ms Kate McKie, Proprietor of William Topp in William Street, Perth at the close of the expressions of interest period in late 2013, has again been put forward for the consideration of the Council.

Ms McKie was a previous representative on the Local Business Advisory Group and chose to re-nominate for the 2013-2015 term.

The Terms of Reference for this Advisory Group also state:

"Where there is no Incorporated Business Group/Association, the City shall advertise for a business representative and the Council will appoint the representatives."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Statutory Authorities/Committees/Working Groups/Advisory Groups

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

RISK MANAGEMENT IMPLICATIONS:

Low: Advisory Groups play an advisory role; however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - *Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The appointment of business representatives from the Business Groups/Associations in the respective Activity Centres will ensure that the Advisory Group can function with input from the community's perspective.

9.5.7 Specification of Britannia Road Reserve as a Dog Exercise Area – Consideration of Submissions

Ward:	North	Date:	28 February 2014
Precinct:	Leederville; P3	File Ref:	LEG0009
Attachments:	001 – Map of Britannia Reserve – Proposed Dog Exercise Area		
Tabled Items:	Nil		
Reporting Officer:	S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

- CONSIDERS** the one hundred and seventeen (117) submissions received concerning the proposed increase to the Dog Exercise Area within Britannia Road Reserve; and
- APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Sections 3A and 3C of the Dog Act 1976 an increase to the Dog Exercise Area within Britannia Road Reserve and delineation at the southern end of Britannia Road Reserve as a Dog Free Area, as shown in Appendix 9.5.7, as follows:

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
"5.	Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road.	At all times except: 1. where that part of the public place is being used for a function, sports event, training or other activities approved by the local government; and 2. child playground and family area at the southern end of Britannia Road Reserve adjoining Bourke Street.

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-8)

(Cr Pintabona had not yet arrived at the Meeting.)

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

It did not reflect the intention or the consultation for a full dog park area.

COUNCIL DECISION ITEM 9.5.7

ALTERNATIVE RECOMMENDATION

Moved Cr Harley, Seconded Cr Buckels

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Sections 3A and 3C of the Dog Act 1976, an increase to the Dog Exercise area within the Reserve at all times, except where that part of the public place is being used for a function, sports event, training or other activities approved by the local government;
2. **APPROVES** the Chief Executive Officer to implement improved signage to describe the exemptions to dogs off leash times; and
3. **NOTES** that the alternative recommendation is to give effect to the whole Reserve being a dog exercise area without delineation, as supported by the users through the consultation process.

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (7-1)

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

Against: Cr Topelberg

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of public consultation undertaken regarding the proposed increase to the Dog Exercise Area within the Britannia Road Reserve.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 November 2013 at Item 9.5.1, it was resolved as follows:

“That the Council;

1. *APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 3A and 3C of the Dog Act 1976 of its INTENTION to specify the following dog exercise area;*

<i>Item No.</i>	<i>Description of Public Place</i>	<i>Times During Which Place is a Dog Exercise Area</i>
<i>“5.</i>	<i>Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road.</i>	<i>At all times except where that part of the public place is being used for a function, sports event, training or other activities approved by the local government.”</i>

(as detailed in Option 2 of the Britannia Reserve Masterplan) and as shown in Appendix 9.5.1 (Attachment 001);

2. *In accordance with the Section 3C of the Dog Act 1976, gives local public notice, for a period of not less than twenty eight (28) days specifying the Council's intention for Britannia Road Reserve to be a dog exercise area (as prescribed in Clause1 above) and where the proposal may be viewed and seeking public comment; and*
3. *NOTES that a further report to be submitted to the Council after the expiry of the statutory consultation period."*

To expand the dog exercise area as recommended by the Britannia Reserve Masterplan, it was necessary to invite community consultation. The City wrote to residents within 500 metres of Britannia Road Reserve and sporting and community groups who regularly use the Reserve. Temporary signage was also erected at strategic locations on Britannia Road Reserve, along with local public notices and advertisements in local newspapers and community Notice Board located on the Reserve.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the City's Community Consultation Policy No. 4.1.5 between 16 January 2014 and 4.00pm 17 February 2014. The City received one hundred and seventeen (117) responses; seventy-seven (77) in support of the proposal, thirty-four (34) opposed and six (6) other.

Comments – In Favour

Of the seventy-seven (77) submissions received in favour of the proposal, twenty (20) provided comments as follows:

No.	Comments – In Favour
1.	Concerned with owners not cleaning up after their dogs.
2.	The current area is cramped and very well used.
3.	Walks around the oval every day. Free-walking dogs NEVER seem to be any problem. Has never seen a dog fight between free-running dogs.
4.	Often drives from Wembley and extra shaded area would be welcomed.
5.	Uses the oval on or at least 4 days a week. Only concern is dog owners not picking up after their dogs and concerned with the Cricket Club stepping or slipping on excrement.
6.	The proposal appears a victory for both (a) modern flexible land use policy; and (b) common sense. Most dog owners tend to be responsible.
7.	A significant number of properties built as single residences on subdivided blocks with smaller yard space, and the benefits of pet ownership for families and children is undeniable – in total support.
8.	Supports the proposal but does not want the Reserve to be just a dog exercise area and should also be available for other users and events.
9.	Great initiative – lives on the current 'non' dog exercise area and always respectful of any sporting activities at the oval.
10.	Concerned with dog owners who do not pick up after their dog. Would greatly encourage more fastidiousness in picking up after dogs.
11.	Support – currently there are limited off-lead areas, particularly during cricket and football seasons when Menzies Park is effectively turned into a sporting facility and cannot be used by local families and dog owners.
12.	Currently, it is not obvious on/at the Reserve that the dog exercise area is limited to the southern end. As a result, dogs are exercised on the whole Reserve anyway.
13.	People with dogs who do not socialise well have to walk either when its dark or the weather is not good to avoid issues, or they walk the streets and can not go to the park at all. This will mean those dogs can be in the park at the same time and there will be enough room for the owners to keep them away from other dogs if required. Also, the top end of the park is often empty when we walk our dogs whilst the bottom is well used.
14.	Dog owners are by far the main community users of this space. It is a nuisance to have 2/3 of the area closed to the only people using the area.
15.	Strongly supported. Historically, the entire park was open to dogs and their owners before the present 'dog exercise area' was created. It worked well both for the general public and dog owners.

No.	Comments – In Favour
16.	Dogs enhance the exercise environment by bringing a smile to your face. Just make sure owners clean up after their dogs. Perhaps more signage to raise awareness of this problem.
17.	Live opposite the Reserve and walk our dogs twice daily. The current boundaries are arbitrary and unnecessary. In winter, sports fields cover the entire Reserve and half have dogs allowed, the other half do not.
18.	The rule is regularly violated by unsuspecting dogs anyway – the proposed changes just accept the reality of the situation. Dogs do not know the line.
19.	Supports except when being used for other approved/formal activity as per the sign currently advertised at the oval. It would be great if you could also consider extending the dog exercise area at Charles Veryard reserve and enabling its use during times when there are not organised events. The space currently allocated is not big enough and given its size and proximity to Bourke Street is also a concern, due to how busy that street is. With medium/larger dogs, there is barely enough space for them to get a decent run in.
20.	In favour of the proposal on the condition that restraints imposed by the Dog Act are abided to by all dog handlers.

Comments – In Opposition

Of the thirty-four (34) submissions received opposing the proposal, twenty-six (26) provided comments as follows:

No.	Comments – In Opposition
1.	This oval/park/reserve is used by small children, school children, young adults, adults for recreational activities. Having dogs wee and poo over the grounds can lead to serious health problems. Our preference – no dogs allowed on any section of the Reserve.
2.	I often take my children (both under 4 years old) to the park where the playground is off Bourke Street. I do not feel safe when confronted with particularly large dogs that are off their leash and appearing uncontrollable. I have already reported a dog attack incident on Buxton Street, which was dealt with very well by the Council. I do not want to confront such a situation again. Would like to propose the existing dog exercise area be replaced by the proposed area and the current where the playground is, be dog free. To ensure this, a fence erected where the border is.
3.	Park is for people and should remain like that. Existing dog exercise area is sufficient for the purpose. We walk our dog there all the time all over the place. What actually is going on?
4.	It is a venue for sport. I do not poo on your front lawn. So do not let your pet poo where I play sport. Common sense!
5.	Britannia Oval is utilised by many, in both formal and informal contexts. Extending the dog exercise area will not allow informal users to enjoy the park 'dog free'. This is especially so for young children, people with a fear of dogs, and when using balls. I believe it is important to keep some part of the park 'dog free'.
6.	No objection to increasing dog area, but definitely do not want to see whole Reserve as dog area. Residents without dogs enjoy walking the Reserve too.
7.	As a regular user of the park for exercise, sport and relaxation, can you please advise where I am meant to 'relocate' to. Are you now suggesting dogs are more important to the community than residents/humans? The current system works well and allows shared use of the park, allows people some choices and most important – safety. Have you considered increasing the dog exercise area to 50%. I am concerned that this has reached this point "Democracy gone mad".
8.	I was attacked by a dog which was off the leash in the non-dog exercise area at Britannia Reserve. The attack was unprovoked and unexpected. Many dog owners already exercise their dogs off the leash in the non-dog area. I feel that instead of extending the dog exercise area, more attempts should be made to crack down on owners not abiding by the current laws. I fear an extension will lead to further dog attacks.
9.	Existing 'dog area' is sufficient for the amount of animals exercised.

No.	Comments – In Opposition
10.	Extending to the northern portion will cause disruption to the elderly, family and other community members who use the grassed area to walk and play. Dogs are often off the leash and although not with malice, dogs run up to users of the area. Dog owners pretend to <u>not see</u> their animal doing droppings and hence do not pick up after them. This is a health hazard for all oval users' especially young children. Do not extend the dog exercise area.
11.	There is currently adequate area for dogs to exercise, the proposal effectively guarantees the park from other intending users. It is unnecessary for the City to adopt this proposal as it caters exclusively for one class of users to the detriment of others. Finally, the proposal is inconsistent with the City's avowed vision of creating "liveable neighbourhoods". Dogs unrestrained in a substantial piece of City infrastructure does not achieve this objective.
12.	We are residents of Britannia Road and object based on the fact it allows no room for parents with children to run and play in the park without dogs. My view is that the top section near Britannia Road should have at least a small area where dogs are excluded as a compromise.
13.	Who will pay the compensation should someone become infected while participating in sporting events from dog excrement? My wife feels threatened while exercising in the park from uncontrolled dogs. The expansion will further exacerbate her situation. The current size is more than adequate for the dogs that utilise the area. There appears to be no current control of the boundaries as such.
14.	Regular users for sport and leisure activities and would like to continue to do so without stepping in dog poo or having dogs run off with balls or jump up on us. We would love to see the existing dog exercise area fenced off (just like the children's play area is for safety). Not all dog owners are responsible and do not always keep their dogs on a lead when there are sporting activities on, as it is. They do not always clean up dog poo either.
15.	There is enough area to exercise dogs and it is a hazard for walkers who are with children as some dogs can become over-friendly and scare children. Also dogs have unpredictable behaviour and can become aggressive. Also dogs should be on a leash in areas that are not exercise areas but this is not the case. The Ranger does not do anything about unleashed dogs and give people warnings. Also, having the area changed will mean less Ranger patrols and fewer complaints for the City of Vincent.
16.	Existing dog exercise area is sufficient. Concerned about safety of children who play sports on the oval. Also the mess left by dogs that is not cleaned up by owners – a common occurrence at Menzies Park, which we experience.
17.	I view everyday the activity in the park. I too see the flagrant disregard of the existing "dog" zone – owners frequently and typically having their dogs run freely over the whole park and disrupting the activities of other people without dogs. In my view, the existing "dog" zone should be enforced. I have never seen Rangers actively intervene on any occasion/I have never seen Rangers period monitoring the parks usage. Rather than extended, it first needs to be monitored and enforced to current legal usage zone. I am sick of going out on the field with my son and having to dodge dog excrement. There are never fines issued for errant owners/dogs – why? No punishment, no obedience to law, and no to extension of "dog" zone.
18.	We believe the park should remain as is as a shared facility. Many times here have been roaming dogs in the non-dog exercise area with neglectful dog owners, which is unfair to people who are not comfortable with dogs.
19.	I am a little puzzled at the Council again asking for opinions – a very similar survey was conducted last year. Hopefully, the data on that survey will be made public – why another identical consultation? This area is very large with an already extensive area for dogs to exercise in the allocated area. Many children, families use the area outside the present dog exercise area to play a variety of activities. When dogs are off the leash they can charge up to people. My great concern is free play will be inhibited due to dogs off leash. The current system works perfectly well and it is beyond me why all of this massive park needs to be allocated for a dog exercise area – baffling! I suggest all Councillors walk to the park and see how large the current dog exercise area is.

No.	Comments – In Opposition
20.	At the present time, unleashed dogs are constant <u>in all sections</u> of the Reserve, particularly during this morning periods. Continual approaches of dogs (rarely called to order by owners) causing much fear and uncertainty as to the extent they can be trusted. Please enforce the law to keep dogs in their present allocated area.
21.	I think it is important to have a dog free area for families with small children.
22.	We believe the existing dog exercise area is adequate and that its extension will pose problems for use by young children and families – safety problems. Additionally, we believe that confining dog exercise to a section of the reserve (that is, keeping it as is) ensures that dog excrement that is not placed in poop bags and bins does not pose a hygiene problem for general users. Owners do not always clean up after their dog.
23.	Absolutely not. There are kids running around and not all dog owners pick up the mess. Strongly disagree – we should be reducing the area dogs are allowed, not increasing it.
24.	I regularly use the Reserve. While the present situation is not too bad, extending the dog exercise area would probably attract more dogs and/or the areas they range in. This would likely increase the nuisances of: (a) dog excrement not picked up by dog “lovers” (a problem on playing fields); and (b) over-excited dogs approaching runners and walkers.
25.	The main reason for objection is the concern that the current amount of faeces will increase if the existing dog exercise area is expanded. This will reduce <u>people’s</u> enjoyment of the park.
26.	It is a large open space which should provide for all local residents and ratepayers, regardless of whether or not they own a dog. Any argument that there is not enough open space for dogs ignores the fact that the grassed area west of the adjacent Litis Stadium is a dog exercise area, as is the greenway between Brentham and Oxford Streets from Bourke Street to the Aranmore Catholic Primary School. Less than a kilometre away is Menzies Park, another dog exercise area. Furthermore, there are many dog owners who currently ignore the dog on leash signs posted on the perimeter of the northern end of Britannia Reserve. They have no consideration for other users. If you remind these people about the local law, the response is usually an expletive laden rant. And the Council is proposing to reward these people by changing the local law in their favour. A significant increase in the size of the dog exercise could be achieved and still provide for other passive users in a dog on leash area. Is it too much to ask that non-dog owning residents and ratepayers have the same consideration as the dogs of Vincent? Or will that well known idiom “the place has gone to the dogs” be a very apt description, both literally and metaphorically.

Comments – Other

Six (6) submissions in the ‘other’ category were received and provided comments as follows:

No.	Comment
1.	Many owners unleash their dogs as soon as they enter the park. My objection is that unleashed dogs who rush up to greet me threaten my stability and they also make life in the park difficult for small children. This proposal effectively bars me and my peers from safely enjoying the park. My proposal continues to be the introduction of a time barrier. Dogs can ‘have’ the park until 8.30am and after 5.00pm. At all other times, there should preferably be no dogs at all.
2.	I would support the proposal ONLY if Menzies Park on Egina Street is NOT and is enforced NOT to be a dog exercise area. It is not appropriate to have two main parks close together turned over to dog exercise areas. There needs to be areas where parents with young children can take them without the constant rush from several dogs running loose. You MUST pick one and restrict dog exercise to one only.
3.	I would like to see the dog exercise area moved away from the playgrounds on the Reserve. I would like to use the playground and encourage my children to run, play and play sport on the grass areas. However, I feel nervous about letting my small children play around animals whose temperaments I am not familiar with. Is there any way to keep dogs further back from where children might wish to play?

No.	Comment
4.	I have two young children who enjoy the park as much as anyone else. Consider the consequences your proposal has where children now cannot play, chase a ball, or fly a kite without being harassed, bowled-over or chased by a zealous canine. I am not against an exercise area for dogs; however, my family and I have a right to be able to enjoy the park without incident. I strongly disagree and find the proposal somewhat overbearing. Council should choose between the current area or the proposed, but not both.
5.	I do not object to the dog exercise area being increased; however, do object to it being the entire Reserve. As the mother of a young child, I believe some area should remain dog free for children to safely kick a ball through soccer goals/rugby goals and the cricket net area. Likewise, adults at the cricket nets should not have to worry about dogs.
6.	We do not think it is safe to have dogs near the cycleway. Suggest 'copperslogs' or similar barrier. Problems with dog owners not picking up after their dogs on verge/footpath. We are concerned that dog poo on the oval will impact the people using the Reserve if owners do not pick up the dog poo. So we would ask that ample signage be provided to alert dog owners of their responsibilities. Dog owners should also be reminded that other people still have the right to enjoyment of the facilities without dogs interfering with them, and their responsibility for their dogs.

