



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**13 MAY 2014**

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday on 13 May 2014, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor John Carey, declared the meeting open at 6.04pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Nil.

**(b) Members on Approved Leave of Absence:**

- 2.1 Cr Wilcox on approved leave of absence from Thursday 1 May 2014 to Thursday 31 July 2014 (inclusive), due to personal commitments.
- 2.2 Director Community Services, Mr Rob Boardman on approved sick leave.

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	Acting Director Planning Services
Gabrielle Pieraccini	Director Special Projects
Bee Choo Tan	Acting Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 8.45 pm)
<u>Employee of the Month Recipient</u> Sonia Woodside	Compliance Officer (until approximately 6.30 pm)
<u>Media</u> Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (until approximately 8.45 pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.04 pm until approximately 8.45 pm)

Approximately 12 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. Lorraine Vicensoni of North Perth Precinct Group – Item 9.1.6 Stated the following:
  - I am the Vice Chairperson of the North Perth Precinct Group. Amendment No. 38 relates to the locality and is about retaining the R 20 density, basically we are requesting that Council adopt the Officers Recommendation, to extend the period of the area staying as R 20, although the amendment is doing is just retaining the status quo of R 20 and avoiding any period where it reverts back to R30/40 if the new scheme is not in place by next March. The R20 density for the Eaton locality is generally consistent with the scheme that is currently on advertising, also the R20 density is consistent with the Vincent Vision outcomes. There is also been a very consistent strong community support for the R20 density, which has been verified over the last seven (7) scheme amendments and it is always been about 80 or above percentage of people supporting the R20 density.
  - The Eaton locality already does have a variety of densities and housing types in the area, based on past developments. So I would like to also thank Council for their ongoing support on this matter.
2. Chris Harman – Item 9.1.1 Stated the following:
  - I am representing the owners of 497 Beaufort Street. I have spoken to most of you over the past few days and submitted a submission last week, so I will try and keep this brief.
  - From these discussions it has come about that there are probably few minor issues that remain outstanding, one being bin stalls, bike parking and one of the reduction factors that has been omitted from the officer's assessment. Bin stalls were resolved as there is an area designated on the plans as a bin stall area, denoted as a waste area, in the rear of the premises, which was resolved with Technical Services sometime ago.
  - Bike parking given the context of the building has been provided in the verge, which will be provided in the place of the existing crossover, in addition to planter boxes and things like that.
  - The parking reduction factor that has been omitted from the officer's assessment is one that is available in the Policy, it is a 20% reduction factor, where and I quote from the Policy "*the site cannot reasonably accommodate onsite parking required for the development, due to the presence of an existing building or significant trees present under the City's Town Planning Scheme*". Our building in question is built to each property boundary, therefore it is impossible to provide any car parking on site, there was some advice that this clause of the policy was to apply or intended to apply the Heritage buildings only. However I guess we would dispute that whilst yes and it will apply to Heritage buildings, it should also and was probably intended to apply to more sustainability in terms of retaining existing buildings where they can be adapted and reused and maintained that in bodied energy, rather than demolish the building, purely for the purpose of providing the ability to provide carparking, especially when you're talking about a site that is within the Mount Lawley Town Centre and on the Beaufort Street activity corridor. So on this basis, we would contend that reduction in factor does apply, which does have a significant bearing on our proposal as it brings our carparking down by somewhat and we would ask that the Council not adopt the Officer's Recommendation and approve the subject proposal.
3. Mathew Farrell of 25 Willow Road, Woodlands – Item 9.1.4 Stated the following:
  - I speak on behalf of my daughter the owner of the adjacent property to the South at 548B Fitzgerald Street, she apologises for not being here as she is in Sydney.

- There are three main aspects that she would like to be considered, regarding the overshadow, setbacks and traffic safety. Her property comprises half of number 548 Fitzgerald Street and whilst the matter is under consideration, taking into account 548 as a whole and make no allowance for Strata Title blocks, because the construction proposal is in excess of a number of building guidelines, these excesses requested will have a greater impact on her immediately adjacent property, magnifying their affects.
  - Firstly the overshadow, because the narrowness of 548B, combined with the excess height and the plot ratio 27% in excess, the overshadow will cover almost the entire of 548B block a most undesirable situation.
  - The lack of site setback, only about half of what is required, also contributes to the overshadow.
  - The small non compliance as a result of a portico and such is not a substantial issue that would be objected to. The living area at the rear of the property will also be significantly affected. Currently there is a roofed carport and a small verandah covered with translucent material to let the light in, apart from a small tree that is regularly trimmed to let in light, there is no cover over the area adjacent to the 550 property, so that sunlight is available this area will be blocked out.
  - Secondly setbacks the lack of setback particularly on all floors above ground level will create a feeling of encroachment onto the property at 548B, particularly some less than half of what is allowable.
  - Thirdly traffic safety, the proposal development is on a bend on an extremely busy road, it is busy almost all the time, with vehicles accelerating South from the Walcott Street lights, it is an extremely dangerous curve, there is no provision for safe parking, for visitors and any construction would need good visibility and a left turn only on existing the site. There have been major crashes were power lines have been brought in front of 548B.
  - These are the main issues, overshadow, setback and traffic safety, which I have been requested to bring before Council.
4. David Reed of Level 7, 182 St George's Terrace, Perth – Item 9.1.2 Stated the following:
- I am speaking against the Officer Recommendation. Whilst the owner of Brika appreciates the Officer Recommending the internal hours of Brika be changed to reflect that permitted under Council's adopted Liquor Premises Policy 7.5.7, the Recommendation that the Outdoor Eating Area be reduced from the currently approved 11pm on Thursday's and 12am on Friday's and Saturdays, down to 10pm is quite perplexing.
  - The acoustic report submitted assessed by the Health Officers and quoted in the report, is the old acoustic report that was submitted with the original application under which Council granted the original 12am outdoor eating area close time and not the acoustic report submitted with the current application.
  - Since the initial approval was granted where umbrellas where no acoustic properties were proposed, the owners have gone to considerable expense to get approved and built a solid canopy with a damp line roof, that reduces the noise emanating from the outdoor eating area, by 6-8 decibels.
  - With the roof and the good management under taken at Brika, the current acoustic report by Gabriel's Environmental Design states that the development should comply with the relevant environmental noise regulations and there is no need for the outdoor hours to differ from the indoor hours, this was the main purpose behind developing the whole canopy in the first place and there is no reason why the closing hours advocated under Council Policy should not apply to the development, especially given the existence of the canopy.

- In support of this request, it is important to note that the land is zoned Commercial, where Council Licence premises, Policy adopted only in March this year allows for a small bar to close at midnight, the site is located between a 24 hr McDonald's restaurant and a nightclub where there is already significant activity after 10pm, a liquor licence has been issued which allows the premises to open till 12 pm Monday to Saturday and 10pm on Sundays. Prior to purchasing an apartment, the residents of the apartments above specifically sign to acknowledge the existence of a 78 notification on the title, that advises the site is located in an area where after hours activities have the potential to adversely impact on amenity.
  - The owners recognise there are residential units above and have gone to considerable expense to lease the portion of the road reserve from the Crown and construct a canopy with a solid roof to contain noise.
  - Lastly the Council issued the existing approval under the old acoustic report without the new canopy and without the current Policy and allowed the Outdoor Eating Area to open till 11pm on Thursday and 12am on Fridays and Saturdays and now there is a new acoustic report which both support the midnight closing time. The Council Policy specifically states that the Policy is to provide a clear framework for consideration of these issues and we therefore respectfully request the Council recognize the acoustic report submitted with the current application and approve the request in line with its own policy and in line with the approvals issued by the Department of Racing, Gaming and Liquor which permit a 6am start a 12pm close time Monday to Saturday and a 10pm close time on Sunday.
5. Christine Nicholson of 9/177 Stirling Street, Perth – Item 9.1.2 Stated the following:
- Just what the previous speaker was stating about the Brikka restaurant, I live directly above that restaurant and the whole of my apartment is impacted on the noise from Brikka. I know that Mr Psaros is working to help the residents in that apartment building, but my apartment is adversely affected. My balcony is of no use to me anymore because of the noise from the alfresco and underneath me I have a fully functioning working kitchen and restaurant, so the noise is quite bad for me, so the extended hours would be detrimental to my apartment, living and enjoying it.
6. Frank Molloy of 18/177 Stirling Street, Perth – Item 9.1.2 Stated the following:
- Really just wanted to let the Council again be informed of the effects of noise. I am one floor above the previous speaker, in Unit 18, I have lost the use of my balcony in the evenings and I have to close the doors which are very effective, the glass doors to my unit in order to enjoy my living space in the evening.
  - I have talked to the owner and I am very much looking forward to the proposed extension at the owners cost, which we are grateful for and we hear that this is going to happen, that the noise which comes directly up into my unit and especially the balcony, but then as I said unless I close the doors into my unit as well, the extension is likely to be very effective. I would ask that the roofing and I have discussed this with the owner and he is quite agreeable to consider that, if it is possible that the roofing be double thickness, because clearly at the moment, the acoustics are insufficient.
  - Regarding that point of being aware when we bought the property, this was bought off the plan, it was to be a cafe initially and a cafe allows for a range of uses, but it wasn't to be a small bar when we initially bought the property. Both the previous speaker and I withdrew opposition after speaking to the current owner before the bar was opened and we wished him well and it has been very successful, so successful that it can be extremely noisy, especially when alcohol is involved. It is fine during the day, it is when alcohol is involved in the evening people start talking above themselves, the noise really does become very loud indeed, compared to that noise the night club, is passing and not a problem, we never get any noise from McDonald's apart from occasionally coming out and walking along the footpath, so there is a

very big difference between those two business and the Brika restaurant downstairs are very successful. I have to say unfortunately very noisy bar which impacts on my enjoyment of my balcony at the moment but at the moment I really do look forward to monitoring of the sound and hopefully with the additional alfresco area being covered over should be good.

7. Simon Psaros of 177 Stirling Street, Perth – Item 9.1.2 Stated the following:
- I am the owner/operator of Brika Bar, I don't wish to add a great deal further other than to say the acoustic report that we commissioned obviously test external and internal noise and it was found to be well within the BCA requirements. I suppose that is all I wish to add in terms of external and internal noise, it was tested over a period of a weekend all the way through the Saturday, Saturday evening, through to Sunday morning and those results both internally and externally found that on those busy nights, we were well within it within the noise requirements of the environmental protection act.

There being no further speakers, Public Question Time closed at approx. 6.20pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

- 5.1 Petition received from Mr T Boceski of Waugh Street, North Perth along with 16 signatures, on behalf of residents and ratepayers of Waugh Street, North Perth, requesting that the Council create and enforce a "Residents Only" Parking Policy that will ensure residents, with an approved permit, be the only citizens [sic] permitted to park on Waugh Street, North Perth as per side streets in Leederville and Highgate.

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

**Moved Cr Pintabona, Seconded Cr McDonald**

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

**CARRIED UNANIMOUSLY (8-0)**

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

**LOTTERYWEST GRANT FOR ANZAC COTTAGE - OFFICIAL PRESENTATION AND PUBLIC ANNOUNCEMENT**

The Presiding Member Mayor Carey advised that before the Council do the Confirmation of Minutes and Announcements, I would just like to welcome our guest tonight, which is the Member for Perth Eleni Evangel and I just wanted to welcome her here to do presentation to us I am always happy a Member for Parliament, when they are also giving us money. So tonight we have received a Lotterywest Interpretation of Cultural Heritage grant for interpretation of the Anzac Cottage story project. The Grant has been recommended by Lotterywest and approved by the Minister for Lotterywest on the 26 February 2014

The City of Vincent's Anzac Cottage is a unique memorial as it was built both as a home for a wounded soldier and to commemorate the landing of the Australian Forces at Anzac Cove on 25 April 1915.

The City's Heritage Services, together with the lessee of the Anzac Cottage - the Vietnam Veterans Association of Western Australia and its sub-committee "Friends of Anzac Cottage", is working on this exciting project to further develop mixed interpretation at the Anzac Cottage.



This project involves an extensive use of multi-media to tell the story of the Anzac Cottage to the visitors, as well as a number of renovation and conservation works to the existing building. It is anticipated that the interpretation and renovation works will ensure that the whole story of Anzac Cottage is imparted to the visitors in a meaningful, innovative and interesting way.

To support this initiative, the City has already committed about \$78,000 and the Friends of Anzac Cottage about 28,000 for the proposed works. The \$12,400 generous contribution from the Lotterywest will surely provide further support for the project.

**Ms Eleni Evangel Presentation**

Thank you for having me here this evening, it is always a pleasure to be handing out money to our Council and to community groups, Anzac Cottage is obviously very special part of the City of Vincent and I think its great that you see the value and you have invested close to over \$80,000 that you just mentioned. So I think it is a fantastic contribution and I am really to proud to be here tonight on behalf of the State Government and Lotterywest to also contribute \$12,400 so I think if put it all together we can see some fantastic results for the refurbishment of Anzac who turns 103 years time I believe. So that is all very good news

**Ms Eleni Evangel presented the check to Mayor John Carey.**

**Received with Acclamation!**

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

6.1 Minutes of the Ordinary Meeting of Council held on 22 April 2014

**Moved Cr Cole, Seconded Cr Topelberg**

**That the Minutes of the Ordinary Meeting of Council held on 22 April 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

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

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

The Presiding Member Mayor John Carey read the following;

**7.1 Employee of the Month Award for the City Of Vincent For April 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 April 2014 is awarded to Sonia Woodside, Compliance Officer in the City's Health and Compliance Services Section.

Sonia was nominated by the Manager Health & Compliance Services, Will Pearce and the Senior Compliance Officer, Nadine Wellington, as follows:

Since commencing with the City as Compliance Officer in July 2013, Sonia Woodside has undertaken her duties with the utmost efficiency and thoroughness. Sonia consistently provides exceptional customer service, tackles tasks willingly and completes her work to a high standard, despite working under pressure and dealing with a number of emotive and difficult situations simultaneously.

Sonia spends a great deal of time working through the issues with the customers both face to face and on the phone to explain the City's requirements in detail to ensure they understand what is required. Sonia has outstanding mediation skills and has persisted to achieve positive outcomes for the City on numerous occasions.

Sonia has proven to be extremely competent, conscientious and professional in all that she does. She has the ability to get the job done no matter what the task is, with a minimum of fuss. Sonia displays a pleasant attitude and patience at all times, even when under duress caused by upset customers. She is a committed team member who has quickly earned the respect of her fellow colleagues and has become a highly valued employee of the City.

These comments were also endorsed by the A/Director Community Services, Jacinta Anthony.

Congratulations to Sonia - and well done!!

**Received with Acclamation!**

7.2 **Withdrawal Of Item 9.1.7**

It is announced that Item 9.1.7 on tonight's Agenda relating to No. 310 Pier Street, Perth – Perth Rectangular Stadium (nib Stadium) Draft Management Plan has been withdrawn from the Agenda by the A/Chief Executive Officer, as a result of a request from the Department of Sport and Recreation (DSR) to hold the meeting scheduled for Wednesday 14 May 2014, where this matter will be further discussed, after which it will be submitted to Council, if required.