Summary

The majority of submissions received are in favour of the proposal; however, only 24% provided comments. The main substance of the written comments supported a joint use facility.

77% of the submissions opposed to the proposal provided written comment. Whilst most supported an increase in a dog exercise area, they did not support the whole Reserve becoming a dog exercise area. The main concerns raised were:

- A reduction in family areas for picnicking, etc;
- Hygiene issues of dog excrement and urine in family recreation areas;
- Safety, in particular that of children;
- Disruption to the elderly and families who use the grassed area to walk and play;
- Uncontrolled dogs running all over the park and disrupting family events; and
- Free play, such as ball games, being inhibited due to dogs off leash chasing balls or bowling over people.

100% of the 'other' submissions provided comment. It is noted that, whilst the 'other' box was ticked, 85% of the 'other' submissions were opposed to the proposal.

Given community concern in respect of hygiene and safety, it is recommended a dog free area is established at the southern end of Britannia Road Reserve for families. In effect a 'no dog zone' as shown in Appendix 9.5.7. This southern end area currently has road access and parking and would complement the existing child playground and family area. This option would provide a safe and clean area for families, whilst still meeting with the intent of Council in providing a greater area for dog exercise.

The City's Parks and Property Services have indicated delineation can be created by shrubbery/bushes at a cost of approximately \$4,200.

Any delineation would also enhance the ability of Rangers to enforce compliance issues.

LEGAL/POLICY:

As a result of amendments to the *Dog Act 1976* and Dog Act Regulations in October/November 2013, the specifying of Dog Exercise Areas no longer requires an amendment to the Local Government Local Law relating to dogs. The process now requires an Absolute Majority Decision of the Council and twenty eight (28) days of Local Public notice to be given of the Council's intention.

The relevant sections of the *Dog Act 1976* are as follows:

"3A. A Local Government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the Local Government to be a dog exercise area.

3C. At least 28 days before specifying a place to be –

(a) A place where dogs are prohibited at all times or at a time specified under subsection (2b); or

(b) a dog exercise area under subsection (3A); or

(c) a rural leashing area under subsection (3B),

A Local Government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify."

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important to consider duty of care requirements in respect of hygiene and safety. There have been forty-three (43) reported dog nuisance/attacks in the City of Vincent since February 2013.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2017*, Objective 3.1.5(b) states:

"Deliver a range of leisure programs to encourage structured and unstructured recreation in the community."

FINANCIAL/BUDGET IMPLICATIONS:

There will be a need to replace the existing signage throughout the park. The matter will also need to be advertised to inform the community. The estimated cost is \$1,000 and will be funded from the Britannia Road Reserve Operating Budget.

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

Budget Amount:	\$200,000
Spent to Date:	<u>\$ 8,300</u>
Balance:	\$191,700

COMMENTS:

One of the recommendations from the Britannia Reserve Masterplan is to expand the existing dog exercise area. The exercise area may be used by dog owners when no other Council supported or endorsed activity is taking place. It is recommended that the proposed changes be supported for dog owners and

9.1.2 Nos. 405 – 407 (Lots 55 & 56; D/P 2454) Oxford Street, Mount Hawthorn – Proposed Demolition of Existing Commercial Building and Construction of Four (4) Storey Mixed-Use Development Comprising Eleven (11) Offices, Three (3) Shops, One (1) Single Bedroom Multiple Dwelling, Ten (10) Multiple Dwellings and Basement Car Parking

Ward:	North	Date:	28 February 2014
Precinct:	Mount Hawthorn, P2	File Ref:	PRO5755; 5.2013.480.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification 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, APPROVES the application submitted by Bloomfield Design on behalf of the owners, 405-407 Oxford Street Trust Pty Ltd, for Proposed Demolition of Existing Commercial Building and Construction of Four (4) Storey Mixed Use Development Comprising Eleven (11) Offices, Three (3) Shops, One (1) Single Bedroom Multiple Dwelling, Ten (10) Multiple Dwellings and Basement Car Parking at Nos. 405- 407 (Lots 55 & 56; D/P 2454) Oxford Street, Mount Hawthorn and as shown on plans dated 22 November 2013 and amended plans stamp-dated 7 February 2014 and 26 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. 401-403 & 409 -411 Oxford Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **Street Interaction**

Windows, doors and adjacent areas fronting Oxford Street, Mount Hawthorn shall maintain an active and interactive relationship with the street;

3. **On-Site Parking - Residential**

A minimum of ten (10) residential car bays, and three (3) visitor car bays are to be provided on site for the residential component of the development;

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

A minimum of Sixteen (16) car bays are to be provided for the commercial component of the development;

5. **Car Parking and Accessways**

5.1 The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;

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

- 5.3 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890.1;
 - 5.4 The car park area for visitors of the residential component and commercial car bays shall be shown as common property on any strata plan;
 - 5.5 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of parking area onto the right-of-way; and
 - 5.6 Wheel stops to be placed to allow access to the stores and the store and the car bay to be allocated to the same tenant;
6. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City;

6.1 Landscape and Reticulation Plan

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

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

- 6.1.1 The location and type of existing and proposed trees and plants.
- 6.1.2 All vegetation including lawns.
- 6.1.3 Areas to be irrigated or reticulated.
- 6.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- 6.1.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

6.2 Amalgamation

The subject lots shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

6.3 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;

6.4 Construction Management Plan

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

6.5 Section 70 A Notification under the Transfer of Land Act

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

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

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

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

6.6 Schedule of External Finishes

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

6.7 Waste Management Plan/Stormwater Management Plan

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

6.8 Star Rating/Sustainability

6.8.1 Building to be designed to achieve a minimum 6 Star NatHERS rating and an average 7 Star NatHERS rating; and

6.8.2 The proposed development shall incorporate design features that comply with a minimum 6 Star rating under the Nationwide House Energy Rating Scheme (NatHERS);

6.9 Visual Privacy

The rear first floor offices on the western façade to be screened to a minimum height of 1.6 metres, as to not overlook any part of any other residential property behind its street setback line within the 6.0 metre cone of vision. Screening is to be as per the requirements of the Residential Design Codes WA 2013.

6.10 Awnings

Continuous and complementary awnings being provided over the Oxford Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Oxford Street; and

7. 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:

7.1 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:

7.1.1 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 \$55,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$5,500,000; and

7.2 in conjunction with the above chosen option;

7.2.1 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

7.2.2 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;

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

8.1 Clothes Drying Facility

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

8.2 Car Parking

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

8.3 Residential Bicycle Bays

A minimum of four (4) residential bicycle bays, and one (1) visitor bicycle bays be provided on-site. Bicycle bays for the residents must be located within the development, and bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8.4 Commercial Bicycle Bays

A minimum of five (5) Class 1 or 2 bicycle bays, and ten (10) Class 3 bicycle bays be provided on-site. Class 3 Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8.5 End of Trip Facilities

A minimum of one (1) End of Trip Facility which incorporates a minimum of one (1) female shower and one (1) male shower, located in separate change rooms or a minimum of two separate unisex shower and change rooms is to be provided. The end of journey facilities to be located as a close as possible to the bicycle parking facilities. The facility to incorporate secure change rooms with a locker for every bicycle parking bay, capable of being locked;

8.6 Management Plan-Vehicular Entry Gates

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

8.7 Star Rating

The proposed development, on practicable completion, is to be independently assessed by NatHERS accredited professional at the applicants cost. The independent assessment is to include assessment of a full set of 'as built' drawings with all results reported to the City as proof that construction met or exceeded the previously certified Nationwide House Energy Rating Scheme (NatHERS); and

9. The development is to comply with all Building, Health and Engineering Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
4. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
5. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
7. A demolition permit shall be obtained from the City prior to commencement of any works on the site;
8. The City is not responsible for the relocation of any services that may be required as a result of the development; and
9. In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontages of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements.

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

COUNCIL DECISION ITEM 9.1.2

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 8.00pm.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

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

Cr Harley returned to the Chamber at 8.01pm.

PURPOSE OF REPORT:

The proposal is referred to the Council for determination, given the proposal is a four (4) storey mixed use development.

BACKGROUND:

Nil.

DETAILS:

Landowner:	405-407 Oxford Street Trust Pty Ltd
Applicant:	Bloomfield Design
Zoning:	Commercial
Existing Land Use:	Commercial and Vacant
Use Class:	"AA", "P", "P"
Use Classification:	Multiple Dwellings, Offices, Shops
Lot Area:	Lot 55 – 582 square metres; Lot 56 – 582 square metres. Total - 1164 square metres
Right of Way:	Western, 5.0 metre width, City owned.

The proposed application is for the Demolition of Existing Commercial Building and Construction of Four (4) Storey Mixed Use Development Comprising Eleven (11) Offices, Three (3) Shops, One (1) Single Bedroom Multiple Dwelling, Ten (10) Multiple Dwellings and Basement Car parking.

ASSESSMENT:

Town Planning Scheme/Residential Design Codes Assessment

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

Town Planning Scheme/Residential Design Codes Assessment

Issue/Design Element:	Plot Ratio
Requirement:	R-Codes – Clause 6.1.1 Residential Design Codes Clause 6.1.1 A1 Plot ratio: 0.7 (814.80 square metres)
Applicants Proposal:	Plot ratio: 0.83 (972 square metres)
Design Principles	R-Codes Clause 6.1.1 Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<i>To achieve a feasible development it was necessary to have 11 units on the site, with retail and commercial office space on the ground floor and one level of commercial office space on the first floor meant that it was therefore necessary to fit 5 units across each boundary. If these were to be restricted to one floor the units would be very slender with poor access to natural light and ventilation.</i>
Officer technical comment:	Supported. The proposed building is considered to be of a bulk and scale commensurate with the Commercial zoning, Oxford Street area and its Town Centre context. The proposed variation to plot ratio is not considered to be of a significant nature and is mostly generated by the area of the fourth floor, which is considered to be a small area of the overall building. The layout of the building is not considered to be overbearing to the western adjoining residential properties and has been articulated to reduce its bulk and scale to the rear. Further to the above, the proposed development may be afforded an additional storey, in accordance with the City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variation, this will in turn result in a greater plot ratio allowance for a development. It is considered in terms of scale and height (four storeys) an example of a similar development approved by Development Assessment Panels (DAPs), within close proximity to the subject site, at No. 359 Oxford Street, Mount Hawthorn.

Issue/Design Element:	Bicycles
Requirement:	Residential Design Codes Clause 6.3.3. A3.2 Bicycles Residents – 4 Visitors – 1 Commercial- Retail – 2 (Class 1 or 2)/ 4 (Class 3) Office – 3 (Class 1 or 2)/6 (Class 3)
Applicants Proposal:	Bicycle Area provided but no number stated.
Design Principles	P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities.

Issue/Design Element:	Bicycles
Applicant justification summary:	Not Provided.
Officer technical comment:	Not supported. The applicant is required to provide the applicable number of bicycle bays and is therefore conditioned accordingly. In addition as five bays Class 1 or 2 bays are required, end of trip facility is required and conditioned accordingly.

Issue/Design Element:	Height/Number of Storeys
Requirement:	<p>Precinct Policy No. 7.1.2 Exercise of Discretion Policy No. 7.5.11 Two (2) Storeys strongly encouraged. Three (3) Storeys including loft can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy scale and bulk.</p> <p>Additional Storeys may be considered in accordance with the City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations.</p>
Applicants Proposal:	Four (4) Storeys to a height of 14.0 metres.
Design Guideline Requirement	<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:	<i>The proposal is seeking a fourth floor variation to the planning scheme, which would allow the residential units to be two storey units with a reasonable depth, which would in turn allow for better access to natural light, ventilation and amenity.</i>
Officer technical comment:	Supported. There is an example of a similar height and scale development, approved by the DAPs at No. 359 Oxford Street, within close proximity to the subject site. When considered together, these buildings will contribute to the development of the Mount Hawthorn Town Centre. Overall it is considered the proposed height and number of storeys, provided by the development is considered to be generally supportable as the development is in line with the future vision of this portion of the Oxford Street area. The draft Town Planning Scheme No. 2 proposes a District Centre zoning for this area in place of the current Commercial zoning.

Issue/Design Element:	Height/Number of Storeys
	<p>In order to achieve compliance for the additional fourth floor proposed the applicant has been required to satisfy the requirements of the City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations. Whereby the applicant is required to achieve compliance with the Essential Criteria (EC) and one (1) of the additional requirements. In this instance the applicant has sought comment from the City's Design Advisory Committee who has assessed the proposed building and afforded Design Excellence for the additional floor.</p>
	<p>In addition the applicant is required to comply with the Additional Requirements (AR1.3) relating to sustainability, where a condition has been included requiring sustainability to be achieved through relevant compliance with NATHERS.</p>

Issue/Design Element:	Commercial and Mixed Use Policy
Requirement:	<p>Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12 Rear Setback to be 6.0 metres where abutting Properties Less than R60 Landscaping to be provided for a minimum width of 2.0 metres including deep soil planting, including a minimum of 100 litre trees at a maximum spacing of 5 metres across the full length of the site and/or retention of existing mature trees and vegetation incorporated into the rear of the proposed development as a buffer to the rear abutting property. Awnings required.</p>
Applicants Proposal:	<p>Rear Setback – First Floor (5.801 metres minimum including ROW) Landscaping not provided on ground floor. Landscaping provided to rear of Second Floor Balconies for extent of western boundary Awning not provided</p>
Performance Criteria	<p>Rear Setbacks Sufficiently ensures that the proposed development demonstrates no greater impact on the outdoor living area and habitable rooms with respect to privacy, light and overshadowing than a compliant 6.0 metre setback to the property directly backing on to the proposed development</p>
Applicant justification summary:	<p><i>All units have large balcony space to the street and that rear right of way, and now have courtyard entry spaces from the internal void, with access by stairs and a single lift.</i></p> <p><i>In addition to the (6) six two storey residential apartments the single storey residential apartments at the ends have been modified to allow windows to face north and allow natural light into the living spaces. The internal bedroom is now provided with natural light via a courtyard. Studies have been deleted in 3 of the single bedroom units. All apartments have large balcony spaces and now courtyard entry spaces from an internal landscaped courtyard that extends down to the ground floor. Unit 11 or 1B has now been relocated to the south side of the site to allow better access to North light.</i></p>

Issue/Design Element:	Commercial and Mixed Use Policy
Officer technical comment:	<p>Not supported in part. The applicant is required to include continuous awnings to the Oxford Street frontage and is conditioned accordingly.</p> <p>The ground floor, second floor and third floor are compliant in terms of rear setback. However the first floor proposes a 0.199 metre setback variation to the rear setback requirement.</p> <p>However, whilst some landscaping is provided at the rear of the property (second floor), it is considered the proposed lot layout at the rear of the property cannot accommodate the provision of extensive mature vegetation. Therefore the landscaping proposed at the rear of the building is considered to be adequate for the site, provides a visual barrier and buffer and ameliorates any privacy concerns. In addition a condition is included to ensure the first floor rear setback (offices) have compliant screening provided, as louvre screening is provided. It is also noted that within the building the development achieves the 10% lot requirement for the provision of landscaping.</p>

Car Parking

Commercial Car Parking	
Retail – 1 space per 20 Net Lettable Area– 181 square metres – 9.05 car bays Office – 1 space per 50 Net Lettable Area – 926 square metres – 18.52 Required = 27.57 car bays= 28 car bays	28.00 car bays
Adjustment Factors 0.80 – The development is located within 400 metres of a bus route 0.85 – The development is located within 400 metres of an existing off-street public car park with in excess of 75 car bays. 0.90 – The development is located in a Town Centre shown in Appendix 1. 0.80 – The development proposes a mix of residential and commercial uses, provided at least 50% of the total plot ratio is residential.	0.4896 15.18 car bays
Retail – 1 space per 20Net Lettable Area – 61 square metres - 3.05 car parking bays	3.00 car bays
Adjustment Factors 0.80 – The development is located within 400 metres of a bus route 0.85 – The development is located within 400 metres of an existing off-street public car park with in excess of 75 car bays. 0.90 – The development is located in a Town Centre shown in Appendix 1. 0.80 – The development proposes a mix of residential and commercial uses, provided at least 50% of the total plot ratio is residential. 0.80 – The development proposes a small scale (less than 80 square metres Net Lettable Area ‘active use’ and is located on the ground floor of a building in a Town Centre	0.39168 1.175 car bays
Total Number of Carbays – (after adjustment factors) – 15.18 + 1.175 car bays = 16.335 car bays	16.00 car bays
Proposed Car Parking Bays on-site	32.00 <u>45.00</u> car bays
Surplus	16.00 <u>29.00</u> car bays