7.3 **The Beaufort Street Action Plan**

It was launched last week on Wednesday night. I want to acknowledge that Cr Harley and Cr McDonald attended on behalf of the City with myself, this is a really substantial plan and what I like about it, is it is a positive plan and it is businesses and a local community taking responsibility for their street. It is not just an onus that everyone else accepts, it is other peoples work, it is the businesses and residents on Beaufort Street taking ownership for the future of their street and putting forward a positive plan which Council, Beaufort Street Network businesses and residents can adjoin. It is a fantastic plan, it is lots of short term and long terms wins and I am pleased to note now that the plan is with our Place Manager who is developing a plan for Mount Hawthorn and is also one going to be developed for both North Perth and Leederville Connect, so this is a template, it is a successful plan which others will follow.

I wish to make a statement about Stormy Mills, as Councillors will now in the Media I got a call last Wednesday before flying out to East Timor on Thursday where it was revealed that a Stormy Mills picture on his building was painted over with a lovely mission red brown paint. It appears that the WA Police Force sought the wrong permission from the wrong owner, so they had a written document, which they provided to us. But they sought permission from the vacant block, what they did not realise or check out that in fact the wall which is a parapet wall is inside the property of Stormy Mills and is a part of his building.

They sent it to our Administrative Officer who then processed it, seeing that there had been approval and then proceeded to do contractors for the Graffiti Operation. I have on behalf of the City of Vincent without any excuse apologised to Stormy Mills. I have spoken to him personally and caught up with him yesterday evening about 9.30 when he had finished his new work in the same piece and I want to say this that the City of Vincent is a progressive dynamic Council, it believes that street art and urban art actually makes our Town Centres vibrant and more interesting, the residents and visitors can walk down the street look down a laneway and see a great piece of urban art.

That is what defines great cities, think New York, San Francisco, London and it is a total opposite to our philosophies as a Council as we, we are the key Council funder of the street Art Festival in Perth, we put in \$40,000 more than any other Council by a long shot, we fund a War Mural Program we actively facilitate street and urban art in laneways with residents, in fact I have personally done that as Mayor. It is completely opposite to what we stand for and I think looking at the facebook and social media and reports that people accepted our apology and in particular want to thank Stormy Mills for his very kind words about the leadership of this Council which indicated he still had strong faith in this Council and the direction it is heading.

#### 7.4 **State Government Amalgamations**

The revelation yesterday that the State Government will be providing minimal funding and in fact loans for the council amalgamation process. This is extraordinary as it is a message to a community that in particular a Vincent community, who do not want council amalgamations that they will have to pay for it. It is an overwhelming majority and I am not talking 50/50, an overwhelming majority in Vincent appear that they do not want forced council amalgamations and now there is a sweetener that ratepayers will have to pay for it, so this idea that bigger councils will deliver efficiency, will develop lower costs gets blown out of the water when it is realisation that the Government will have to provide back loans, but effectively we will probably see rate increases to accommodate the large costs expected to being associated with a forced Council merger process.

To be frank I have great fears about the splitting of Vincent. I believe that the Government appears hell bent now on getting the forced council merger process through and come hell or high water they will achieve that, because they are indicating there is no money at the table but they are going to proceed. It is not a full amalgamation it is a boundary alignment process, the exact rules don't work, but they will proceed and so my fear is, is that we will see the splitting of Vincent it is I think that if the board recommends that, that it appears that the Minister is likely to accept it.

We are back out in force, a postcard will be going across the full Electorate being delivered to every home and as a gentle reminder to Eleni, who has been a strong advocate to date, but also to the Minister that this issue is not going away and will continue to campaign on it, and that most importantly the Minister must not break his public promise to ratepayers and that promise was this, that he listened to the Community and that he would keep Vincent as one.

So my request to the Minister is this that when the recommendation comes and if it splits Vincent that he should say bye to his public commitment and reject the recommendation.

### **8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Cole declared an Impartiality interest in Item 9.1.2 Nos. 3 & 4/177 Stirling Street, Perth - Proposed Change Extended Hours of Operation for Internal Area & Alfresco Area - Existing Unlisted Use (Small Bar) and Ancillary Coffee Shop -. The extent of her interest being that there may be a potential perception of a conflict of interest as she works at the Drug and Alcohol Office. I do not work within a directorate advising on the liquor licensing and related matters..

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

Nil.

**10. REPORTS**

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

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

Items 9.1.1, 9.1.2, 9.1.4 & 9.1.6

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

Items 9.5.2, 9.5.5, 9.5.6 & 9.5.7

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

Nil.

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

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

<b>COUNCIL MEMBER</b>	<b>ITEMS TO BE DISCUSSED</b>
Mayor John Carey	Nil
Cr Buckels	Nil
Cr Cole	9.2.2
Cr Harley (Deputy Mayor)	9.4.2
Cr McDonald	Nil
Cr Peart	9.1.1, 9.1.2, 9.1.4, 9.3.2, 9.3.3, 9.4.3 & 9.5.5
Cr Pintabona	Nil
Cr Topelberg	9.1.3
Cr Wilcox	On Approved Leave

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

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

Items 9.1.5, 9.2.1, 9.2.3, 9.2.4, 9.3.1, 9.4.1, 9.5.1, 9.5.3, 9.5.4 & 9.5.8

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

Item 14.1.

**New Order of Business:**

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

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.5, 9.2.1, 9.2.3, 9.2.4, 9.3.1, 9.4.1, 9.5.1, 9.5.3, 9.5.4 & 9.5.8

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

Items 9.1.1, 9.1.2, 9.1.4 & 9.1.6

**(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 Harley, Seconded Cr Cole**

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

**Items 9.1.5, 9.2.1, 9.2.3, 9.2.4, 9.3.1, 9.4.1, 9.5.1, 9.5.3, 9.5.4 & 9.5.8**

**CARRIED UNANIMOUSLY (8-0)**

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

**9.1.5 No. 104-110 (Lot: 504 D/P: 29873) Hobart Street, corner of Edinboro Street, Mount Hawthorn – Proposed Ancillary Eating House to Existing Warehouse**

<b>Ward:</b>	North	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO0080; 5.2014.51.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 Dynamic Planning and Development on behalf of the owner Hobart Enterprises Pty Ltd for Proposed Ancillary Eating House to Existing Warehouse, at No's. 104 - 110 (Lot: 504 D/P: 29873) Hobart Street, corner of Edinboro Street, Mount Hawthorn, and as shown on plans stamp-dated 10 February 2014 subject to the following conditions:

**1. Building**

- 1.1 The windows, doors and adjacent floor area facing Hobart Street shall maintain an active and interactive frontage to this street with clear glazing provided;
- 1.2 No roller shutters should be installed on any of the openings of the structure;
- 1.3 Any new street/front wall, fence and gate within the Hobart Street or Edinboro Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**2. Operation**

- 2.1 The proposed eating house will maintain a constant right of access to the main warehouse in order for patrons and employees to access toilet and washing facilities;
- 2.2 The proposed eating house will not open for business without the warehouse toilet and washing facilities being made available;

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

**3.1 Refuse Management Plan**

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

Revised plans and details shall be submitted demonstrating a bin compound being provided;

### **3.2 Landscaping and Reticulation Plan**

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the City's Parks and Property Services 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:

- A. The location and type of existing and proposed trees and plants;
- B. All vegetation including lawns;
- C. Areas to be irrigated or reticulated;
- D. Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- F. Separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

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

#### **4.1 Car Parking Layout**

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

#### **4.2 Bicycle Parking Facilities**

Six (6) class three bicycle facilities shall be provided at a location to be agreed by the City. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility;

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

#### **ADVICE NOTES:**

1. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Hobart Street or Edinboro Street; and
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Harley, Seconded Cr Cole**

**That the recommendation be adopted.**

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

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

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination as the previous application was refused under delegated authority on the basis of the proposal being a shipping container.

**BACKGROUND:**

The subject property is located at No's 104-110 Hobart Street, Mount Hawthorn on the corner of Hobart Street and Edinboro Street, and is zoned as Commercial. The City's records indicate that the subject land has been used as a Warehouse since 1959, whilst the vacant land (on which the eating house is proposed) on the corner of Hobart Street and Edinboro Street has informally been used as car parking associated with the warehouse, albeit without the benefit of a formal planning approval.

In August 2013 an application for a proposed ancillary eating house in the same location and similar size was refused as the proposal utilised a shipping container, which was contrary to the City's Minor Nature Development Policy. The current application is a new application to that that was refused.

Date	Comment
22 February 1994	Addition of Workroom to existing warehouse - Refused
6 June 2001	Storeroom addition to existing warehouse – Approved
30 August 2013	Proposed ancillary eating house – Refused (under delegated authority)

**DETAILS:**

<b>Landowner:</b>	Hobart Enterprises Pty Ltd
<b>Applicant:</b>	Dynamic Planning and Development
<b>Zoning:</b>	Commercial
<b>Existing Land Use:</b>	Warehouse
<b>Use Class:</b>	'P'
<b>Use Classification:</b>	Warehouse
<b>Lot Area:</b>	612 square metres
<b>Right of Way:</b>	N/A

The proposal seeks approval for an ancillary eating house to be located on the corner of Hobart Street and Edinboro Street. The proposal would create a freestanding eating house (cafe) which would be located on the same lot as the existing Pisconeri warehouse business, but operated independently.

The proposal seeks approval for an eating house, to operate as a cafe/takeaway use, serving hot and cold beverages and some packaged foods to its patrons. There will also be a small area available for seating, to enable the option of patrons dining in or takeaway. The serving area and seating area are proposed to be uncovered.



The proposal would create approximately 48.5 square metres of serving, waiting, seating area, with the kitchen accommodated in a small building that measures 5.5m by 2.7m. The proposed structure would be a contemporary structure made of steel with stained and recycled timber cladding. The seating area would be timber decking with a green wall surrounding the perimeter on the northern and eastern boundaries.

Expected patron numbers have not been provided at this stage, therefore all patron numbers have been based on a calculation of 1 person per 1 square metre.

**ASSESSMENT:**

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

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

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

Use

The site is located within a Commercial Zone, with acceptable uses as per the Commercial Zone of the Zoning table in TPS No. 1. An eating house in this location is a "P" use subject to compliance with all other policies.

The proposal is for the erection of a freestanding building to create an ancillary eating house facing onto Hobart Street. The existing warehouse would remain. The two would operate independently, but with the proposed eating house to have access to toilet and bin facilities of the existing warehouse.

The application proposes a small 5.5m by 2.7m single storey flat roofed building to house the kitchen facilities. A decking area for seating would be provided to the eastern side of the building. The seating and serving area for patrons would be uncovered. The decking/seating area would be partially screened from Edinboro Street by a proposed 1.8m high green wall and other landscaping.

The proposal would operate as a small eating house, aimed at serving hot and cold beverages and pre-packaged food to patrons, who would be expected to comprise mostly of passing trade (parents on school run, employees purchasing lunch etc) and therefore it is not expected that patrons would stay at the venue for extended periods of time. The proposed operating hours would be 6.00am to 5.00pm Monday to Friday, and 7.00am to 5.00pm Saturday and Sunday.

Height

The application proposes a small 5.5m by 2.7m single storey flat roofed building with a decked seating area. However the Mount Hawthorn Centre Precinct Policy encourages two storey buildings in the commercial area. The proposal seeks an ancillary use to the main warehouse and would be retained on the same lot/title. It is therefore considered that as the proposal is small scale in nature and would form a use that would encourage more interaction with the street than the existing building, it would be an appropriate to accept a lower building height in this instance.

Setbacks

The Mount Hawthorn Centre Precinct Policy requires buildings to have a setback from the street a distance that is generally consistent with the building setback on adjacent land and in the locality. The proposed building would be setback from Hobart Street by approximately 1.8m from the edge of the existing footpath, with the decking area 0.3m away, extending to approximately 1.8m which would reflect the setback of existing commercial buildings fronting onto Hobart Street. The proposed building would be setback from Edinboro Street by approximately 7.0m with the decking area at its closest having a 0.3m setback. The site is separated from the commercial uses on Hobart Street to the west by the existing car parking area of the property (in excess of 50 metres), and the same to the residential properties to the north on Edinboro Street. Whilst the proposed setbacks do not strictly accord with the setbacks of the adjoining properties, the distance between properties and the small scale open nature of the proposal, would mean that the proposed street setback variations would not be detrimental to the character of the area.

Car Parking

Under the current Car Parking Policy, the parking rate for an eating house is 1 space per 5 persons. The number of persons is further determined as per the City's Health Department Assessment as outlined above. The calculation for the car parking is based on the maximum number of persons can be accommodated by the eating house as per the Health Department Assessment. In this instance, the applicant has not provided estimated patron numbers, therefore, car parking has been calculated using a rough estimation of 1 person per 1 square metre. The existing warehouse is proposed to be retained.

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

Existing warehouse (no change proposed)

<b>Car bays</b>	
Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> <li>• Warehouse 1850 square metres NLA</li> <li>1 bay per 100 square metres</li> <li>• TOTAL car bays required = 18.5</li> </ul>	19 car bays
Adjustment factors	(0.576)
<ul style="list-style-type: none"> <li>• 0.80 (within 400m of bus route)</li> <li>• 0.90 (within 400m of existing off street public car park with in excess of 50 bays)</li> <li>• 0.80 (proposes a small scale 'active use' and is located on the ground floor of a building in a Town Centre)</li> </ul>	10.944
Minus the car parking provided on-site	32
Minus the existing on-site car parking shortfall	N/A
Resultant Surplus	21.056 car bays

Proposed eating house

<b>Car bays</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Warehouse (existing) 1850 square metres NLA</li> <li>1 bay per 100 square metres</li> <li>Car bays required = 18.5</li> <li>Eating House (proposed) 48.5 square metres PFA</li> <li>48.5 persons (1 per 5 persons)</li> <li>Car bays required = 9.7</li> <li><b>TOTAL CAR BAYS REQUIRED = 28.2</b></li> </ul>	28 car bays
Adjustment factors <ul style="list-style-type: none"> <li>0.80 (within 400m of bus route)</li> <li>0.90 (within 400m of existing off street public car park with in excess of 50 bays)</li> <li>0.80 (proposes a small scale 'active use' and is located on the ground floor of a building in a Town Centre)</li> </ul>	(0.576)
Minus the car parking provided on-site	32
Minus the existing on-site car parking shortfall	N/A
<b>Resultant Surplus</b>	<b>15.872 car bays</b>