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

Residential Car Parking	
<p>Small Multiple Dwelling (75 square metres or less)- 0.75 bay per dwelling (4 dwellings)= 3.00 car bays Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (7 dwellings)= 7.00 car bays Visitors= 0.25 per dwelling (11) dwellings) = 2.75 car bays or 3.0 car bays</p> <p>Total= Thirteen (13) car bays (10 Residential/3 Visitors)</p>	<p>Proposed Twenty-Nine (29) bays</p>
Surplus	16.00 car bays

Residential Bicycle Parking		
Bicycle Parking	<p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (11 dwellings – 3.66 or 4.0 required) and 1 bicycle space to each 10 dwellings for visitors(11 dwellings – 1.1 or 1.0):</p> <p>Three (3) bicycle bays for the residents and one (1) bicycle bay for the visitors.</p>	<p>Proposed: Nil Bicycle Area Provided with no specific numbers provided. A condition is proposed to require the applicable number of car parking bays.</p>

Commercial Bicycle Parking		
Bicycle Parking	<p>Shop: 1 space per 40 square metres net lettable area – (242 square metres) – 6.05 Office: 1 space per 100 square metres net lettable area (926 square metres)– 9.26 Total Bicycle spaces – 15.31</p> <p>Class 1 or 2 Facilities - 35% of required (15.31 spaces – 5.35 spaces or 5.00 Class 3 Facilities – 65% of required (15.31 spaces – 9.95 spaces or 10</p>	<p>Proposed - Nil Shop – Bicycle Area Allocated. Office – Bicycle Area Allocated.</p> <p>A condition is proposed to require the applicable number of bicycle bays. In addition as more than 5 bicycle bays area required End of Trip Facility is to be provided and conditioned accordingly.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Comments Period:	13 January 2014 – 4 February 2014
Comments Received:	Five (5) Comments received with Three (3) Objections and Two (2) Comments of Concern.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Bulk and Scale</u></p> <ul style="list-style-type: none"> Concern in relation to bulk and scale of the building and its impact on the abutting residential properties; 	<p>Not supported. It is considered the proposed setbacks on all boundaries are compliant and therefore effectively minimise the impact of building height particularly to the rear of the site.</p>

Summary of Comments Received:	Officers Technical Comment:
	The orientation of the site on a east-west alignment allows for any overshadowing proposed to fall onto the roof an wall of the adjoining three storey southern mixed-use which is zoned commercial, therefore, overshadowing does not apply. Therefore none of the adjoining western residential dwellings will be impacted by the overshadowing generated by the development, based on the Solar Access provisions of the Residential Design Codes of WA 2013.
<p><u>Issue: Privacy</u></p> <ul style="list-style-type: none"> Concern in relation to the western side of the 3rd floor with clear balustrade and privacy provisions which could result from it. Outdoor living areas of adjacent residential properties in direct line of sight. Request that glass be opaque. 	Noted. The proposed third floor is setback adequately to cater for the privacy concerns in accordance with the Residential Design Codes. A condition has been included in relation to the rear (western) first floor offices whereby screening is provided to the extent of the face to ensure it is fixed and obscure.
<p><u>Issue: Traffic</u></p> <ul style="list-style-type: none"> Concern the number of traffic will increase markedly in the right of way and the presence of blind corners will create a traffic hazard. Would request mirrors are installed and maintained to facilitate access. Concern in the increase in traffic that will result in the area and the fact the existing right of way is not signposted in a particular direction, which may impact existing and future traffic to right of way. Concern over impact on street parking given there is minimal parking in this location. 	<p>Not Supported. The City's Technical Services consider the existing right-of-way at a width of 5.0 metres, adequate for the movement of traffic generated from the proposal and existing properties. It is also considered the presence of visual sightlines at the rear of the proposed building allow for compliant exit and entry to the subject site. The presence of mirrors is not supported by the City's Technical Services.</p> <p>Not Supported. The applicant has provided adequate residential and commercial parking for the proposed development.</p>
<p><u>Issue: Height</u></p> <ul style="list-style-type: none"> The height proposed should be a maximum of three storeys. 	Not Supported. The proposed development has achieved an Essential Criteria (EC1.3) of design excellence in accordance with the City's Design Advisory Committee. It is noted the additional storey height has been supported subject to compliance with the Additional Requirement of Sustainability (AR 1.3). This is conditioned as a part of the recommendation accordingly.
<p><u>Issue: Building and Construction</u></p> <ul style="list-style-type: none"> Would request that any construction damage to adjoining properties during the process is remediated. Would request that all construction be carried out at appropriate times to ensure the amenity of existing property owners is maintained. 	Noted. The applicant/builder would be required to be in compliance with the submitted Construction Management Plan and follow it appropriately.

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

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

It is noted the applicant has incorporated the following from the meeting of DAC on 6 November 2013;

- All units have large balcony space to street;
- Windows have been modified to allow for further north facing windows and natural light into living spaces;
- The open atrium courtyard now extends to the ground floor;
- The façade of the building has been developed with alternative treatments proposed;
- The façade of the ground floor has been amended to include a dado wall with black glazed bricks and windows above;
- The design of the residential apartments has been improved to create a better perception of a secure residential entrance via courtyard, no longer internal bedrooms; and
- Artwork has now been implemented to the front facade instead with an organic appearance instead of 'greenwall' itself. This is to alleviate potential upkeep of it in the future.

Below are the comments of DAC from 19 February 2014.

"Discussion:

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

The applicant has engaged with DAC advice and, as a result, substantial improvements have been made. The mandatory requirements from previous proposal have been addressed.

Attributes include;

- *Elevations have been resolved. The façade now has a finer grain and a more pedestrian scale. Materiality has evolved from a commercial 'glass and alucobond' palette to a combination of render, brickwork, glazed bricks (a contemporary interpretation of the traditional tiled shopfronts on Oxford St) patterned screening and aluminium louvres. The materials palette between commercial and residential differs, articulating the different uses.*
- *Lobby configuration has been rationalised.*
- *Better engagement between ground floor uses and the street. The revised ground floor proposal offers greatly improved street activation.*
- *The atrium now extends to ground level (previously to second floor only) allowing day lighting and opportunities for natural ventilation to the ground and first floor office and retail spaces.*
- *Apartment layouts have been updated so that, generally, there is a higher quality amenity offered. Most apartments are dual aspect, with good opportunity for natural ventilation, and high quality outdoor spaces. Whilst the majority of apartments face east-west, northern solar access to living areas and upper floor circulation spaces is admitted via; a stepped roof form, an articulated front elevation, clerestory windows and void arrangement. The combination of these four items is key to the success of the apartment layouts.*
- *The 'stepped' roof form also contributes to the buildings articulation and contributes to the residential scale of the top floors.*
- *Well-designed shading devices are proposed to ameliorate east – west low angle sun.*
- *Improved delineation between public and private open spaces.*
- *Introduction of private courtyards to the rear of apartments allows for activation and better use of the central open space area.*

Recommendation:

*The DAC supports and considers this proposal to have achieved Design Excellence.
The DAC wishes to congratulate the Applicant for their willingness and ability to engage with the DACs advice.*

Mandatory:

Design Considerations:

Technical:

All technical issues must be resolved with City of Vincent officers."

In view of the above mentioned comments from DAC the proposal is supported in its current configuration. Given that Design Excellence has been afforded, the additional storey proposed can be supported subject to compliancy with Sustainable Design initiatives and its implementation as per Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Existing Commercial Building and Construction of Four (4) Storey Mixed Use Development Comprising Eleven (11) Offices, Three (3) Shops and Eleven (11) Multiple Dwellings and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No.1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Commercial and Mixed Use Policy;
- Mount Hawthorn Centre Precinct Policy No. 7.1.2; and
- Exercise of Discretion for Development Variations Policy No. 7.511.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

ENVIRONMENTAL

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

SOCIAL

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

ECONOMIC

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Heritage Comments

The subject building was originally constructed circa 1916 which has been converted into a showroom and warehouse at least before 1966 in the Post War Functionalist Warehouse style of architecture.

The subject place is first listed in the WA Post Office Directories in 1917 and was occupied by John Cowell. Since then the subject property has been transferred several times to new owners and occupiers. The City of Perth Building Licence Plans indicate that in 1966 new additions have been added to the existing warehouse, which accommodated new storage area and an office.

The existing building is used as a uniform shop. There is an advertisement hand-painted on the rendered exterior wall which reads the name of the company 'Geldens – Uniform Specialists' and other detail of the company.

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

In light of the above, it is considered the existing commercial building, located on the southern lot is not of heritage value and therefore the requirement for a demolition permit is included as an advice note.

Conclusion

The proposed development is considered to generally improve the streetscape and surrounding area through the redevelopment of under-utilised sites, which will provide a catalyst for other sites to be developed along Oxford Street. One of the subject sites is vacant and the design is considered of a high quality, which is highlighted by the City's Design Advisory Committee confirming the development has been afforded with compliance with the Essential Criteria (EC) of Design Excellence. This has enabled support of the additional fourth floor being proposed.

The City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations also requires that the applicant satisfy an Additional Requirement (AR 1.1-1.4) for an additional storey to be considered. In this particular case the applicant will be required to incorporate sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council. This is included as a condition of planning approval for a minimum 6 stars and an average of 7 stars being achieved across the building. This is included with the requirement for an independent assessment to be carried out on the completion of the building.

Overall, the proposed variations to plot ratio and number of storeys are supported given the presence of an interactive street frontage, articulation, as well as a vegetated upper floor area.

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

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

Ward:	South	Date:	7 March 2014
Precinct:	Claisebrook North; P15 (EPRA)	File Ref:	PRO4077; 5.2013.433.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	R Rasiah, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, Administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, APPROVES the application submitted by Urban Concepts on behalf of the owners, AllModern Corporation, for Proposed Construction of a Four (4) Storey Residential Development comprising Eight (8) Multiple Dwellings and Associated Home Office and Car Parking at No. 17 (Lot 27; D/P 1744) Gladstone Street, Perth, and as shown on amended plans stamp-dated 3 February 2014 and 6 March 2014, subject to the following conditions:

1. **Boundary Walls**
The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 15 and 21 Gladstone Street, East Perth, in a good and clean condition. The finish of the boundary walls is to be fully rendered or face brickwork;
2. **Street Walls and Fences**
Any fencing provided at the ground floor level along Gladstone shall comply with the East Perth Redevelopment Scheme No. 1 – Planning Policy No. 2.15 Precinct 15: Claisebrook Road North;
3. **Street Interaction**
Doors, windows and adjacent floor areas facing Gladstone Street shall maintain active and interactive relationships with this street;
4. **On-Site Parking Provision**
A minimum of eight (8) residential and one (1) visitor car bays shall be provided for the residents and visitors respectively. The car parking spaces shall be clearly marked and signposted accordingly;
5. **Car Parking and Accessways**
 - 5.1 The car park shall be used only by residents and visitors directly associated with the development;
 - 5.2 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890; and
 - 5.3 The car park area for visitors shall be shown as common property on any strata plan;
6. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City:
 - 6.1 **Schedule of External Finishes**
A detailed schedule of external finishes (including materials and colour schemes and details);

6.2 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the East Perth Redevelopment Scheme No. 1 for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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

- 6.2.1 The location and type of existing and proposed trees and plants;
- 6.2.2 All vegetation including lawns;
- 6.2.3 Areas to be irrigated or reticulated;
- 6.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.2.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

6.3 Privacy

The proposed balconies to Units 1-8 on the northern, western, southern and eastern elevations for first, second and third floors in addition to the bedroom and kitchen windows on the southern elevation for first and second floors 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, 4.5 metres and 6.0 metres respectively from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013;

6.4 Awning

Revised plans to be provided noting a detailed schedule of a proposed awning (including materials and colour schemes and details) to be provided to the Home Office frontage facing Gladstone Street;

6.5 Design Features

The proposed front wall on the ground floor facing Gladstone Street is required to incorporate a minimum of two (2) significant design features, examples of such features include significant open structures, recesses and/or planters facing the road at regular intervals, varying materials, finishes and/or colours, or attaching/integrating features into the walls design to the satisfaction of the City;

6.6 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;

6.7 Construction Management Plan

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

6.8 Section 70 A Notification under the Transfer of Land Act

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

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

6.8.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the East Perth Redevelopment Scheme.

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

6.9 Bond

6.9.1 A bond for the sum of \$2,000 is required to be paid to the City for the upgrading of the footpaths adjacent to the subject land which includes the landscaping of the Gladstone Street verge area. The developer is required to liaise with the City's Technical Services in this respect; and

6.9.2 A bond to the sum of \$ 3,000 is required to be paid to the City for the upgrading of the Right-of way adjacent to the subject land for the future right-of-way widening. The developer is required to liaise with the City's Technical Services in this respect; and

6.10 Waste Management and Recycling Plan

A Waste Management and Recycling Plan shall be submitted and approved by the City's Director Technical Services. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;

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

7.1 Clothes Drying Facility

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;

7.2 Car Parking

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

7.3 Bicycle Bays

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

7.4 Management Plan-Vehicular Entry Gates

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

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:

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 Gladstone Street;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
4. All signage that does not comply with the East Perth Redevelopment Scheme No. 1 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
5. The City is not responsible for the relocation of any services that may be required as a result of the development.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

FURTHER REPORT:

The report was previously referred to a meeting of Council on 25 February 2014 where it was determined with the following:

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

The Minutes of Item 9.1.5 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 application has been prepared at the request of the Mayor to go before the Ordinary Meeting of Council on 11 March 2014.

ADDITIONAL INFORMATION:

Following Council’s decision to defer the application, the applicant had a meeting with a Council Member and the City’s Senior Officer’s and it was agreed that changes to the roof would improve access of light and access to the building. Also it was discussed that increasing the width of the home office would provide a better frontage to Gladstone street.

The applicant submitted amended plans on 6 March 2014 with the following changes:

1. To assist in the provision of additional light to the units, light wells have been included in the roof space.
2. The applicant has increased the area of the proposed home office on the ground floor allowing for a greater width (3 metres) fronting Gladstone Street. This allows for greater interaction with the street and improves the visual appearance of the building. This amendment has resulted in the reduced size of bin stores on the southern end of the building, which is not supported by the City Technical Services.

The Officers assessment of the non-compliances are detailed below which include changes shown in strikethrough and underline to the previous Officer comments in the previous Agenda Report to the Ordinary Meeting of the Council held 25 February 2014.

ASSESSMENT:

East Perth Redevelopment Scheme/Residential Design Codes 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		
Front Setback			✓
Lot Boundary Setbacks			✓
Building Height/ Number of Storeys			✓
Open Space	N/A		
Bicycles			✓
Access & Parking			✓
Privacy			✓
Solar Access	N/A		
Site Works	N/A		
Utilities & Facilities			✓
Surveillance	N/A		

East Perth Redevelopment Scheme/Residential Design Codes Assessment

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>R-Codes Clause 6.1.4 C4.2</p> <p><u>Ground Floor</u> South – 3.0 metres North – 3.0 metres West – 2.0 metres</p> <p><u>First Floor</u> South – 3.0 metres North – 3.0 metres West – 2.0 metres</p> <p><u>Second Floor</u> South – 3.0 metres North – 3.0 metres West - 2.0 metres</p> <p><u>Third Floor</u> South – 3.0 metres North – 3.0 metres West – 2.0 metres</p> <p><u>Boundary Walls</u> One Boundary Wall Maximum – 7.0 metres Average – 6.0 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Nil</p> <p><u>First Floor</u> Nil</p> <p><u>Second Floor</u> Nil</p> <p><u>Third Floor</u> Nil</p>
	<p><u>Boundary Walls</u> Two Boundary Walls Maximum - 12.4 metres Average - 9.5 metres</p>
Design Principles:	<p>R-Codes Clause 6.1.4 P4.1</p> <p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.