Bicycle Parking

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

<b>Bicycle Bays</b>	
Bicycle bay requirement (nearest whole number) <ul style="list-style-type: none"> <li>Eating House 48.5 square metres</li> <li>1 per 20 square metres PFA</li> <li><b>TOTAL bays required = 2.43</b></li> </ul>	2.43
Minus the cycle bays provided on-site	6 bays proposed
<b>Resultant Surplus</b>	<b>3.57</b>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period	8 April 2004 – 24 April 2014		
Comments received	One (1) objection and One (1) support		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<u>Setbacks</u> The setback should reflect the predominantly residential nature of Edinboro Street	Not Supported. The current use of the site is commercial. The existing buildings are set well back from both Edinboro Street and Hobart Street. The site is zoned Commercial and therefore it is appropriate to apply a setback similar to the existing Commercial properties facing Hobart Street. The proposal is a small single storey structure and therefore a reduced setback to Edinboro Street is considered to be appropriate.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Car Parking</u> Currently employees of the warehouse park on Edinboro Street. This proposal will add to street parking by non residents and limit parking for residents.</p>	<p>Noted. The applicant expects the majority of customers to attend on foot or bicycle, and therefore has not proposed any specific allocated car parking for the use. Whilst the proposal does not provide for any car parking specifically allocated to the eating house use, there are on-street parking bays that could be utilised by customers during the short period of time they are likely to be stopped at the site. The hours of operation are proposed to be 6.00am to 5.00pm Monday to Friday, and 7.00am to 5.00pm Saturday and Sunday and therefore should not affect the ability of nearby residents to park outside of normal work hours. The proposal is small scale in nature and the number of customers likely to attend at any one time is limited. The seating area is small in size, which will restrict the number and time that customers will stay. The applicant has advised that the eating house will operate as a cafe and serve hot and cold beverages and pre-packaged foods to customers.</p>

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

Applicant has been sent a summary of comments received during the advertising period, but no response received at the time the agenda report was prepared.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

Summary of Design Advisory Committee Comments:

- N/A

**LEGAL/POLICY:**

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Centre Precinct Policy 7.1.2;
- Parking and Access Policy 7.7.1;
- Development Guidelines for Commercial and Mixed Use Developments Policy 7.5.12.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL
The design of the building allows for natural light and cross ventilation.
SOCIAL
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.
ECONOMIC
The development will provide increased employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Building Services**

A Building Permit is required for a Class 6 structure to comply with standard Building Code of Australia (BCA) conditions, which is to be privately certified and submitted to the City for approval.

**Health Services**

The City's Health Services have advised that the bin store would be required and is to comply with health requirements and the proposal should comply with the Food Act 2008 and the FSANZ Food Standards Code. As no bin store has been proposed, this requirement has been conditioned.

**Technical Services**

The City's Technical Services have advised that all bike racks should be provided within the site, and that a bin store should be provided with a wash down area connected to the sewer. If the bin store of the existing warehouse is to be utilised, a temporary bin store structure should be provided close to the proposed eating house.

**Planning Services**

The site is located within the Commercial Zone of the Mount Hawthorn Centre Precinct. The proposal is in accordance with the Zoning table of TPS No. 1, as an eating house is a "P" use in this location. The Precinct Policy states that new buildings should be of a scale compatible with existing development and should be setback from the street a distance which is compatible with existing developments and that buildings should be setback from the street alignment such distance as is generally consistent with the buildings setback on adjacent land and in the immediate locality. The proposal generally accords with the above criteria.

The Mount Hawthorn Precinct Policy strongly encourages two storey buildings, however in this instance the proposed use would be small scale and it is considered that the proposal being of single storey nature is more appropriate. The proposed building structure would be small in size but made to be of an attractive appearance, and the proposed seating area would include a timber decking with a green wall and other landscaping to create a far more attractive area from the street where originally was an informal car parking area.

The proposal does not propose to provide any car parking specifically allocated to the eating house. The applicant anticipates that the proposed eating house would operate as a cafe, serving hot and cold beverages and some packaged foods to its patrons.

There will be a small area available for seating which will enable patrons to either dine in or take-away. It is anticipated that the prospective patrons of the proposed eating house would be passing cyclists, parents dropping off and/or picking up their children from the nearby Mount Hawthorn Primary School as well as patrons and employees of the nearby commercial and retail land uses along Oxford Street and Scarborough Beach Road. It is therefore expected that the majority of patrons would be on foot or bicycle, as they will have travelled from an alternative location to where their car may be parked (i.e. at work etc).

The proposed maximum number of people attending the eating house is unknown at this stage, but calculations based on public floor area give a maximum number of people at 48.5 plus staff, and the car parking requirement has been calculated based on this figure.

Whilst the proposed eating house does not specifically have any car parking bays allocated to it, the car parking requirement for the warehouse is 19 car bays. There are 20 car parking bays positioned to the front of the warehouse with access from Hobart Street. This means that any car parking available on the lot fronting Edinboro Street is not required to accommodate the needs of the warehouse use. Therefore, whilst these bays would not be allocated to any particular use, they would be available for short term use of patrons to the eating house in order to prevent further congestion on the street.

The calculation for floor area and patron numbers has been based on the accessible public floor area of 1 person per 1 square metre. However the proposal includes only a small seating area of approximately 30 square metres, with the remaining 18.5 square metres being located to the front of the servery and would most likely be only used by patrons for queuing or waiting for their order. The applicant has advised that the eating house is expected to operate similar to a cafe/takeaway set up. It is therefore possible that a calculation of 48.5 persons for the proposal is higher than would actually materialise on site, and therefore if the patron number was lower, the car bay requirement would be reduced accordingly.

Although the applicant has specifically detailed that the eating house would have no allocated car parking bays and the deficit would require a cash in lieu payment, it is considered that given this surplus of car parking spaces on the same lot it could be appropriate to waive any cash in lieu requirement given the ability of the site to provide some car parking if required.

The City's Officers are of the view that the pressures for on-street car parking and traffic impact would occur largely during the day and therefore would not coincide with the highest demand from residential properties in the area outside of work hours, and is therefore unlikely to result in any detrimental impact to the surrounding area. The location of the proposed eating house is also located some 50 metres away from the nearest residential property.

The application proposes six (6) bicycle parking bays to be located in the road verge of Hobart Street which is 3.57 more bays than required for the size of the development. Given the applicants desire for the eating house to be frequented by patrons using other means than the car, this over provision of bicycle parking is to be supported.

The proposed eating house does not provide any specific bin store allocation or toilet facilities etc. The applicant has advised that the toilet facilities available within the existing Piscoeneri warehouse building which is located on the same lot will be made available to staff and customers of the eating house. The above has been conditioned.

#### **CONCLUSION:**

It is considered that the proposed use of an eating house would be appropriate in this location, and the proposal generally meets the criteria of all the other relevant policies as described above. In this instance, there is also a shortfall of car parking if calculated for the eating house in isolation. However if calculated over the entire site there is a surplus of car parking available and therefore it could be appropriate for any cash in lieu payments to be waived. On balance it is considered that the proposal is appropriate for this location and would enhance the appearance of the streetscape.

For the reasons outlined above, the proposal is recommended for approval.

**9.2.1 Traffic Related Matters Considered by the City's Integrated Transport Advisory Group (ITAG) – April 2014**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Mount Hawthorn (1), Norfolk (10)	<b>File Ref:</b>	TES0093, TES0017, TES0045
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2854-CP-01A (Flinders St) <a href="#">002</a> – Plan Nos 3144-CP-01 & 02 (Norfolk/Vincent Options)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES IN PRINCIPLE** the installation of speed humps/nibs in Flinders Street between Scarborough Beach Road and Anzac Road as shown on attached Plan No. 2854-CP-01A estimated to cost \$25,000 as recommended by the Integrated Transport Advisory Group at its meeting held on 30 April 2014 (refer to Attachment 9.2.1);
2. **CONSULTS** with affected residents in Flinders Street regarding the proposal as outlined in clause 1 above, in accordance with Community Consultation Policy No. 4.1.5;
3. **NOTES** that an interim measure (as shown on attached Plan No. 3144-CP-02) estimated to cost \$3,500 will be undertaken at the intersection of Norfolk and Vincent Street to improve sight lines for vehicles entering Vincent Street from Norfolk Street as discussed in the report;
4. **CONSIDERS** listing \$45,000 in the 2014/2015 draft budget for the implementation of safety improvement works in Flinders Street (as shown on attached Plan No. 2854-CP-01A) and for possible future works at the Norfolk/Vincent Street Intersection (as shown on attached Plan No. 3144-CP-01); and
5. **RECEIVES** a further report at the conclusion of the formal consultation period and further progress reports on the traffic matters as outlined in the report.

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council of the outcome of a number of matters considered by the Integrated Transport Advisory Group (ITAG) held on 30 April 2014.

**BACKGROUND:**

At its Ordinary Meeting held on 8 April 2014 the Council considered the recommendations of the Integrated Transport Advisory Group meeting held on 26 March 2014 and made the following decision:

*“That the Council;*

1. *NOTES the progress of actions previously approved at its Ordinary Meeting held on 3 December 2013, as outlined in the report;*
2. *APPROVES IN PRINCIPLE the following two (2) proposals as recommended by the Integrated Transport Advisory Group at its meeting held on 26 March 2014 (refer to Attachment 9.2.1);*
  - 2.1 *the installation of speed cushions in Joel Terrace as shown on attached Plan No. 3129-CP-01; and*
  - 2.2 *the installation of a raised Plateau on Hobart Street at the Eton Street intersection as shown on attached Plan No. 3136-CP-01;*
3. *CONSULTS with affected residents in both Joel Terrace and Hobart Street regarding the proposals as outlined in clause 2 above, in accordance with Community Consultation Policy No. 4.1.5; and*
4. *RECEIVES a further report at the conclusion of the formal consultation period and further progress reports on the traffic matters as outlined in the report.”*

**DETAILS:**

**Council Decision 8 April 2014:**

Joel Terrace:

Consultation on the installation of speed cushions closes on 6 May 2014.

Hobart Street:

Consultation on the installation of a raised Plateau on Hobart Street at the Eton Street intersection closes on 6 May 2014.

**Integrated Transport Advisory Group (ITAG) – April 2014:**

Flinders Street: - Scarborough Beach Road to Anzac Road:

Flinders Street comprises a local distributor road in accordance with the Metropolitan functional road hierarchy. It is a 50 kph road and is classified to carry up to 6,000 vehicles per day.

This section of Flinders Street is 10.0m wide and slopes towards Anzac Road at approximately 3.6% or 1 in 27.

Section	85% speed	Volume	% heavy vehicles
Scarb Bch Rd to Ashby	45.4 kph	1,982	1.9
Ashby to Hawthorn	55.4 kph	1,459	1.4
Hawthorn to Anzac	50.0 kph	1,390	1.8

As can be seen from the above figures, the traffic volume is within the criteria and the measured speed is below the posted speed except for the section between Ashby and Hawthorn Street.



The Integrated Transport Advisory Group meeting was attended by several residents from the street requesting that the City implement measures to deter motorists from speeding and rat running down the street.

They advised that on two (2) occasions vehicles have been damaged the most recent when a drunk driver wrote off a parked vehicle and that there are many small children in the area and they don't want to see anything happen.

One of the residents considered that parking on the street was dangerous due to the speed of the traffic and they don't allow their two (2) children to walk along the street.

The residents were advised that the road complied with its classification and that while the volumes and speed were not excessive it was considered that intervention measures should be considered.

Discussion regarding the advantages/disadvantages of various road treatments including, speed humps, chicanes, a one way road section and also making the road into a cul-de-sac as requested by one of the residents. It was explained that creating a cul-de-sac would not be an acceptable option to the City due to the roads classification and the potential impact of adjoining street.

A proposal comprising the installation of speed humps and nibs (as outlined on attached Plan No. 2854-CP-01A) was presented and discussed. One (1) resident indicated he was not in favour of speed humps outside his place while the other residents indicated they were in favour of the proposal. It was concluded that consultation would be undertaken in relation to the proposal and a report would be presented to the Council.

The officers also advised that they would investigate the demarcation of a 'No Stopping' zone at the Flinders/Anzac intersection and no parking on the verge as the line of sight can often be obstructed.

#### Norfolk/Vincent Street Intersection:

The above intersection was modified several years ago as part of a Blackspot funded project however the accidents continue to occur culminating with a recent fatality involving a motor cyclist and a motor vehicle.

Residents have been raising concerns regarding safety of this intersection and recently the Norfolk Precinct group wrote to the City requesting that action be taken to improve the intersection and offered a possible solution.

There have been fourteen (14) recorded accidents at this location in the last five (5) years (excluding the fatality) with the majority (9 out of the 14) of accident involving vehicles turning right out of Norfolk Street colliding with vehicles travelling east on Vincent Street.

Two (2) possible measures can be implemented to address this situation:

Measure 1: Removing the parking bay on the north side of Vincent Street immediately to the west of Norfolk Street and creating and nib (refer Plan No. 3144-CP-02); and

Measure 2: Installing a half 'seagull island' in Norfolk Street to permanently ban the right turn. (refer attached Plan No. 3144-CP-02).

#### Officers Comments:

The group considered the options (including the one presented by the Norfolk Precinct Group) where it was considered that Measure 1 should be implemented straight away to improve sight lines and that this be monitored and that should this not remedy the situation that Measure 2 be further explored. Measure 2 would require consultation with residents as their access would be affected.

**CONSULTATION/ADVERTISING:**

Consultation will be undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** Related to amenity/safety improvements for residents.

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2013/2014 budget comprises the following:

- Misc Traffic Management \$50,000
- Expenditure to date = \$25,000

The interim measure (as shown on attached Plan No. 3144-CP-02) estimated to cost \$3,500 to be undertaken at the intersection of Norfolk and Vincent Street to improve sight lines for vehicles entering Vincent Street from Norfolk Street will be funded from this budget.

It is recommended that \$45,000 be listed for consideration in the 2014/2015 draft budget for the implementation of safety improvement works in Flinders Street (as shown on attached Plan No. 2854-CP-01A) and for possible future works at the Norfolk/Vincent Street Intersection (as shown on attached Plan No. 3144-CP-01).

**COMMENTS:**

As outlined in the report, with the increasing development in the City and a growing metropolitan area vehicle ownership in Perth is on the rise. This has resulted in increased traffic and residents have been contacting the Council and the City requesting that investigations be undertaken in various streets due to the perceived increase in the volume and speed of vehicles. It is therefore requested that the officer recommendation be supported.

### 9.2.3 TravelSmart Initiative - Vincent Community Bike Library

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0524
<b>Attachments:</b>	<a href="#">001</a> – Bike Library Samples		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	F Sauzier, Travel Smart Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**
  - 1.1 several Local Governments in Australia have created Community Bike Libraries to reduce some of the hurdles residents face in trying cycling;
  - 1.2 a RAC Community Partnerships Grant to fund the purchase of four (4) bicycles and cycle education courses to the value of \$6,150 has been received by the City;
  - 1.3 ZAP Electric Vehicles have committed to sponsoring the Community Bike Library with three (3) electric bicycles - two (2) x hybrid bikes and one (1) cargo bike to the value of \$6,000; and
  - 1.4 the Loftus Community Centre has indicated their commitment to coordinating the bookings of the Vincent Community Bike Library; and
2. **APPROVES** the development of a Vincent Community Bike Library; and
3. **AUTHORISES** the Acting Chief Executive Officer to;
  - 3.1 progress the purchase and management of the Vincent Community Bike Library; and
  - 3.2 report on the usage of the Vincent Community Bike Library in twelve (12) month's time.

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#### **COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Harley, Seconded Cr Cole**

**That the recommendation be adopted.**

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

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

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

The purpose of this report is to seek the Council's approval for the development of a Vincent Community Bike Library.

### **BACKGROUND:**

The Vincent Bike Network Plan consultation, conducted between December 2012 and February 2013 by Aurecon, identified the following actions requested by participants of both the public workshop and the online questionnaire:

- Develop a bike share scheme; and
- Promote electric bikes for the elderly.