Issue/Design Element:	Lot Boundary Setbacks
<p>Applicant justification summary:</p>	<p><i>“The existing developments on either side of the proposed development are built to their respective boundaries, as are the majority of developments along Gladstone St, with 2 storey blank masonry walls; approximately 6.5-7m high on Lot 26 (north of site), and 5-5.5m high on Lot 28 (south of site). As such, and given the narrow width of the site (10.46m), the development has been designed with a zero setback to both side boundaries to abut the existing walls, utilising internal light wells and steps in the facade of the internal built form to promote the penetration of daylight into the residences within the development and facilitate cross ventilation.</i></p>
	<p><i>In relation to boundary wall heights; the Residential Design Code limits the height of boundary walls to a maximum height of 7m and an average height of 6m for land zoned R80, which is associated with a plot ratio of 1:1. Given that the plot ratio applicable to this site is 1.5:1, as stated in the East Perth Planning Policies, and the narrow width of the site; a height of 4-5 storey would be required to utilise the applicable plot ratio and maintain the above boundary setbacks and maximum boundary wall heights. This would result in a podium and tower type of built form, and in increased overshadowing of the neighbouring sites, which would not be consistent with the desired outcomes of the planning policies and guidelines.”</i></p> <p><i>As such, the proposed development utilises a more compact built form, with the majority of the proposed development being a maximum of 3 storeys built to the boundary. The proposed development incorporates a boundary wall of maximum height 12.4m, with an average height of approximately 8.5m to the North; and a boundary wall of maximum height 10m, with an average height of approximately 9.5m to the South. As such, we request the City apply its discretion in assessing the boundary wall heights of the development in order to approve an increase in the maximum boundary wall heights applicable to the site to match the 3-4 storey aspirations of the design guidelines.”</i></p> <p><i>“However, the laneway behind Lot 27 Gladstone Street is a private laneway, and therefore is not deemed to constitute a Secondary Street under the Residential Design Codes, and the existing developments along the laneway typically maintain a zero setback. As such, the proposed development is in line with these existing developments and with a minimal number of zero setback points to the laneway and the majority of the façade setback varying distances behind the property boundary through the use of a stepped or staggered façade, due to the angle of the rear property boundary. A relaxation of the on-site parking requirements for the development would be required to facilitate a greater setback from the rear property boundary.”</i></p>

Issue/Design Element:	Lot Boundary Setbacks
Officer technical comment:	<p>Not Supported. The proposed development is not considered to comply with the Residential Design Principles due to the following:</p> <p>The proposed side setbacks are substantial, and will in effect reduce the ability for the future redevelopment of the adjoining site. Any proposed buildings will be compromised by the boundary, to boundary build proposed especially in the areas of provision of light and ventilation.</p> <p>The proposed boundary walls are not considered unreasonable development, if they were reduced to three storeys, given the site is limited in size and width and the property abuts two buildings on either side which have 'nil' boundary walls for a substantial length of the boundary.</p> <p><u>Supported. The provision of light wells to the roof of the development will provide additional light to the proposed units which will benefit the future residents of these units. The two existing buildings on the two adjoining properties have nil setbacks which will match with the boundary walls proposed for the ground and first floors. With regard to the third floor, the walls will be articulated along the southern and northern boundaries. Moreover on the northern side the boundary walls of the third floor will not occupy the full length of the boundary. The fourth floor will occupy a relatively small portion of the site, which will minimise the visual impact on the adjoining properties. Given the lot sizes and dimensions in this area, this type of development with nil setbacks will fit in with the area and also providing a functional development.</u></p>

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

Issue/Design Element:	Street Setbacks
Officer technical comment:	Supported. The proposed development provides for an articulated frontage at street level with a section of the front of the building (Home Office) setback at 1.5 metres. It is considered that whilst the remainder of the ground floor has a 'nil' setback, it will not significantly impact the adjoining properties.

Issue/Design Element:	Building Height
Requirement:	EPRA Guidelines Precinct 15- Claisebrook North - Clause 2.2.3 & 3.2.5 Gladstone Street Three Storeys plus Loft or Roof Garden
Applicants Proposal:	Four (4) Storeys
Design Guideline Requirement:	N/A
Applicant justification summary:	<i>"The proposed development has a home office space at ground floor for street activation, two levels of residential, with the street front upper apartment having a mezzanine level setback behind a roof terrace, which reflects the requirements of the Design Guidelines."</i>
Officer technical comment:	<p>Not Supported. The proposed height at four (4) storeys is considered to provide an undue impact to the adjoining properties given the presence of only single and double storey buildings either side of the subject lot. It is also noted if the southern lot was to be developed in the future that the location of any multiple dwellings, especially on the northern side, would be severely compromised.</p> <p>Supported. The height permitted under the EPRA Scheme is three (3) storeys plus loft. The proposed height of the building at four (4) storeys is not considered as a significant variation as the height of the <u>non complying fourth storey is concentrated towards the front of the building and of a limited scale.</u></p>

Issue/Design Element:	Privacy
Requirement:	R-Codes Clause 6.4.1 C1.1 Balconies – 6.0 metres
Applicants Proposal:	<u>First Floor</u> Balcony – 1.28 metres (North) <u>Second Floor</u> Balcony – 1.28 metres (North) <u>Third Floor</u> Balcony – 1.28 metres (North)
Design Principles:	R-Codes Clause 6.4.1 P1.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices.

Issue/Design Element:	Privacy
	<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:	No Justification provided by Applicant.
Officer technical comment:	Not supported. The proposed balconies are required to comply with the R Codes screening requirements, in the event of any approval and are conditioned accordingly.

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

Issue/Design Element:	Vehicular Access
Requirement:	EPRA Guidelines – Precinct 15- Claisebrook North – Clause 2.1.5 Vehicular access from the right-of-way only.
Applicants Proposal:	Access from street and the right-of-way.
Design Guideline Requirement:	N/A
Applicant justification summary:	<p><i>“Resident and Visitor vehicle access is proposed to be via Gladstone Street, with egress via the rear lane. Cyclist’s access to the site is proposed to be via Gladstone Street.</i></p> <p><i>All resident, visitor and cyclist parking requirements are proposed to be located behind a secure gate, with visitor access provided via an intercom with resident monitored CCTV and remote operation of the entry security gate. The rear roller shutter is intended to be controlled via a button and infra-red sensors within the parking area. Resident Bay No.4 is accessible via rear loading, with the perforated roller shutter open.”</i></p>

Issue/Design Element:	Vehicular Access
Officer technical comment:	Supported. Whilst the requirement is for all vehicular access to be provided from the rear existing right-of-way, the proposed development provides for egress from the right-of-way but access from Gladstone Street. This will limit the amount of traffic accessing Gladstone Street, as well as enabling sufficient access from the narrow right-of-way at the rear of the property.

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

Car Parking

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

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

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

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

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Comments Period:	22 November 2013 to 6 December 2013
Comments Received:	One (1) objection and One (1) general concern.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Future Development of Adjoining Site</u></p> <p>The proposal will affect the development potential of the adjoining site.</p>	<p>Supported. The proposed design will compromise the availability of light and ventilation of any future northern facing units. <u>Not Supported. It is considered on balance the proposed introduction of light wells to the roof of the building will improve light access to all of the units and provide for an offset to any light impacted to the adjoining properties in any future development.</u></p> <p><u>It is considered that design will not compromise the future development of adjoining properties as the adjoining properties will be able to develop with nil boundaries (ground and first floors).</u></p>
<p><u>Issue: Height</u></p> <p>The proposed height is non-compliant.</p>	<p>Supported. The height of the development at four storeys is considered to impact the adjoining property to the south. <u>Not Supported. The height permitted under the EPRA Scheme is three (3) storeys plus loft. The proposed height of the building at four (4) storeys is not considered as a significant variation as the height of the non-complying fourth storey is concentrated towards the front of the building and of a limited scale.</u></p>
<p><u>Issue: Overshadowing</u></p> <p>The proposed development proposes a significant overshadowing of the adjoining property.</p>	<p>Noted. The proposed development abuts a property although zoned Residential R80, which is currently used for commercial purposes. The overshadowing will not occur over any substantial parts of the adjoining property other than the roofed area. Any future development of the adjoining site to the south is likely to replicate this development and provide boundary walls of some description that would cancel out the overshadowing created by the development.</p>

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

COMMENTS & CONCLUSION:

The development proposed at No. 17 Gladstone Street is contemporary in nature and attempts to utilise the site which has a narrow 10.46 metre frontage and is currently vacant.

The City's Design Advisory Committee has noted that the design does not currently address well with the street, provides limited accessibility internally both by stairway and lift, ventilation and light is limited internally. In addition the location of services areas such as stores and bin areas compromise the design. In response to the above, the applicant has attempted to alleviate these issues by increasing the size of the ground floor home office and introducing light wells to improve the provision of light to the units. Moreover a condition has been recommended for design features to be implemented into the front wall on the ground floor to improve the relationship between the building and the street.

On balance these amendments are considered to improve the design of the building.

Conclusion

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

9.2.1 City of Vincent Policy No. 2.2.8 – “Laneways and Rights of Way” – Guidelines and Policy Procedures Clause 5. “Naming of Rights of Way and Laneways” - Proposed Amendment

Ward:	Both	Date:	28 February 2014
Precinct:	All	File Ref:	ADM0023
Attachments:	001 - Amended Policy No. 2.2.8 (Clause 5)		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services A Munyard, Senior Technical Officer – Land & Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the reasons for recommending amendments to Policy No. 2.2.8 – “*Laneways and Rights of Way*” – Guidelines Clause 5. “Naming of Rights of Way and Laneways” as outlined in the report;
2. **APPROVES IN PRINCIPLE** the proposed changes to Policy No. 2.2.8 – “*Laneways and Rights of Way*” – Guidelines Clause 5. “Naming of Rights of Way and Laneways”;
3. subject to clause 2 above being approved, to amend Policy No. 4.1.5 – “Community Consultation” – “Guidelines and Policy Procedure Part 7 – Non-Statutory and General Consultation”;
4. **AUTHORISES** the Chief Executive Officer to **ADVERTISE** the proposed amendments to Policy No. 2.2.8 – “*Laneways and Rights of Way*” – Guidelines Clause 5. “*Naming of Rights of Way and Laneways*”, for a period of twenty one (21) days, seeking public comment; and
5. after the expiry of the period of submissions:
 - 5.1 **REVIEWS** Policy No. 2.2.8 – “*Laneways and Rights of Way*” – Guidelines Clause 5. “*Naming of Rights of Way and Laneways*”, having regard to any written submissions;
 - 5.2 **DETERMINES** to proceed with, or not to proceed with Policy No. 2.2.8 – “*Laneways and Rights of Way*” – Guidelines Clause 5. “*Naming of Rights of Way and Laneways*”, with or without amendment; and
 - 5.3 **UPDATE** Policy No. 2.2.8 – “*Laneways and Rights of Way*” – Guidelines Clause 5. “*Naming of Rights of Way and Laneways*”, in the City’s Policy Manual if no submissions are received from the public.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Cole, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Peart

“That a new Clause 5.2.4 in the Policy be inserted and the remaining Clauses be renumbered as follows:

5.2.4 In the case of a person that a Laneway will not be considered, for a former Councillor, Mayor or Staff Member of the City;

5.2.45.2.5 Where the Council wishes to name a ROW using a personal name, it should;

- Only be applied posthumously and not after a living person. ~~unless there are exceptional and/or special circumstances;~~
- Only use names which are easy to pronounce, spell and write; and
- Preferably only use names which are concise and short.
- Only be applied where it is demonstrated that the person(s) has made a significant contribution to the local community.

Note: Christian names are not acceptable to the Geographic naming Committee

Debate ensued.

AMENDMENT PUT AND LOST (2-6)

For: Presiding Member Mayor Carey, Cr Harley

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

(Cr Pintabona had not yet arrived at the Meeting.)

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr McDonald

That the item be DEFERRED for further consideration and reported to the Ordinary Meeting of Council to be held on 8 April 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

For the Council to consider revising a portion of Council the Policy No. 2.2.8 – ‘Laneways and Rights of Way’ regarding to the naming of Rights of Ways.

BACKGROUND:

Ordinary Meeting of Council held on 22 May 2012:

The Council considered a Notice of Motion relating to the naming of Right of Ways and adopted the following decision (in part):

“REQUESTS the Chief Executive Officer to modify Section 5 of “Guidelines and Policy Procedures for Rights of Way, Policy No. 2.2.8” relating to naming rights of way to include:

- *Criteria for assigning names to rights of way. Such criteria are to list possible themes or, if based on the names of people or families, a mechanism to ensure that the name is assigned in an equitable and open manner;*
- *A mechanism to seek community feedback on potential names prior to a name being submitted to the Geographic Names Committee for 'in principle' approval.*
- *Any other matter considered relevant by the Chief Executive Officer.”*

Ordinary Meeting of Council held on 26 June 2012:

The City's Administration researched the matter and recommended that the previous Policy be expanded to include 'Criteria for Assigning Names to Rights of Ways and Laneways', making an application, advertising etc where the following decision was made:

“That the Council;

1. *APPROVES BY AN ABSOLUTE MAJORITY:*

- 1.1 *to rename Policy No. 2.2.8 “Rights of Way” to “Laneways and Rights of Way”;*
- 1.2 *to amend Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, as shown in Appendix 9.5.1; and*
- 1.3 *subject to clause 1.1 above being approved, to amend Policy No. 4.1.5 – “Community Consultation” – “Guidelines and Policy Procedure Part 7 – Non-Statutory and General Consultation”*

2. *AUTHORISES the Chief Executive Officer to ADVERTISE Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, for a period of twenty one (21) days, seeking public comment; and*

3. *after the expiry of the period of submissions:*

- 3.1 *REVIEWS Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, having regard to any written submissions;*
- 3.2 *DETERMINES to proceed with, or not to proceed with Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, with or without amendment; and*
- 3.3 *include Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, in the City's Policy Manual if no submissions are received from the public.*

Ordinary Meeting of Council held on 28 August 2012:

The draft Policy was advertised on 5 July 2012, for twenty one (21) days, and at the close of the consultation period there was one (1) submission received. With regards to the comment received the Chief Executive Officer advised that the amended Policy cannot be applied retrospectively. Previously named Rights of Ways and Laneways had been processed and approved in accordance with the guidelines and procedures applicable at the time. The Council made the following decision:

“That the Council;

1. *CONSIDERS the one (1) submission received from Ms. Jan Adams; and*
2. *APPROVES BY AN ABSOLUTE MAJORITY to adopt amended Policy No. 2.2.8 - “Rights of Way”, as shown in Appendix 9.5.2.”*

DETAILS:

Review of a portion of Policy No. 2.2.8 - “Laneways and Rights of Way” namely Clause 5: ‘Naming of Rights of Way and Laneways’:

Since the adoption of the above Policy on 28 August 2012, the City’s officers have tried to work with the new Policy on naming of Rights of Way’s and Laneways. What was previously a very simple process, funded by residents, is now so cumbersome that the officers have yet to achieve one (1) successful naming under the new system.

With the previous Rights of Way and Laneways naming policy, residents would submit a name, the City’s officers would ensure the proposed name met Geographic Names Committees basic requirements. If it did the name was submitted to them for preliminary approval, a report was presented to the Council – and the process was complete. The cost of installing name plates was borne by the applicant.

The majority of applications for Rights of Way (ROW) naming were submitted by families who wished to honour a deceased relative, who had lived in the vicinity of the ROW. The families were more than happy to make the payment. Most were also just ordinary families who received a great deal of satisfaction from having Mum or Dad’s family name applied to a ROW and in every case they were able to provide an oral history of the family member’s connection to the area and their contributions to the community.

These people were generally not, “heroes” or “people of great influence”.

It is important to distinguish the naming of minor Rights of Way, from the naming of Dedicated Road naming (where it is essential that candidates meet specific criteria and have held elevated positions in the community).

In accordance with the previous Policy, the City was able to acknowledge that even it’s more humble residents had contributed to the fabric of the community and that every citizen was valued.

The new policy is complicated to the point that it’s not workable for the reasons as discussed below:

Clause 5.2: Criteria for Assigning Names to ROW’s

- 5.2.1 *The Council will consider all applications to name a ROW on a case by case basis and each application will be assessed and determined on its merit.*

5.2.2 *All proposals to name a ROW must be based on strong community recognition and support of the proposed name.*

Officers Comments:

This requirement is difficult to comply with, as the officers cannot advise the consultation group of a proposed name. This results in a Catch 22 situation where the officers are unable to canvass opinion. The Policy states that when a naming application is received, officers are to consult with all residents within 250m of the laneway, asking them if they wish to make a submission. The problem with this is that generally, when an application to name a laneway is received, the proponent already has a name in mind, and this itself is the motivation behind the application.

Clause 5.2.3:

All naming recommendations supported by the Council must be consistent with the Geographic Names Committee's Policies and Standards for Geographical naming in Western Australia, and their final approval.

Clause 5.2.4:

Where Council wishes to name a ROW using a personal name, it should; only be applied where it is demonstrated that the person(s) has made a significant contribution to the community.

Officers Comments:

This poses the question, "What is a significant contribution"? Previously, the Council has approved names where the candidate was perhaps a popular or hard working member of the community, but had not necessarily attained "greatness" as it would generally be defined. Below are some extracts from previous successful applications:

"My grandfather was a very hard worker and did not have time to take part in any clubs or associations as he had to work seven days just to survive. He did however enjoy family gatherings and gatherings with friends who lived locally. They often spent nights together listening to music and his friends would sometimes bring along their musical instruments (guitar, piano accordion, tambourine, harmonica) to keep everyone entertained while he and some other friends enjoyed dancing the tarantella (an old Italian folk dance). It would be a great privilege to myself and to all of my family for my grandfather's name to be honoured in this way."

"Doris Marocchi of Highgate has been outstanding in her contribution to the Italian community and sports (namely soccer). She has been actively involved in these areas for over forty years. After joining the WA Italian Club in 1949 Doris worked tirelessly on committees organising functions and fundraising events and in the 1980s and 1990s Doris was involved in services and events for the senior members of the Club such as craft afternoons, bingo nights, Christmas parties, dinner dances and bus day trips. Doris's association with the Azzurri Soccer Club began in 1948 and throughout the years she provided a service to the Club and the promotion of soccer within WA. In 1980 Doris joined the Good Neighbour Council and in this capacity she visited the homes of newly arrived migrants and provided assistance in everyday matters of Australian life. "

"During the 1950's, Mr Astone made a significant contribution to the local community through his work as the owner of a taxi fleet, fruit and vegetable vendor, and a crockery business where he established a vast network of Northbridge restaurant clients. His crockery business continued for 26 years. My father was a well known figure within the Northbridge community, who resided at 135 Bulwer Street for over 40 years. The cohort of students from that time (Highgate Primary School) remember Mr Astone as the "Man with the red truck". I set this proposal before the Council, that the name "ASTONE" be considered for the lane way behind the house where he lived, and his brother John Astone owned the adjacent property. Mr Astone was a familiar character, who has many descendants. I am proud his efforts have not been forgotten by the community and by this I am prepared to pay for the cost of signage, should the Council be willing to approve my proposal."

My father, Arthur, served in the Army in the first world war. He was wounded in Belgium and repatriated to England, then to Australia. He married my mother, Eileen Reid, in 1920 and built their home at 10 Wilberforce Street, Mount Hawthorn. I have resided at 10 Wilberforce Street since my birth in 1923. My brother was born at home at No. 10 in 1925. It would be a great honour to my parents and our family if you would be kind enough to consider "Begley Lane" as the name of the upgraded right of way behind our house."

The collective influence of average citizens has perhaps far greater influence on the character of the community, than those few who stand out for the very fact that they are not typical.

Clause 5.2.4: Where the Council wishes to name a ROW using a personal name, it should:

- *Only be applied posthumously and not after a living person, unless there are exceptional and/or special circumstances;*
- *Only use names which are easy to pronounce, spell and write;*
- *Preferably only use names which are concise and short; and*
- *Only be applied where it is demonstrated that the person(s) has made a significant contribution to the local community.*

Officer Comments:

As per previous comment – the City is required to meet the fundamental requirements for road naming, if Geographic Naming Committee is to endorse the name and it appear on the data base. They have imposed no requirement that we need to demonstrate that the person has made a significant contribution to local community – in the case of ROW naming.

Clause 5.2 Application

5.2.1 Once an application for the naming of a ROW is received in writing to by the City, the affected residents within a 250 metre radius, of the ROW shall be given period of twenty-one (21) days to put forward a suitable name and provide the following:

- *a brief history or submission in support of the naming application, which must:*
 - *demonstrate a strong relevance and/or connection to the area; and/or*
 - *identify long standing links with the local community and/or City*
- *in the case of a person, detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc) to demonstrate their contribution(s)/relevance to the local community; or*
- *in the case of a place/historical matter, detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc) to demonstrate the relevance/connection/link of the name to the area and/or the local community.*

Officers Comments:

This consultation requirement is extremely onerous. A recent consultation involved seven hundred and eighty (780) personally addressed letters. Very few of those in the consultation group could be considered "affected" by the naming, and some were even confused about why they were being asked.

This is also a considerable expense for the City, as there is no budget allocation to cover these expenses. Only four (4) responses were received from the seven hundred and eighty (780) people canvassed. There was a prior consultation which proposed a name and this drew twenty two (22) responses, eighteen (18) of those in favour of the name. Unfortunately this consultation was deemed non-compliant with the newly adopted policy, as at the time, the name was revealed

The Geographic Names Committee's guidelines, apply to the naming of dedicated roads, with the naming of public and private ROWs remaining under the jurisdiction of the Local Government. However, the Geographic Names Committee advises that, provided a name meets their criteria, it will be supported by them and be included in the state cadastre, and official street guides.

The Geographic Names Committee provides the following information about consultation for naming of roads and districts:

"If a proposal does not affect current addresses, consultation with the immediate community may be made by advertising the proposal in local or state-wide newspapers. The proposal can also be promoted to both the immediate and extended community via a website, through letters, newsletters or magazines, email contact lists and public notices."

It is recommended that the above guideline be adopted for consultation on naming applications, in order to reduce time and costs associated with the process. An advertisement in the Guardian or Voice, together the City's website.

Clause 5.3 Mechanism for Community Consultation Feedback

5.3.1 *The City's Local History Librarian (and/or Heritage Officer if required) may conduct further research of the submitted information and provide a report on the suitability of the nomination to the City's Local History and Heritage Advisory Group for consideration and recommendation. The Advisory Group's recommendations will be reported to the Council for consideration and determination.*

Officers Comments:

It is being recommended that the ROW naming be viewed with a "lighter" touch, than for features such as roads, reserves etc. Technical Services has administered ROW naming since the inception of the City, and has consulted the City's Local History Librarian where additional information or advice is required. This has worked effectively.

5.3.2 *The City Director Technical Services will liaise with City's Local History Librarian (or Heritage Officer if required) to determine the suitability of the suggested name prior to seeking an 'in principle' approval from the Geographic Names Committee.*

Officers Comments:

The criteria the Local History Librarian or heritage officer will use to 'assess suitability' is not specified. If we were to take the recommended approach of permitting ROWs to be named after early residents who are not necessarily "large" in the community, there is a likelihood that any historical reference exists which gives the librarian any particular expertise in assessment. The Council makes the final decision, based on the information in the report, which is generally provided by the applicant.

Proposed Simplified Naming Policy: (refer attachment 9.2.1)

Council may assign a Name to a ROW

The Council will consider applying a 'suitable' name to a ROW that has been previously upgraded to the required standard and;

- where it is deemed necessary for operational and/or safety reasons; or
- as a pre-requisite to dedication of the ROW as a Public Street; or
- when requested by a Statutory or Service Authority; or
- where Australia Post has agreed to deliver mail to one or more properties adjoining the ROW; or
- When in receipt of a request from the community.

Criteria for Assigning Names to ROW's

- The Council will consider all applications to name a ROW on a case by case basis and each application will be assessed and determined on its merit.
- All proposals to name a ROW must be based on community recognition and support of the proposed name.
- All naming recommendations supported by the Council must be consistent with the Geographic Names Committee's Policies and Standards for Geographical naming in Western Australia, and their final approval.
- Where the Council wishes to name a ROW using a personal name, it should;
 - Only be applied posthumously and not after a living person
 - Only use names which are easy to pronounce, spell and write; and
 - Preferably only use names which are concise and short.
 - Only be applied where it is demonstrated that the person(s) has made a contribution to the local community.

Note: Christian names are not accepted by Geographic Naming Committee.

Application

An application for the naming of a ROW shall be submitted in writing to the City, shall include the following:

- a brief history or submission in support of the naming application, which must:
 - demonstrate a relevance and/or connection to the area; and/or
 - identify long standing links with the local community and/or City
- in the case of a person, detailed information and supporting documentation if available (e.g. letters, newspaper articles, oral histories, photographs etc) to demonstrate their contribution(s)/relevance to the local community; or
- in the case of a place/historical matter, detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc) to demonstrate the relevance/connection/link of the name to the area and/or the local community.
- The Applicant shall pay for cost of manufacture and installation of street nameplates and poles, estimated to cost \$350 (as at June 2012), prior to proceeding with the consultation process.

Mechanism for Community Consultation Feedback

- The City Director Technical Services will liaise with City's Local History Librarian (or Heritage Officer if required) to determine the suitability of the suggested name prior to seeking an '*in principle*' approval from the Geographic Names Committee.
- The recommended proposed name shall be submitted to the Geographic Names Committee for '*in principle*' approval.
- Once approval '*in principle*' from the Geographic Names Committee has been received, the matter shall be reported to the Council for '*in principle*' approval, prior to community consultation.
- Consultation on the proposed naming shall be undertaken in accordance with the Geographic Names Committee Guide lines with state that: "*If a proposal does not affect current addresses, consultation with the immediate community may be made by advertising the proposal in local or state-wide newspapers. The proposal can also be promoted to both the immediate and extended community via a website, through letters, newsletters or magazines, email contact lists and public notices.*"
- In addition, all owners/occupiers adjoining the ROW will be sent a consultation letter.
- The Council shall in determining the application, give due consideration to any submissions received;

- Should the Council approve the naming application, the Geographic Names Committee, the applicant—all owners/occupiers adjoining the ROW and any respondent, shall be advised of the Council's decision.

Financial consideration

- The manufacture and installation of street nameplates and poles will only be arranged.
- The submitted information of the approved name, including the family history (if applicable) shall be forwarded to, and preserved by, the City's Local History Librarian, to record the details and assist in building a picture of the early Vincent population and its character.

CONSULTATION/ADVERTISING:

The proposed amendment will be advertised for twenty one (21) days.

LEGAL/POLICY:

Policies are not legally enforceable; however they provide guidance to the City's Administration and Council Members when considering various matters.

RISK MANAGEMENT IMPLICATIONS:

Low: The failure to review Council Policies will not result in any breach of legislation. However, the adoption of policies will improve information to the Council, City's Administration and the community.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2013 – 2023 – Key Result Area 4:

"Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The City's Policies are reviewed every five (5) years. The amended 'simplified' policy will provide guidance to the Council and the City's Administration on ROW naming matters.

9.2.2 Braithwaite Park – Proposed Nature Play Area

Ward:	North	Date:	28 February 2014
Precinct:	Mount Hawthorn (1)	File Ref:	RES0039
Attachments:	001 – Proposed Location Plan 002 – Summary of Submissions		
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. **CONSIDERS** the submissions received (attached) in relation to the proposal to install a nature play area within the north-eastern corner of Braithwaite Park, Mount Hawthorn;
2. **APPROVES** the proposal to install a nature play area within the north-eastern corner of Braithwaite Park, Mount Hawthorn as shown on the attached plan;
3. **NOTES** the advice received from the Local Government Insurance Services (LGIS) in relation to the establishment of Adventure/Nature play areas;
4. **AUTHORISES** the Chief Executive Officer to call tenders from suitably experienced designers and installers of nature play areas to progress the project in accordance with any relevant Australian Standards; and
5. **ADVISES** the Mount Hawthorn Primary School and all respondents of the Council decision.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with the results of the recent community consultation and to seek approval to progress the project by calling tenders from experienced nature play designers and installers to complete the project at Braithwaite Park, Mount Hawthorn.

BACKGROUND:

At the Ordinary Meeting of Council held on 17 December 2013 a report was presented outlining a number of potential locations within the north ward where a water playground could be located.

Following consideration of the issues associated with the proposed installation and ongoing high maintenance costs of a water playground, an alternative proposal was approved by the Council to construct a nature playground with a water element in Braithwaite Park, Mount Hawthorn.

The proposed location of the nature playground was the north eastern portion of the park which is currently an area that is underutilised.

DETAILS:

In accordance with the Council's decision - 17 December 2013, extensive consultation was undertaken with the community in relation to this proposal by way of a mail out (500m radius from the park), community forum held on 13 February 2014 and an information stall set up during the first of the summer concerts at Braithwaite Park on Sunday 19 January 2014.

Community Consultation

On 6 February 2014 a total of 1762 consultation packs were distributed to owners/occupiers living within a 500metre radius of Braithwaite Park and to other community members who had registered an interest in this project. The results of the consultation are summarised below and the comments received are outlined in the attachment.

IN FAVOUR:	75 (4% response rate)
AGAINST:	9
NEITHER SUPPORT NOR OBJECT:	8 (most liked the idea however had concerns about parking and unsavoury elements)
<u>TOTAL</u>	<u>92</u>
Late Submissions received:	4 (all in favour)

Officer's comments:

There has been significant support for this proposal throughout the consultation period with numerous suggestions forwarded on nature elements that should be considered as part of the design including, cubbies, rope & nets, crow's nest, bridges creeks, flying fox, maze, underground jungle, climbing structures, logs, other loose items such as pruning's/rocks and various water elements.

One of the main points raised during the consultation period was that the playground should also cater for younger children, not just the 10-14 year old age group. Younger children will be difficult to keep away from this area, particularly with older siblings wanting to explore the many new nature play elements, therefore maybe the age range should be revisited, and given that elements such as sandpits etc will attract younger children anyway.

Concert in the Park

On 19 January 2014 an information stall was set up in the park during the first of the summer concert series outlining the nature play proposal, depicting various nature play elements and inviting persons to provide comments. A total of thirty nine (39) persons showed their interest on the evening, discussing the proposal with staff and providing ideas in terms of what elements they would like to see incorporated within the final design.

Not one negative comment was received and the proposal was very well received by the local community members present and other attendees from outer metropolitan areas.

Community Forum

A community forum was held on Thursday 13 February 2014 where twenty eight (28) persons attended. Staff outlined the proposal and provided examples of nature play elements that could be incorporated into the play area at Braithwaite Park. Discussion ensued in regards to play elements, maintenance, incorporating the new nature play area to the other areas of the park and risk. Overall this proposal was well supported by all attendees.

Schools workshop

The City's staff and the Mount Hawthorn Primary School will be holding a small workshop at the Administration Centre in due course to develop further ideas that could be incorporated into the design brief for the nature play area at Braithwaite Park.

Staff are currently liaising with the school and teachers will be requesting a select group of Year 7 students to research nature play areas in an effort to develop some innovative ideas that can be incorporated into the Braithwaite Park proposal.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

A design and construct tender will be advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium - High: Dependant on what level of risk is acceptable to the City based on the final design.

LGIS Senior Risk Consultant of Organisational Risk Services, Ian Proudfoot was contacted in relation to the City's proposal and has provided the following comment:-

"Adventure type playgrounds are achievable; however consideration needs to be given to the individual components to ensure they comply with the relevant Australian Standards.

In general the components should be free from hazards such as sharp edges, pinch, crush and entrapment points and where applicable fall zones should align with requirements for playground surfacing. The introduction of a wading pond and/or water slide in an unsupervised environment would introduce additional hazards that would not be recommended in a playground type environment".

Some of the standards to refer to for guidance may include:

- *AS/NZS 4486.1:1997: Playgrounds and playground equipment - Development, installation, inspection, maintenance and operation.*
- *AS 4685.1-2004: Playground equipment - General safety requirements and test methods.*
- *This also includes standards in relation to specific types of playground equipment – swings, slides, carousels, runways, special network and rocking equipment.*
- *AS/NZS 4422:1996: Playground surfacing - Specifications, requirements and test method.*

"It may also be a good opportunity at the tender stage to specify the City's requirements from the designer, manufacturer or installer in relation to ongoing maintenance and inspection particularly if this is outside the City's expertise.

As discussed, by the City also engaging the relevant experts from the playground industry, this should assist with achieving a design that meets the required standards and goes some way to achieving the City's brief".

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The nature play area will be designed and constructed preferably with natural and/or recycled materials. The water element(s) could utilise the existing groundwater supply (subject to further testing) and this is likely to be designed so that water is recycled and loss is minimal.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$385,000 has been listed in the 2013/2014 Capital Works budget for the design and construction of a water playground and this will be re-allocated and carried forward to the 2014/2015 financial year for the installation of a nature play area within Braithwaite Park.

COMMENTS:

It is therefore recommended that the Council approves the installation of a nature play area at Braithwaite Park and calls tenders from suitably experienced designers and installers to progress this project.

**9.2.4 Vincent Bike Network Plan 2013 – Marketing Budget - Progress Report
No. 4**

Ward:	Both	Date:	5 March 2014
Precinct:	All	File Ref:	TES0172; FIN0131
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer J Van Den Bok, Acting Director Technical Services		
Responsible Officer:	J Van Den Bok, Acting Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to allocate additional funding of \$25,000 from a source to be determined by the Chief Executive Officer for costs associated with advertising and marketing of the Vincent Bike Network Plan.

Moved Cr McDonald, Seconded Cr Harley

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

“That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to allocate additional funding of **\$2520,000** from a source to be determined by the Chief Executive Officer for costs associated with advertising and marketing of the Vincent Bike Network Plan.”

Debate ensued.

Cr Cole departed the Chamber at 8.30pm.