Providing a wide range of well maintained bikes, including electric bikes and cargo bikes, for the community to access on a short term basis significantly reduces the barriers for people to try cycling. Creating a community bike library will enable residents, prior to investing in a bike, to have the opportunity to access a range of well maintained bikes to conduct short trips within the City.

Several local governments in the Perth metro area have invested in a community bike library (City of Stirling, City of Fremantle), in order to provide a range of bikes to residents and visitors, providing a useful model for the development of similar in Vincent.

In approaching organisations for funding in 2013, the City received letters of support from Cycling WA (WESTCYCLE), Loftus Community Centre and members of public.

### **DETAILS:**

Research indicates that one of the barriers to cycling includes the 'perceived high costs of cycling'. The development of the Vincent Community Bike Library (VCBL), would greatly reduce the barriers experienced by many people in accessing a wide range of bikes to try.

The VCBL would be maintained to a high standard, reducing the chances of a negative experience as a result of flat tyres or bikes that need servicing. Having a number of bikes available will allow people to use the bikes in groups, which can aid confidence. The provision of a cargo bike as well as small cargo trailers will allow people to also use the bikes for shopping, providing a means by which people can consider using bikes rather than their car to do that style of errand. In addition, parents will be able to also access bikes for children to ensure families can benefit from the initiative.

### **Funding:**

Funding for the bulk of the VCBL has been obtained from two (2) sources:

1. \$6,150 funding for the electric bike fleet has been successfully obtained from the **RAC Community Partnerships Grants** round. This funding is to cover:
  - a. \$3,000 – purchase of four (4) hybrid bikes; two (2) cargo trailers; one (1) bike carrier; helmets; lights; and
  - b. \$3,150 – community cycle maintenance and cycle skills workshops.
2. \$6,000 sponsorship of electric bikes from **ZAP Electric Vehicles**. This sponsorship covers a large percentage of the purchase price (\$7,797) of three (3) electric bikes from Zap. The electric bikes include two (2) x City to Surf step through bikes and one (1) cargo bike. Each electric bike will include a pannier, lights, helmets and will be based in the City of Vincent's 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).

Additional Costs:

In addition to the sponsored items the following costs are anticipated:

- \$1,797 – shortfall of ZAP electric bike sponsorship;
- \$1,300 – purchase of four (4) children's bikes (two/2 x small child & two/2 x midsize bikes)
- \$2,000 – secure bike cage to be installed in CoV Library underground carpark;
- \$ 500 - installation of 3 x power points for electric bike recharging; and
- \$2,400 – annual maintenance fees for both electric and non-electric bikes

\$7,997.00 Total additional costs

**Management of the Fleet:**

Access:

The Loftus Community Centre (LCC) have formally expressed interest in managing bookings for the VCBL in conjunction with the City. A centralised booking system would operate whereby residents and non-residents could access bikes. All users would need to present ID which would be photocopied and kept on file.

Fees:

Short term one (1) to four (4) hour use of the bikes would be at no cost. Long term hire of one (1) to three (3) days would have a fee attached, to be determined by the Acting Chief Executive Officer. A nominal fee for the long term use by residents would be appropriate, with non-residents paying a premium.

Education:

A series of Bike Riding Skills and Bike Maintenance workshops targeted to residents will be held, to coincide with the launch of the VCBL, funded by a portion of the RAC funding.

Storage:

The bikes will be stored in the secure underground carpark of the City of Vincent Library building, and will have a secure cage built for the bikes to be permanently housed in;

Recharging:

Three standard power outlets will be installed in this area to allow for the electric bikes in the fleet to always be recharged;

Insurance:

The bikes will be covered under the City's Asset insurances. The bikes will be maintained to a high standard, but the City will not be held responsible for any injury or damage occurring as a result of the usage of the VCBL.

Maintenance:

The bikes will be regularly serviced by the suppliers, under a maintenance agreement to be funded by the TravelSmart Community Actions fund. Users will 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 LCC Calendar function.

Marketing:

The VCBL will be formally launched at a 'COME AND TRY Day'. Local newspaper editorial will be sought to publicise the use of the innovative bike fleet by the community, acknowledging RAC and Zap co-funding; and

Review:

The use of the VCBL will be reviewed 12 months after set up.

**CONSULTATION/ADVERTISING:**

The advent of the VCBL comes from consultation conducted during the development of the Vincent Bike Network Plan, as well as consultation with other councils who currently run a similar initiative. The VCBL will be launched with a 'COME AND TRY' day and advertised through Vincent digital channels and local newspapers.

**LEGAL/POLICY:**

Users will be required to abide by the Guidelines developed for the usage of the VCBL.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Users will be required to sign a cycling competency note as well as a disclaimer which clearly states that the City is not to be held responsible for any damage or injuries sustained in the use of the VCBL. Users are to present formal identification prior to accessing the VCBL and the bikes will be maintained to a high standard through a maintenance schedule with suppliers.

**STRATEGIC IMPLICATIONS:**

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

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

- 1.1.3 take action to reduce the City's environmental impacts and provide leadership on environmental matters*
  - Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use).*
- 1.1.5(a) Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans.*
- 3.1.5 promote and provide a range of community events to bring people together and to foster a community way of life.*
  - Deliver a range of leisure programs to encourage structured and unstructured recreation in the community."*

**SUSTAINABILITY IMPLICATIONS:**

In accordance with the City's *Sustainable Environment Strategy 2011-16*;

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

- 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:

RAC Community Partnerships Grant (\$6150);  
ZAP Electric Vehicles Sponsorship (\$6000)

Additional costs for the establishment and maintenance of the VCBL are estimated at \$8000.

Expenditure for this matter will be incurred under the TravelSmart Community Programs budgeted item:

Budget Amount:	\$55,000
Spent to Date:	<u>\$25,000</u>
Balance:	\$30,000

**COMMENTS:**

The establishment of a Vincent Community Bike Library will greatly reduce some of the perceived hurdles to residents and visitors of Vincent to choosing an active transport mode, rather than using a car.

The initiative contributes to a reduction in traffic and congestion and greenhouse gas emissions in Vincent as well as improving the health of residents and visitors 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 a significant percentage of the purchase and establishment costs of the Vincent Community Bike Library and it is recommended the initiative be progressed.

**9.2.4 Lane Street, Perth - Proposed Amendments to Existing Parking – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	PKG0101 / TES0463
<b>Attachments:</b>	<a href="#">001</a> – Proposed Plan No. 3132-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES the undertaking of a six (6) month trial of a 2P time restriction 8.00am to 6.00pm Monday to Friday and “Resident Only” parking at all other times in Lane Street, as shown on the attached Plan No. 3132-PP-01;**
2. **PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs;**
3. **NOTES that the introduction of traffic calming measures cannot be supported based on the results of the traffic data, as outlined in the report;**
4. **RECEIVES a further report on the request for trees to be planted in the street; and**
5. **ADVISES residents of its decision;**

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

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

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

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**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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



**Ordinary Meeting of Council 25 March 2014:**

The matter was subsequently reported to Council where the following decision was made:

*“That the Council;*

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

**DETAILS:**

**Community Consultation:**

In early April, thirty six (36) letters were sent out to which the City received six (6) responses by the close of the consultation period on 18 April 2014.

Related Comments *In Favour* of the Proposal:

- 4 x in favour with no further comments.

Related Comments *Against* the Proposal:

- 1 x against with no further comments.

Related Comments *Neither in Support nor Objecting*:

- ... generally does not support as when they have parties where are the visitors going to park, also are refurbishing their house, where are the trade’s people supposed to park.

*Officers Comments:*

As mentioned a petition was received on 5 March 2014, along with sixteen (16) signatures requesting that the Council investigates the possibility to have Street Trees, ‘Resident Only’ parking and Traffic Calming Devices implemented in Lane Street.