Debate ensued.

Cr Pintabona arrived at the Meeting at 8.30pm.

Debate ensued.

Cr Cole returned to the Chamber at 8.31pm.

Debate ensued.

AMENDMENT

Moved Cr McDonald, Seconded Cr Pintabona

“That the table in the Details section be amended as follows:

The following table outlines estimated costs:

ITEM	FORMAT	COST
Artwork Development	For advertisements, leaflets and postcards	\$2,000
Printing of leaflets and cards		\$1,000
Advertising/Marketing	10 x 7 colour advertisement placed in the Perth Voice and Guardian – over a 5 week period 3 x full page advertisement Guardian	\$8,000 \$8,000
Community forum costs		\$1,000
Marketing & merchandise		\$5,000
	TOTAL	\$2520,000

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.2.4

That the Council APPROVES BY AN ABSOLUTE MAJORITY to allocate additional funding of \$20,000 from a source to be determined by the Chief Executive Officer for costs associated with advertising and marketing of the Vincent Bike Network Plan.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for additional funding for the marketing and advertising costs expected for the Vincent Bike Network Plan consultation.

BACKGROUND:

At the Ordinary Meeting of Council held on 25 February 2014, the Vincent Bike Network Plan 2013 Progress Report No.3 was presented where it was resolved (in part):

"That the Council;

5. *CONSULTS with affected residents/businesses regarding the Phase 1 project and advertises the plan to the wider community;"*

The report referred to "a consultation program that would be designed and implemented in conjunction with the City's Marketing and Communications Officer and in accordance with the City's Consultation Policy".

DETAILS:

The City of Vincent Bike Network Plan Progress Report No. 3 identified that a consultation program will need to be designed and implemented. The estimated costing of the Phase 1 and Phase 2 of works associated with the Vincent Bike Network Plan only considered the delivery of those works and not the initial marketing and advertising component.

A three (3) week staged advertising campaign with advertisements in both local newspapers, announcing the project and advertising the public forum is being recommended. In addition, a range of marketing materials (wrist slapbands, t-shirts and back pack covers) and two (2) follow-up advertisements are being recommended to keep residents advised on the progress. The following table outlines estimated costs:

ITEM	FORMAT	COST
Artwork Development	For advertisements, leaflets and postcards	\$2,000
Printing of leaflets and cards		\$1,000
Advertising/Marketing	10 x 7 colour advertisement placed in the Perth Voice and Guardian	\$8,000
	3 x full page advertisement Guardian	\$8,000
Community forum costs		\$1,000
Marketing & merchandise		\$5,000
	TOTAL	\$25,000

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

CONSULTATION/ADVERTISING:

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

This should include: the development and printing of consultation leaflets; the design and placement of advertisements in the local papers announcing the consultation forum and initial works including updates; and the development and production of marketing merchandise. In addition, an electronic campaign using all available forms of digital communication including the City's web pages, Twitter and Facebook accounts.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

SUSTAINABILITY IMPLICATIONS:

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

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The 2013/2014 Bicycle Network Implementation and Improvements program budget as outlined below, has a total budget of \$639,500 which is to be spent on delivery of the works program.

2013/2014 budget	\$ 56,500
Re-allocated Ordinary Meeting of Council 17 December 2013	\$ 93,200
Re-allocated Ordinary Meeting of Council 11 February 2014	<u>\$489,800</u>
TOTAL	\$639,500

COMMENTS:

Effective communication of the Vincent Bike Network Plan to the Vincent community will require an allocated budget for the development of marketing materials and newspaper advertisements.

9.4.1 Tender 480/13 – Supply, Installation, Commissioning and Associated Maintenance of up to Twenty-Five (25) Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines

Ward:	Both	Date:	28 February 2014
Precinct:	All	File Ref:	LEG0047
Attachments:	001 – EMV Tender – Ongoing Costs (CONFIDENTIAL COUNCIL MEMBERS ONLY)		
Reporting Officers:	S Butler, Manager Ranger and Community Safety Services B Tan, Manager Financial Services P Betts, Project Officer, Ranger and Community Safety Services		
Responsible Officers:	R Boardman, Director Community Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the Tender submitted by Australian Parking and Revenue Control (APARC) for the Supply, Installation, Commissioning and Associated Maintenance of up to twenty-five (25) Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines and the amount at a cost of \$186,750 excluding GST, in accordance with the specifications as detailed in Tender 480/13.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McDonald departed the Chamber at 8.45pm.

Debate ensued.

Cr McDonald returned to the Chamber at 8.46pm.

Debate ensued.

Cr Wilcox departed the Chamber at 8.54pm.

Debate ensued.

AMENDMENT 1

Moved Cr Peart, Seconded Cr McDonald

“That the Officer Recommendation be amended as follows:

That the Council **ACCEPTS** the Tender submitted by Australian Parking and Revenue Control (APARC) for the Supply, Installation, Commissioning and Associated Maintenance of up to twenty-five (25) Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines and the amount at a cost of up to \$186,750 excluding GST, in accordance with the specifications as detailed in Tender 480/13.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

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

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Harley

“That a new Clause 2 be inserted to read as follows:

2. **REQUESTS a report to be provided to the Council at the Ordinary Meeting of Council to be held on 22 April 2014 detailing the status of the number of machines, the brand of machines, the capability and an inventory of the City’s machines that are held in the Depot or yet to be placed out.”**

Debate ensued.

Cr Wilcox returned to the Chamber at 8.55pm.

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.1

That the Council;

1. **ACCEPTS the Tender submitted by Australian Parking and Revenue Control (APARC) for the Supply, Installation, Commissioning and Associated Maintenance of up to twenty-five (25) Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines and the amount at a cost of up to \$186,750 excluding GST, in accordance with the specifications as detailed in Tender 480/13; and**
2. **REQUESTS a report to be provided to the Council at the Ordinary Meeting of Council to be held on 22 April 2014 detailing the status of the number of machines, the brand of machines, the capability and an inventory of the City’s machines that are held in the Depot or yet to be placed out.**

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to award Tender 480/13 for the supply, installation, commissioning and associated maintenance of up to twenty-five (25) EMV compliant ticket issuing machines.

BACKGROUND:

At the Ordinary Meeting of Council held on 10 September 2013, the purchase of twenty-five (25) EMV compliant ticket machines was approved and authorisation was given for a Tender to be advertised for the purchase, installation and maintenance of these machines.

On 23 November 2013, a tender was advertised calling for purchase of up to twenty-five (25) Europay, Mastercard and Visa (EMV) compliant parking ticket machines. The five (5) Tenders received were from APARC, Cale, Global Integrated Solution Limited (GIS), Duncan and TMA. A non-conforming Tender was also received from Sanbar which, as it did not meet selection criteria, was not considered further.

DETAILS:

Details of all submissions for Tender No. 480/13 are as follows (all prices exclude GST):

Sub-Total A as shown in the Confidential Attachment 9.4.1 is the initial payment for the purchase of the ticket machines; cash boxes; Communication and Management System (CMS) and for any associated works for the removal and disposal of the existing ticket machines.

Sub-Total B as shown in the Confidential Attachment 9.4.1 refers to recurrent costs over a five (5) year period for the hosting of the CMS; preventative maintenance during business hours and preventative maintenance outside of business hours.

Tender Evaluation

The Tender evaluation was undertaken by the Acting Manager Ranger Community and Safety Services, Manager Financial Services and Project Officer Ranger and Community Safety Services, in accordance with the selection criteria as outlined in the Tender documentation. A summary of the evaluation is tabled below:

Evaluation Criteria	Weighting	APARC	GIS	DUNCAN	TMA	CALE
Financial Offer/Funding Proposal	45%	41.1	45.0	43.2	42.9	12.2
Company credibility and relevant experience, expertise and project team	15%	13.8	10.0	10.3	10.8	8.8
Methodology, key issues and risk	15%	13.0	9.5	9.5	10.5	9.5
Reliability of the machines	15%	13.8	10.3	11.5	10.8	9
Maintenance/ Reporting of the ticket machines	10%	9.0	7	7.7	7.3	6.3
TOTAL	100%	90.7	81.8	82.2	82.3	45.8

Total Weighted Score (90.7)		(1 st) APARC
1. Financial Offer/Funding Proposal		
Represents the "best value" for money including all costs for consumables, spare parts and maintenance.	Second most expensive.	
2. Company credibility and relevant experience, expertise and project team		
History, viability and experience.	Demonstrated proven experience with local governments. APARC is the Australian arm of Parkeon, a European Company. They currently have 175,000 machines operating around the world. The City of Vincent operates 128 of these machines at present.	
Capacity to effectively address the requirements of the City.	APARC installed 128 ticket machines in 2010 with the installation project being completed on-time and on-budget. The machines have proven reliable and trouble free.	

Total Weighted Score (90.7)	(1st) APARC
Support from referees.	References were provided by Willoughby City Council, Waverley Council, The University of New South Wales, City of Townsville, Tasports and the Greater Shepparton City Council. All references were very positive regarding the installation process and the performance of the final product.
Experience, expertise in team projects.	APARC has successfully installed ticket machines for the City of Sydney; City of Fremantle; City of Bunbury; Waverley Council; City of Darwin and the City of Stirling, as well as the other organizations referred to above.
Role and credentials of the key persons in the provision of service (i.e. qualifications and experience).	APARC holds best Practice Certification for Standard ISO9001:2008, the scope of certification being the provision, supply, installation and maintenance of parking meters and associated infrastructure.
Ability to provide ongoing availability of sufficiently skilled persons capable of performing the tasks consistent with the required standards.	The references provided testify to the professionalism and expertise of APARC staff regarding the installation and ongoing maintenance of the ticket machines.
Understanding the requirements associated with delivering the services to the City.	APARC successfully installed 128 ticket machines for the City of Vincent in 2010, which have performed very satisfactorily.
Experience and success in the sphere of recent similar facilities, including recent references from at least three (3) major organisations where you have completed similar projects.	References were provided by Willoughby City Council, Waverley Council, The University of New South Wales, City of Townsville, Tasports and the Greater Shepparton City Council. All references were very positive regarding the installation process and the performance of the final product. The City of Vincent also awarded a Tender to APARC in 2010 for the installation and ongoing maintenance of 128 ticket parking machines.
3. Methodology, Key Issues and Risk	
Demonstrate your proposed methodology for this project to be completed on time and within budget:	
Evidence of successful results, particularly in WA.	APARC has successfully installed ticket machines as specified above.
Demonstrate experience in projects of a similar nature, particularly in WA.	APARC has successfully installed ticket machines for the City of Fremantle; City of Bunbury; City of Stirling and also the City of Vincent.
Ability to provide a high level of: <ul style="list-style-type: none"> • Site management • Finish • Practices regarding environmental protection • Practices providing a safe working environment Understanding of the required service by identifying the key issues and risk associated with delivering the project and associated ongoing maintenance.	APARC holds best Practice Certification for Standard ISO9001:2008, the scope of certification being the provision, supply, installation and maintenance of parking meters and associated infrastructure.

4. Reliability of the Ticket Machines	
Demonstrate proven reliability of the ticket machines by:	
Incorporating proven up time.	The Waverley Council, one of the referees for APARC has reported up time exceeding 99.9%. The Tender specifies up time of 99%.
References.	Six different organizations (detailed previously) have attested to the reliability of the APARC ticket machines. The City of Vincent also currently operates 128 APARC machines and they have proven to be very reliable.
Resistance to vandalism.	The APARC machine is impact resistant in accordance with IK10 requirement of IEC62262. The housing is made of 3mm steel with all exposed metallic components being manufactured from stainless steel or protected from oxidization and chemicals.
5. Maintenance/Reporting of the Ticket Machines	
Demonstrate proven management of ticket machines by:	
Illustrating availability and flexibility of reporting on operational, transactional, maintenance and financial issues.	APARC utilizes the MyParkfolio CMS software. MyParkfolio is a comprehensive reporting system which allows the user to manage all aspects of maintenance; consumables replacement; parking statistics and cash collection..

Total Weighted Score (81.8)	(4th) GIS
1. Financial Offer/Funding Proposal:	
Represents the "best value" for money including all costs for consumables, spare parts and maintenance.	Lowest cost.
2. Company credibility and relevant experience, expertise and project team	
History, viability and experience.	Has installed 10,000 ticket machines throughout Australasia with 20 years parking industry experience. The only ticket machines that have been installed in Western Australia were at Hollywood Hospital, where ten (10) ticket machines were installed in 2008.
Capacity to effectively address the requirements of the City.	GIS have successfully installed ticket machines at The University of Melbourne; Swan Hill Council and the City of Canada Bay. However, the only machines installed in WA were five (5) at Hollywood Hospital.
Support from referees.	Good reference from City of Geelong and Wellington City Council for their pay and display machines.
Experience, expertise in team projects.	A very detailed overview of the project team was provided.
Role and credentials of the key persons in the provision of service (i.e. qualifications and experience).	Details provided were comprehensive.
Ability to provide ongoing availability of sufficiently skilled persons capable of performing the tasks consistent with the required standards.	Details provided were comprehensive.
Understanding the requirements associated with delivering the services to the City.	GIS have a thorough understanding as to what is required for this project as documented in their submission.

Total Weighted Score (81.8)	(4th) GIS
Experience and success in the sphere of recent similar facilities, including recent references from at least three (3) major organisations where you have completed similar projects	Good references were provided by City of Geelong and Wellington City Council for pay and display machine installations, as well as several international references.
3. Financial Methodology, Key Issues and Risk	
Demonstrate your proposed methodology for this project to be completed on time and within budget:	
Evidence of successful results, particularly in WA.	GIS was unable to provide evidence of successful results in WA.
Demonstrate experience in projects of a similar nature, particularly in WA.	GIS was unable to provide evidence of successful results in WA
Ability to provide a high level of: <ul style="list-style-type: none"> • Site management • Finish • Practices regarding environmental protection • Practices providing a safe working environment Understanding of the required service by identifying the key issues and risk associated with delivering the project and associated ongoing maintenance	GIS provided a very detailed and comprehensive project plan with their submission, which would satisfy the criteria satisfactorily.
4. Financial Reliability of the Ticket Machines	
Demonstrate proven reliability of the ticket machines by:	
Incorporating proven up time.	References were provided by five (5) different organizations testifying to the up time of pay and display machines. Percentages are detailed below
References.	References were provided by Wellington City Council (99.87%); Christchurch City Council (99.85%); Palmerston North City Council (99.78%); City of Greater Geelong (99.51%) and Brisbane City Council (99.50%).
Resistance to vandalism.	GIS utilizes Shape Technology to construct their parking machines. This company has adopted Telarc Q-base, Quality Management system which drives its processes and controls. Shape is certified compliant with AS/NZS ISO 9001:2008
5. Maintenance/Reporting of the Ticket Machines	
Demonstrate proven management of ticket machines by:	
Illustrating availability and flexibility of reporting on operational, transactional, maintenance and financial issues.	GIS uses Ezicom CMS allowing the management of auditing, maintenance and reporting of the ticket machines without having to physically visit them. It appears to be a very efficient and comprehensive system.
Total Weighted Score (82.2)	(3rd) Duncan
1. Financial Offer/Funding Proposal	
Represents the "best value" for money including all costs for consumables , spare parts and maintenance	3rd highest cost.

Total Weighted Score (82.2)	(3rd) Duncan
2. Financial Company credibility and relevant experience, expertise and project team	
History, viability and experience	Duncan formed in 2005 from five (5) established parking and regulatory management service organizations. They have a credible presence in Australia with their recent ticket machine installations, and currently have 8,000 of their machines operating nationwide with 1,000 of those being in WA.
Capacity to effectively address the requirements of the City	Duncan has installed a high number of machines in three (3) Australian capital cities since 2005.
Support from referees	Duncan has provided references from the City of Sydney and the City of Perth.
Experience, expertise in team projects.	A very detailed overview of the project team was provided.
Role and credentials of the key persons in the provision of service (i.e. qualifications and experience)	Details provided were comprehensive.
Ability to provide ongoing availability of sufficiently skilled persons capable of performing the tasks consistent with the required standards.	Details provided were comprehensive.
Understanding the requirements associated with delivering the services to the City.	Duncan has a thorough understanding as to what is required for this project as documented in their submission.
Experience and success in the sphere of recent similar facilities, including recent references from at least three (3) major organisations where you have completed similar projects	Good references were provided by City of Sydney, City of Perth, Town of Victoria Park and .the City of Melbourne regarding the installation phase of the parking ticket machines.
3. Financial Methodology, Key Issues and Risk	
Demonstrate your proposed methodology for this project to be completed on time and within budget:	
Evidence of successful results, particularly in WA.	Duncan was able to provide evidence of successful results in WA with the installation of 700+ machines at the City of Perth in 2008, and a Major EMV upgrade for the same machines in 2013, within the required project timeframe.
Demonstrate experience in projects of a similar nature, particularly in WA.	As above.
Ability to provide a high level of: <ul style="list-style-type: none"> • Site management • Finish • Practices regarding environmental protection • Practices providing a safe working environment Understanding of the required service by identifying the key issues and risk associated with delivering the project and associated ongoing maintenance	Duncan provided a very detailed and comprehensive project plan with their submission which would satisfy the criteria satisfactorily. A detailed GANNT chart was provided.

Total Weighted Score (82.2)		(3rd) Duncan
4. Financial Reliability of the Ticket Machines		
Demonstrate proven reliability of the ticket machines by:		
Incorporating proven up time.	In the Tender submission, Duncan commits to the 99% uptime requirement.	
References.	The City of Sydney recently performed an annual performance on the Duncan machines and advised the up-time was 99.63%.	
Resistance to vandalism.	Duncan maintains that their ticket machines are resistant to vandalism. The machines come with a 10 year anti-corrosion warranty.	
5. Financial Maintenance/Reporting of the Ticket Machines		
Demonstrate proven management of ticket machines by:		
Illustrating availability and flexibility of reporting on operational, transactional, maintenance and financial issues.	Duncan uses the Parking Enterprise Management System (PEMS) with their machines. This allows the generation of reports detailing customer payments; active alarms; meter uptimes; fault analysis and maintenance.	

Total Weighted Score (82.3)		(2nd) TMA
1. Financial Offer/Funding Proposal		
Represents the "best value" for money including all costs for consumables , spare parts and maintenance	Second highest overall cost.	
2. Company credibility and relevant experience, expertise and project team		
History, viability and experience	TMA provides equipment and support to 150 sites nationally. It has been responsible for 70,000 installations over the past thirty (30) years.	
Capacity to effectively address the requirements of the City	Based upon the above information, TMA would be capable of addressing the City's requirements.	
Support from referees	References were provide by Queen Elizabeth II Medical Centre; Department of Families, Housing, Community Services and Indigenous Affairs and the University of Sydney.	
Experience, expertise in team projects.	TMA provided details of the hierarchy of the organization with minimal detail.	
Role and credentials of the key persons in the provision of service (i.e. qualifications and experience)	As above.	
Ability to provide ongoing availability of sufficiently skilled persons capable of performing the tasks consistent with the required standards.	As above.	
Understanding the requirements associated with delivering the services to the City.	TMA provided a detailed GANNT chart demonstrating the requirements of the project were understood.	
Experience and success in the sphere of recent similar facilities, including recent references from at least three (3) major organisations where you have completed similar projects	References were provided by Queen Elizabeth II Medical Centre; Department of Families, Housing, Community Services and Indigenous Affairs and the University of Sydney.	

Total Weighted Score (82.3)		(2nd) TMA
3. Financial Methodology, Key Issues and Risk		
Demonstrate your proposed methodology for this project to be completed on time and within budget:		
Evidence of successful results, particularly in WA.	TMA has successfully installed ticket machines as specified above.	
Demonstrate experience in projects of a similar nature, particularly in WA.	TMA has successfully installed ticket machines as specified above	
Ability to provide a high level of: <ul style="list-style-type: none"> • Site management • Finish • Practices regarding environmental protection • Practices providing a safe working environment Understanding of the required service by identifying the key issues and risk associated with delivering the project and associated ongoing maintenance.	TMA provided a detailed GANTT chart demonstrating the requirements of the project were understood.	
4. Financial Reliability of the Ticket Machines		
Demonstrate proven reliability of the ticket machines by:		
Incorporating proven up time.	TMA advises compliance in their Tender submission.	
References.	References were provided by Queen Elizabeth II Medical Centre; Department of Families, Housing, Community Services and Indigenous Affairs and the University of Sydney.	
Resistance to vandalism.	TMA have advised compliance with this requirement.	
5. Financial Maintenance/Reporting of the Ticket Machines		
Demonstrate proven management of ticket machines by:		
Illustrating availability and flexibility of reporting on operational, transactional, maintenance and financial issues.	The ticket machine Aslan software is able to generate twenty-three (23) different reports.	

Total Weighted Score (45.8)		(5th) Cale Australia
1. Financial Offer/Funding Proposal		
Represents the "best value" for money including all costs for consumables , spare parts and maintenance	Highest cost.	
2. Financial Company credibility and relevant experience, expertise and project team		
History, viability and experience	Cale currently has 100,000 ticket machines operating throughout the World. It has provided parking related products and services for the past twenty-five (25) years.	
Capacity to effectively address the requirements of the City	Based upon the information provided in the Tender, Cale would be capable of addressing the requirements of the City. There is some concern however, that 'issues' can be escalated to the support team in Sweden, which is where Cale originates.	
Support from referees	References were provided by the City of Melbourne; the City of Pittsburgh (USA) and the City of Joondalup.	
Experience, expertise in team projects.	No details provided.	

Total Weighted Score (45.8)	(5th) Cale Australia
Role and credentials of the key persons in the provision of service (i.e. qualifications and experience)	As above.
Ability to provide ongoing availability of sufficiently skilled persons capable of performing the tasks consistent with the required standards.	As above.
Understanding the requirements associated with delivering the services to the City.	Minimal detail provided.
Experience and success in the sphere of recent similar facilities, including recent references from at least three (3) major organisations where you have completed similar projects	References were provided by the City of Melbourne; the City of Pittsburgh (USA) and the City of Joondalup.
3. Financial Methodology, Key Issues and Risk	
Demonstrate your proposed methodology for this project to be completed on time and within budget:	
Evidence of successful results, particularly in WA.	Cale has successfully installed ticket machines as specified above.
Demonstrate experience in projects of a similar nature, particularly in WA.	Cale has successfully installed ticket machines as specified above
Ability to provide a high level of: <ul style="list-style-type: none"> • Site management • Finish • Practices regarding environmental protection • Practices providing a safe working environment Understanding of the required service by identifying the key issues and risk associated with delivering the project and associated ongoing maintenance.	A very brief project plan was submitted with the Tender. The information provided was minimal.
4. Financial Reliability of the Ticket Machines	
Demonstrate proven reliability of the ticket machines by:	
Incorporating proven up time.	Cale state they can only achieve 98% up-time. This is below the required figure of 99%.
References.	References were provided by the City of Melbourne; the City of Pittsburgh (USA) and the City of Joondalup.
Resistance to vandalism.	Cale have advised compliance with this requirement.
5. Maintenance/Reporting of the Ticket Machines	
Demonstrate proven management of ticket machines by:	
Illustrating availability and flexibility of reporting on operational, transactional, maintenance and financial issues.	Cale use the Cale Web office (CWO) reporting system. Cale advise that reports generated by different organizations are unique and, therefore, samples could not be provided.

Comments

It was noted that one company, APARC, had provided a comprehensive maintenance programme, which included the costs associated with labour and spare parts, for a fixed monthly rate. This rate also included the CMS hosting costs for the term of the maintenance agreement.

APARC rated the highest in the overall evaluation. The City already operates a number of APARC ticket machines and they have proven to be very reliable with minimal problems. APARC also provides excellent customer support and, as also indicated in their offer, have 99.9% up time for their machines and a Perth based agent accessible for technical support. The CMS 'myParkfolio' offered by APARC in their methodology offers some distinct benefits over other systems considered, with real time information provided on parking activity, including collection and maintenance. An essential component of tenderers offers were that they be of the necessary standard of EMV compliance for credit card and contactless payments. APARC have provided Bank and Scheme certification approval and letters of approval from both MasterCard and Paypass to attest to this. It should be noted that APARC have successfully installed ticket machines in the City of Fremantle; City of Bunbury; City of Stirling and the City of Vincent.

Of equal importance is the first hand experience that the City of Vincent has with APARC regarding response times to reactive maintenance and replacement of consumables. Any down-time with parking ticket machines results in the loss of revenue and also results in frustration for the customer using the ticket machine. Quick response time to maintenance is imperative and APARC has proven very reliable in this area over the past three (3) years.

GIS submitted a detailed and comprehensive Tender but their smaller presence in the parking ticket machine industry in Australia was of some concern to the Tender evaluation panel. GIS has only installed ten (10) ticket machines in Western Australia at Hollywood Hospital. The Tender Evaluation Team was also concerned that the GIS maintenance technicians in Western Australia are primarily employed for servicing ATMs with a number of them receiving training for the servicing of ticket machines. It should also be noted that graffiti removal does not form a part of the preventative maintenance agreement and thus results in additional fees.

GIS was closely followed by Duncan who provided excellent references from a number of municipalities within Australia. Although the final costings submitted by GIS and Duncan are lower than those of APARC over a five (5) year period, the first hand experience that the City has had with APARC and the stated and demonstrated reliability of its product, are what further influenced the Panel's final decision.

APARC installed 128 ticket machines for the City of Vincent in 2010. The machines have proven very reliable and the level of service provided by APARC staff for the maintenance of the machines has been exemplary. As per the tender requirements, the City is looking for organisations that can provide the requirements of the Tender and can demonstrate a long and successful history within the parking industry of supplying parking ticket machines that are suitable for public parking system control and management for local governments within Australia. The Tender Evaluation Panel was also impressed with the fact that APARC service technicians deal only with ticket machines, as well as the fact that although preventative maintenance is scheduled for four (4) visits per machine per year, they are in fact unlimited if necessary. It is important to note that graffiti removal is also a part of the preventative maintenance agreement.

TMA was discounted during the evaluation because they were only able to provide references for one (1) organisation within Western Australia. The previous comments regarding the established relationship that the City of Vincent has with APARC is also applicable to TMA. It would be financially imprudent to award the tender to Cale who were by far the most expensive tenderer.

In addition, tenderers had to demonstrate that the parking ticket machines have had a long history of reliability, an excellent availability of spare components and that the ticket machines are simple and cost effective to maintain and repair. APARC was considered by the Panel overall to demonstrate this in their offer, well over other competing Tenders.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the *Local Government Act 1995* Tender Regulations.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2013-2017* states:

"Natural and Built Environment

Objective 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.

(b) Investigate the City's existing landholding and car parks for multi-use purposes."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the purchase of the twenty-five (25) machines will be taken from the Parking Facility Reserve Budget as follows:

Budget Amount as of 31 December 2013:	\$ 173,000
Proposed Expenditure:	<u>\$ 186,750</u>
Balance:	– \$13,750

COMMENTS:

It is recommended that Council accepts the Tender submitted by APARC as the preferred supplier for the supply, installation, commissioning and associated maintenance of up to twenty-five (25) Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines.

9.5.2 Draft Policy No. 4.2.14 - "Local Government Elections" - Adoption

Ward:	Both	Date:	28 February 2014
Precinct:	All	File Ref:	
Attachments:	001 – Draft Policy 4.2.14 - Adoption		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, JP, Chief Executive Officer		
Responsible Officer:	John Giorgi, JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adoption of the Draft Policy No. 4.2.14 – “*Local Government Elections*”, as shown in Appendix 9.5.2;
2. **Subject to clause 1 above being approved:**
 - 2.1 **ADVERTISES** the Draft Policy for a period of fourteen (14) days, seeking public comment;
 - 2.2 **After the expiry of the period of submissions, AUTHORISES** the Chief Executive Officer to:
 - 2.2.1 **Review** the Draft Policy No. 4.2.14 – “*Local Government Elections*”, having regard to any written submissions;
 - 2.2.2 **Determine to proceed with, or not to proceed with, the Draft Policy No. 4.2.14 – “*Local Government Elections*”;** and
3. **AUTHORISES** the Chief Executive Officer to include the above Policy in the City’s Policy Manual if no submissions are received from the public, or report to the Council to consider any submissions received.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Cole, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to adopt the Draft Policy No. 4.2.14 – “*Local Government Elections*”, to cover matters relating to Local Government Elections.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 February 2014 Item 9.5.3, it was resolved as follows:

“PROCEDURAL MOTION

Moved Cr Cole, Seconded Cr Harley

That the item be DEFERRED and reported to the Ordinary Meeting of Council on 25 February 2014.”

At the Ordinary Meeting of Council held on 17 December 2014 Item 9.5.5, it was resolved as follows:

“PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr McDonald

That the item be DEFERRED for further consideration.”

At the Ordinary Meeting of Council held on 29 October 2013 a Notice of Motion from Cr Topelberg was considered, whereby the Council resolved as follows:

“That the Council REQUESTS;

1. *the Chief Executive Officer to create a Guide for the conduct of Local Government Elections at the City of Vincent, including but not limited to:*
 - 1.1 *advertising and promotional strategies of the City;*
 - 1.2 *matters relating to polling day; and*
2. *a report be provided to the Council prior to the close of nominations for the next Local Government Election, for any vacancy at the City of Vincent.”*

DETAILS:

Draft Policy:

In researching this matter, it is considered appropriate that the Council adopt a Policy (instead of Guidelines) concerning Local Government Elections. The Policy will cover such matters as:

1. Type of Election – Postal or “in person”
2. Conduct of Elections – Western Australian Electoral Commission or the City of Vincent.
3. Plebiscites
4. Model Resolutions for Elections
5. Promotion/Advertising of Elections
6. Election Day Protocols
7. Swearing in Ceremony
8. Council Member Inductions and Professional Development.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

RISK MANAGEMENT IMPLICATIONS:

Low: The failure to have a Council Policy will not result in any breach of legislation, providing all Legal requirements are complied with. However, the adoption of policies will improve information to the Council, City's Administration and the community.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2013-2017– Key Result Area “4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner”.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

If adopted the Policy will have financial implications for the City – for additional advertising banners, posters etc. This can be dealt with during the Annual Budget Process.

COMMENTS:

The proposed Draft Policy No. 4.2.14 will formalise the Council's position and practice concerning conducting elections as a postal vote and using the WAEC to be responsible for the conduct of the Election. It will also formalise the City's current practices concerning pre and post Election day activities.

Approval of the draft Policy is therefore recommended.

9.5.3 City of Vincent Policies – Review of Policies 2014

Ward:	-	Date:	28 February 2014
Precinct:	-	File Ref:	ADM0023
Attachments:	001 – Amended Policies 002 – Rescinded Policies		
Tabled Items:	003 – Re-adopted Policies without Change 004 – Policies under Review		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** of the following:

1. Policies to be **AMENDED** as shown in Appendix 9.5.3A:

ITEM	POLICY NUMBER	POLICY
1.1	1.2.4	Investment
1.3	3.8.2	Liquor Licensing Act – Issue of Certificates
1.4	3.8.3	Concerts and Events
1.7	3.8.10	Food Act
1.9	3.10.4	Aged People and People with Disabilities – Provision of Transport Assistance
1.10	3.10.6	Community and Welfare Grants
1.11	3.10.8	Festivals
1.12	3.10.10	Community Bus – Use and Operation

2. **EXISTING** Policies to be **RESCINDED** as ‘Tabled’ and shown electronically at Appendix 9.5.3 (Attachment 002):

ITEM	POLICY NUMBER	POLICY
2.1	1.2.5	Valuation of Property with a non conforming use

3. **EXISTING** Policies to be **RE-ADOPTED** without amendment as ‘Tabled’ and shown electronically at Appendix 9.5.3 (Attachment 003):

ITEM	POLICY NUMBER	POLICY
3.1	2.1.1	Public Open Spaces – Maintenance of Naturally Vegetated Areas
3.2	2.1.2	Street Trees
3.3	3.8.5	Substandard Buildings and Vacant Land
3.4	3.8.9	Healthy Vincent
3.5	3.9.7	Abandoned Vehicles
3.6	3.9.9	Dog Control
3.7	3.9.11	Display of Goods on a Footpath’
3.8	4.1.15	Conferences
3.9	4.2.12	Advisory Groups

4. **NOTES** that the following policies are currently being reviewed as ‘Tabled’ and shown electronically at Appendix 9.5.3 (Attachment 004);

ITEM	POLICY NUMBER	POLICY
4.1	2.2.2	Undergrounding of Power
4.2	2.2.11	Waste Management

COUNCIL DECISION ITEM 9.5.3

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

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

PURPOSE OF REPORT:

To obtain the Council's approval to amend and adopt new Council policies, which are reviewed every 5 years.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the City's Administration for day to day management issues and also to assist Council Members in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the City undertakes this every five years. The City's Administration has provided the comments as outlined in this report.

1. Policies to be amended

1.1 No: 1.2.4 - Investment

Chief Executive Officer's Comment

New Clauses have been added to specify "Prudent Persons", "Ethnic and Conflict of Interest" and "Prohibited Investments".

1.2. No: 3.8.2 – Liquor Licensing Act – Issue of Certificates

Chief Executive Officer's Comment

This Policy now includes information about the Section 39 & 40 Certificates.

1.3. No: 3.8.3 – Concerts and Events

Chief Executive Officer's Comment

This Policy now deletes specific reference to NIB Stadium, which is now leased to the State Government. It is now covered by a separate Management Plan.

1.4 No: 3.8.10 – Food Act

Chief Executive Officer's Comment

Changes have made to reflect the Legislation.

- 1.5 No: 3.10.4 – Aged People and People with Disabilities – Provision of Transport Assistance

Chief Executive Officer's Comment

Changes have been made to reflect recent Council decisions.

- 1.6 No: 3.10.6 – Community and Welfare Grants

Chief Executive Officer's Comment

Changes have been made to reflect recent Council decisions.

- 1.7 No: 3.10.8 – Festivals

Chief Executive Officer's Comment

Reference to NIB Stadium has been deleted.

- 1.8 No: 3.10.10 – Community Bus – Use and Operation

Chief Executive Officer's Comment

Changes have been made to reflect recent Council decisions.

2. Policy to be rescinded

- 2.1 No: 1.2.5 – Valuation of Property with a non conforming use.

Chief Executive Officer's Comment

This Policy is not enforceable. It has never been used since it was adopted in 1997.

3. Policy to be readopted

The Policies to be re-adopted without any amendments have been reviewed. No changes are required.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

RISK MANAGEMENT IMPLICATIONS:

Low: The failure to review Council Policies will not result in any breach of legislation. However, the adoption of policies will improve information to the Council, City's Administration and the community.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2013-2017– Key Result Area “4: *Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner*”.

SUSTAINABILITY IMPLICATIONS:

The adoption of the policies relating to Parks and Reserves will ensure that these will be managed in a more sustainable manner in the future.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The City's Policies are reviewed every five years. The amended and new policies will provide guidance to the Council and the City's Administration in these important matters.

9.5.5 Appointment of Community Member to the City of Vincent Children and Young People Advisory Group

Ward:	-	Date:	28 February 2014
Precinct:	-	File Ref:	CMS0142
Attachments:	001 - Confidential Nomination Received (COUNCIL MEMBERS ONLY)		
Tabled Items:	-		
Reporting Officer:	John Giorgi JP, Chief Executive Officer		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION

That the Council:

1. **APPOINTS Ms Paula Sutherland as a Community Representative on the City's Children and Young People Advisory Group for the term to 15 October 2015 (unless otherwise specified); and**
2. **APPROVES BY AN ABSOLUTE MAJORITY to amend the Terms of Reference, (which are currently being drafted), to show the Community Representative Membership as "up to six (6) Community Members".**

COUNCIL DECISION ITEM 9.5.5

Moved Cr Cole, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 8.58pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

PURPOSE OF REPORT:

The purpose of the report is to appoint an additional Community Representative to the City of Vincent Children and Young People Advisory Group.

DETAILS:

As part of the Council's role in governing for the City, Council Members and/or Council Officers represent the Council on a wide range of Statutory Committees, Authorities, Advisory and Working Groups.

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Community Representatives on the City's Advisory and Working Groups were appointed at the Ordinary Meeting of Council held on 17 December 2013, after the close of the advertising period calling for Expressions of Interest from the Vincent community.

The nomination was received after the close of the advertising period and the Mayor has requested that this further nomination be considered and reported to the Council for consideration.

The Children and Young People Advisory Group is one of the City's newly formed Groups. At the inaugural meeting of the Group held in February 2014, the Mayor (who is the Chair of the Group) raised the new nomination received with the Group and all were happy for an additional member to be added to the Group.

The new nomination received is shown at Appendix 9.5.5 and has been included, as received. *(For privacy reasons, personal details have been deleted.)*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

All Advisory and Working Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Advisory Groups play an advisory role, however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2017 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1.2 - *Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is recommended that Council make the additional appointment to the Children and Young People Advisory Group, as detailed in this report.

9.5.8 City of Vincent – Underground Power Strategy

Ward:	All	Date:	28 February 2014
Precinct:	All	File Ref:	TES0313
Attachments:	001 – Map of Underground Power City of Vincent		
Tabled Items:	Nil		
Reporting Officer:	G, Pieraccini, Director Special Projects		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Report outlining findings as part of the establishment of a Strategy for the undergrounding of power for the whole of the City of Vincent together with a Funding Model;
2. **RESOLVES** that no further work shall be undertaken to progress the establishment of such a Strategy due to;
 - 2.1 the substantial cost associated with the implementation of the Strategy;
 - 2.2 the long term timeframe for the implementation of the Strategy;
 - 2.3 limited capacity of the City to undertake the implementation of the Strategy;
 - 2.4 a lack of Community commitment to the Strategy and propensity to contribute to implement the Strategy; and
3. **APPROVES** not to proceed with the establishment of an Underground Power Strategy; and
4. **ADVISES** the Community of its decision.

COUNCIL DECISION ITEM 9.5.8

Moved Cr Topelberg, **Seconded** Cr Cole

That the recommendation be adopted.

Cr Buckels returned to the Chamber at 9.00pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, **Seconded** Cr Cole

That the item be **DEFERRED** to allow for further Community Consultation in relation to a path forward for undergrounding power and whether they wish for the Council to develop a Strategy for Underground Power.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

To advise the Council of the findings to date as part of the establishment of an Underground Power Strategy and seek endorsement not to proceed any further.

BACKGROUND:

At the Ordinary Meeting of Council held 10 September 2013, the Council reviewed and adopted the Strategic Community Plan 2013-2017, Corporate Business Plan 2013-2017 (Strategic Plan 2013-2017)

Objective 1 of the Plan states:

"Improve and maintain the natural and built environment and infrastructure;

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

(d) Prepare a strategy for undergrounding of power for the City and pursue funding options".

Subsequently a review has been undertaken into the states power distribution network, the extent of underground power currently in the City of Vincent, together with implementation and funding options available to Local Government to provide underground power within their municipality, and in particular for the City of Vincent.

DETAILS:

Power Distribution Network

The power distribution network, including that underground, is a State Government asset, not a Local Government asset. The care, control and management of this State Government asset are the responsibility of Western Power (State).

Local Government covers running costs for all street lighting within their municipality as well as any additional or increased wattage for street lighting. Any Local Government initiated Capital Works project or streetscape enhancement project that involves decorative street lighting and undergrounding power is at the expense of the Local Government.

Implementation of Underground Power

Implementation of the undergrounding of power requires co-operation with Western Power, regardless of what avenue is taken to implement. There are essentially two paths which Local Government can take to implement underground power;

1. State Underground Power Program (SUPP)
 - Major Residential Projects (MRP) *"involves conversion of overhead supply to underground distribution within suburban areas"*
 - Localised Enhancement Projects (LEP) *"aims to beautify urban gateways, scenic routes and tourism/heritage centres, particularly in regional towns"*
 - State Government has full control over the SUPP with Western Power providing the Design, Documentation, Tendering and Project Management for any project under this program.
 - State Government currently contributes; 50% of project cost for Major Residential Projects
 - and 50% of project cost for Local Enhancement Projects capped at \$500,000 (up till Round 4 capped at \$250,000). Indications are that the State's contribution is likely to be reduced to 30 % going forward with future rounds of the SUPP
 - Timing of Funding Rounds, and as a consequence projects, is subject to State Government funding programs
 - "Roll out" timeframe for projects under the SUPP is currently 4-5 years
 - No surety projects will be successful and to date there have been limited successful suburban projects

2. Outside SUPP

- Local Government has more control over projects implemented outside the SUPP however they still are required to co-operate with WesternPower and have the option of Western Power providing all or some of the services such as, Design, Documentation, Tendering and Project Management.
- Local Government would contribute 100% of project cost
- Timing and project areas are determined by Local Government in collaboration with Western Power
- "Roll out" timeframe for projects 2-3 years
- Surety of projects will proceed albeit subject to collaboration with Western Power

City of Vincent Underground Power

The City of Vincent currently has 80-85% of its municipality yet to have the power undergrounded (refer Attachment 001). The estimated cost to complete this is in excess of \$100 million based on current costings.

Completed Projects under SUPP within the City of Vincent

To date the City has submitted applications for all SUPP funding rounds since Round 2 (2003), and has only been successful with a small number of projects.

PROJECT	COST	YEAR
<u>MRP Program</u>		
Round 3 Highgate East State Government contribution 50%	\$7million	2008
<u>LEP Program</u>		
Round 2 Mary Street State Government contribution 50%	\$180,000	2003
Round 4 Brookman/Moir Street State Government \$250,000 (capped)	\$1.2million	2014/15

Other Completed Projects within the City of Vincent

PROJECT
Streetscape Upgrades/Developments and Capital Works/Streetscape Enhancement
Fitzgerald Street and Angove Street North Perth
William Street, Perth
Western Power funded project – Safety of Poles
Walcott Street, Mount Lawley

What have other Councils been doing?

The majority of inner suburban Councils have been using the SUPP to implement the undergrounding of power and have recouped the costs from rate payers via levies in the short term. The City of Subiaco has had an Implementation Plan, outside the SUPP, to underground power in place for 30 years. This long term program has enabled the City to take out long term loans and recoup the costs from rate payers via small levies over the long life of the program.

Funding Options

This overview of Funding Models is a broad summary of possible options available for the City to pay for the undergrounding of power implemented either under the SUPP or outside the SUPP;

MODEL	METHOD	WHO
1	Special Rates Area + recovery of costs based on GRV (City of Stirling)	Rate Payers(Project Area)
2	Set Fee based on property type + power usage (Highgate East)	Rate Payers(Project Area)
3	General purpose revenue/series of borrowings recouped through percentage general rates (City of Subiaco)	Council/Rate Payers (Whole City)
4	Self Loan funding for Local Governments	Council (Whole City)
5	Proceeds from sale of Tamala Park	Council (Whole City)
6	Proceeds from sale of other City Assets	Council (Whole City)

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2017*, *Objective 1* states:

"Improve and maintain the natural and built environment and infrastructure;

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

(d) Prepare a strategy for undergrounding of power for the City and pursue funding options".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

The power distribution network, including that underground, is a State Government asset, not a Local Government asset. Local Government covers running costs for all street lighting within their municipality as well as any additional or increased wattage for street lighting. Any Local Government initiated Capital Works project or streetscape enhancement project that involves decorative street lighting and undergrounding of power is at the expense of the Local Government.

The City of Vincent has 80-85% of its municipality yet to have power undergrounded. The estimated cost to complete the implementation of the undergrounding of power to the whole City is in excess of \$125 million, based on current costings, and the timeframe to carry out the implementation would be a long term plan. Current City of Vincent financial and resources capacity are fully committed in the short to midterm with little or no ability to undertake such a costly and long term project at this time.

It should also be noted that with recent SUPP (State Underground Power Program) projects, it has become evident that there is limited Community commitment and propensity to contribute financially to the undergrounding of power within the City. Without Community support it would be difficult to implement a Strategy to underground power for the whole of the City of Vincent.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg – the City of Vincent to review the Residential Design Elements Policy 7.2.1

That the Council;

1. REQUESTS the Chief Executive Officer to obtain quotations from consultancies with extensive planning experience in the City of Vincent to review the Residential Design Elements Policy 7.2.1, with a view to completing the review prior to June 30, 2014; and
2. RECEIVES a report no later than the first meeting in April 2014 seeking Council authorisation to proceed with the review.

COUNCIL DECISION ITEM 10.1

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

Cr Harley departed the Chamber at 9.05pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

10.2 NOTICE OF MOTION: Mayor John Carey – Additional Consultation on Underground Power Project in Brookman and Moir Streets

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

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

COUNCIL DECISION ITEM 10.2

Moved Cr Buckels, Seconded Cr Wilcox

That the motion be adopted.

Debate ensued.

Cr Harley returned to the Chamber at 9.12pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-1)

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

Against: Cr Wilcox

10.3 NOTICE OF MOTION: Mayor John Carey seeks Approval to Amend the Previously Approved Plan No. 3105-CP-01A to change the proposed Newcastle Street Bicycle Lanes, Carr Street to Loftus Street, from 'red' to 'green' and for all Future Bicycle Lanes in keeping with this practice.

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the variation, as shown on attached Plan No. [3105-CP-01B](#), to change the previously approved 'red asphalt' bicycle lanes to 'green' in keeping with the new practice adopted for bicycle lanes in those areas of potential conflict and/or high traffic volumes, and notes that change will be cost neutral.
2. **APPROVES** that all future bicycle lanes be 'green' in keeping with the new practice, excluding the current Palmerston Street project which is concluding a missing link of red asphalt bike lanes.

COUNCIL DECISION ITEM 10.3

Moved Cr Peart, **Seconded** Cr Wilcox

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (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

ADDITIONAL INFORMATION:

While the majority of the City's on-road bicycle lanes constructed to date have been constructed in traditional 'red asphalt', it has come to the City's attention that the new practice being adopted for bicycles lanes in areas of potential conflict (i.e. merging traffic, approaching signalised intersections and a high concentration of commercial crossovers) and high traffic volumes, is to paint the cycle lanes in 'green'.

Ordinary Meeting of 11 February 2014:

Approval was granted for the following works and the only change being sought is that the Main Roads WA approved 'green' paint be applied to the bicycle lanes in-lieu of red asphalt.

"In discussions with cycling groups and in the spirit of the Bike Plan it was considered that for no additional cost to the project two (2) x bike lanes could be incorporated in the design. These lanes would connect the Oxford Street precinct with the Thomas/Loftus Street bike lanes. The project scope would basically remain unchanged however it would be an opportunity lost if bike lanes were not incorporated in the project as shown on Plan No. 3105-CP-01A."

Therefore it is recommended that the following changes to the project scope are approved.

***Amended proposal - Plan No. [3105-CP-01B](#)
(\$275,000)***

- ***Black asphalt parking bays – Proposed change***
- ***Green bicycle lanes – Proposed change***

FINANCIAL/BUDGET IMPLICATIONS:

The change to 'green' bicycle lanes is approximately equivalent too, and off-set by, the savings achieved by deleting the 'red asphalt' bicycle lanes which enables the entire road to be re-surfaced in black with 'green' applied as a separate treatment.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.40pm **Moved Cr Topelberg, Seconded Cr Cole**

That the Council proceed “behind closed doors” to consider

Confidential item 14.1, as this matter contains information concerning

“(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 contains information concerning

“(b) the personal affairs of any person;” and

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

There were no members of the public present.

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

Media departed the Meeting.

Director Technical Services, Director Special Projects and Acting Director Planning Services departed the Meeting.

PRESENT:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services

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

14.1 CONFIDENTIAL REPORT: Beaufort Street Enhancement – Major Artwork – Progress Report No. 10

Ward:	South	Date:	28 February 2014
Precinct:	Beaufort (13)	File Ref:	TES0237
Attachments:	001 – City’s Letter 7 November 2013 (COUNCIL MEMBERS ONLY) 002 – Bremick’s Email 7 November 2013 (COUNCIL MEMBERS ONLY) 003 – Bremick’s Letter 31 January 2014 (COUNCIL MEMBERS ONLY) 004 – City’s Letter 3 February 2014 (COUNCIL MEMBERS ONLY) 005 – City’s Letter 13 February 2014 (COUNCIL MEMBERS ONLY)		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

ALTERNATIVE OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 10 on the Beaufort Street Major Artwork project;
2. **AUTHORISES** the Chief Executive Officer in liaison with the Mayor to:
 - 2.1 **obtain quotes to rectify the piece to ensure it meets safety and aesthetic requirements;**
 - 2.2 **Negotiate with the contractor regarding a final payment to realise them of the contract, however deducting any reasonable costs associated with the rectification; and**
 - 2.3 **in consultation with the acting Director Community Services and the arts consultant present a series of options for consideration by the Council at the Ordinary Meeting of Council to be held on 8 April 2014; and**
3. **AFFIRMS** that the total cost of the project be no more than the \$130,000 plus GST allocated.

COUNCIL DECISION ITEM 14.1

Moved Cr Cole, Seconded Cr Topelberg

That the recommendation be adopted.

ALTERNATIVE MOTION PUT AND CARRIED (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to personal affairs and contains financial information and which will 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 REPORT: Design Advisory Committee (DAC) Policy No. 4.2.13 – Appointment of Members

Ward:	All	Date:	28 February 2014
Precinct:	All	File Ref:	FIN0207
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, JP Chief Executive Officer		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

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 the appointment of Members, to the City’s Design Advisory Committee and which will be discussed at the meeting, as this matter relates to;

“(b) *the personal affairs of any person;*” 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 14.2

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to personal affairs and contains financial information and which will 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.

PROCEDURAL MOTION

At 10.00pm **Moved** Cr Buckels, **Seconded** Cr Pintabona

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.02pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (Deputy Mayor)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 March 2014.

Signed:Presiding Member John Carey.

Dated this day of 2014.