While the consultation attracted few responses it is evident that there is a desire for a change in the parking restrictions as this is a very narrow street with very minimal off street parking.

Due to the limited number of car spaces available in the street approx 24, during the days ‘tradies’ will still be able to park however is many visitors require parking (party) there is no scope currently (due to the limited parking available) for them to be able to park in the street.

**Street Trees:**

This matter is still being investigated however there are a number of services which may determine whether trees can be installed i.e. stormwater, gas, water and sewer.

**Traffic:**

Vehicle classifiers were deployed in the street to measure to speed/volume and composition of traffic in the street.

DATE		LOCATION	AWT 5 day	85% Speed	% Heavy
START	FINISH				
12-Jun-13	19-Jun-13	Brisbane-Bulwer	227	38.2	3.40
13-Jan-98	21-Jan-98	Brisbane-Bulwer	252	39	2.09

The implementation of traffic measures cannot be justified based on the above data.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken in accordance with the City's consultation policy.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

It is recommended that the Council approve the introduction of a 2P time restriction 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times on the eastern side of lane Street as shown on attached Plan No. 3132-PP-01.

**9.3.1 Annual Plan – Capital Works Programme 2013/2014 – Progress Report  
No.3 as at 31 March 2014**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Annual Capital Works Schedule 3 <sup>rd</sup> Quarter		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; J Anthony, A/Director Community Services; R Lotznicker, Director Technical Services; and P Mrdja, A/Director Planning Services		
<b>Responsible Officer:</b>	M Rootsey, A/Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES Progress Report No. 3 for the period 1 January to 31 March 2014 for the Capital Works Programme 2013/2014, as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Harley, Seconded Cr Cole**

**That the recommendation be adopted.**

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

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2013/2014 for the period 1 January 2014 to 31 March 2014.

**BACKGROUND:**

At the Special Meeting of Council held on 2 July 2013, Council adopted the Annual Budget 2013/2014.

**DETAILS:**

The Capital Works Programme now forms part of the Annual Plan for the City of Vincent. The Directors and Managers from the four (4) Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$9.46 million of new Capital Works.

The programme takes into consideration the following factors:

- Budget/funding
- Existing workload commitments of the workforce
- Consultation requirements
- Liaison with other agencies/service areas
- Employee leave periods
- Leave requirements
- Cash flow requirements

The following significant changes have been made from the original adopted Capital Works Programme as listed below:

Project	Reason
<b>Major Plant Replacement</b>	
CCTV Cameras – Leederville, nib Stadium and Others	Project not proceeding in this financial year following cancellation of federal funding.
Community Entergy Efficiency Program (CEEP)	Project re-scoped due to technical issues and budget implications.
<b>Buildings</b>	
Auckland/Hobart Street Reserve – install unisex toilet	Project not proceeding as per Council decision OMC 10 September 2013.
Mount Hawthorn Community Centre – roof replacement	Work completed in last financial year.
Beaufort Street Precinct – install unisex toilet	Funds reallocated to Leederville Town Centre streetscape and park enhancement.
Tennis Seniors – upgrade lighting CRSF Grant	Project not proceeding due to issues with power on site.
<b>Parks Development</b>	
Nature Playground – location to be determined	Funds reallocated to Leederville Town Centre streetscape and park enhancement.
<b>Streetscape Improvements</b>	
Newcastle – Carr Street	Project on hold federal funding cancelled and

**CONSULTATION/ADVERTISING:**

Not applicable

**LEGAL/POLICY:**

The Capital Works Programme has been prepared on the adopted 2013/2014 Annual Budget.

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2011 – 2023 (Plan for the Future)

In keeping with the City's Strategic Plan 2013-2017 Key Result Area One – Natural and Built Environment:

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

**SUSTAINABILITY IMPLICATIONS:**

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financial and social.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Capital Works Programme is funded in 2013/2014 Annual Budget.

**COMMENTS:**

The schedule of projects may be subject to change during the year.

Quarterly progress reports on the Capital Works Programme will be prepared for Council throughout the year.

The projects listed will ensure the City's infrastructure and assets are upgraded and maintained for the overall benefit of the community.

**9.4.1 No. 34 (Lot 1) Cheriton Street, Perth – Progress Report No. 5**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	EPRA; P16	<b>File Ref:</b>	PRO5055
<b>Attachments:</b>	<a href="#">001</a> – Minister's notifications <a href="#">002</a> – Lotterywest's notification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	G.Pieraccini, Director Special Projects		
<b>Responsible Officer:</b>	G.Pieraccini, Director Special Projects J. Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** Progress Report No. 5 relating to No. 34 (Lot 1) Cheriton Street, Perth;
2. **LISTS** for consideration in the 2014/15 Draft Budget \$621,447 for the refurbishment and \$20,000 for on-going operational costs;
3. **AUTHORISES** the Acting Chief Executive Officer, to prepare a Request for Tender for the Refurbishment (building works) of 34 Cheriton Street, Perth; and
4. **NOTES** that a further progress report will be provided in July 2014.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

To provide an update on the status of No. 34 (Lot 1) Cheriton Street, Perth and seek approval to further progress the project.

**BACKGROUND:**

Previous progress reports have been presented to the Council in relation to No. 34 (Lot 1) Cheriton Street, Perth; as follows:

- 27 July 2010            The Council at its Ordinary Meeting resolved to commence including land ceded from various Local Government authorities to the then Town (part of the boundary changes in July 2007), into the City's Town Planning Scheme No. 1, with reporting to the Council on the commencement process in September 2010.
- 28 July 2010            The City received a letter from Gray & Lewis Land Use and Planners, seeking the Council's support for the land to be considered to be rezoned from 'Region Reserve for Public Purposes (Special Use)' to 'Urban', with the intention largely to provide greater development options for the site.

- 10 August 2010 A report was presented to the Ordinary Meeting of Council to provide information on the Applicant's request to the Western Australian Planning Commission (WAPC) regarding a proposed MRS Amendment relating to the rezoning of the subject land (road widening and Lot 1 Cheriton Street, Perth), from 'Region Reserve for Public Purposes' (Special Uses) to 'Urban'.
- The Council also requested that the Chief Executive Officer approach the relevant Minister(s) and local Member of Parliament seeking transfer of the land, free of cost to the City as a Crown Grant (or equivalent), rather than freehold.
- 20 August 2010 The City wrote to the Minister for Transport, Minister for Planning and the Shadow Minister for Culture and the Arts as directed at the Ordinary Meeting of Council on 10 August 2010.
- 27 August 2010 Response received from the Department of Regional Development and Lands stating that they would not support the transfer of land at no cost, but were prepared to make a direct offer of transfer in freehold to the City at market value as determined by Landgate's Valuation Services Branch.
- 2 September 2010 The City responded to the Department of Regional Development and Lands, declining their offer to organise a valuation for the property as the City was not interested in purchasing the property at market value.
- 30 September 2010 Western Australian Planning Commission response letter to the applicants of the MRS Amendment regarding the status of the land.
- 11 October 2010 Response letter from the Minister for Transport advising that the Public Transport Authority (PTA) was unable to transfer the land free of charge as Government Policy requires the disposal of assets at market value, and funds from such a sale generally applied to the reduction of debt or the acquisition of infrastructure in line with the objectives of the PTA.
- 27 October 2010 Response letter from the Western Australian Planning Commission declaring their intention to sell the property on the open market and that there was an interested party wishing to refurbish the property for commercial use (offices). The City's support was also sought to consider all applications in line with the adopted EPRA Scheme No. 1 as a guide for proposed uses until the City has reviewed its Town Planning Scheme.
- 21 April 2011 Correspondence received from Norwood Neighbourhood Association requesting further information from the City on the various heritage reports and assessments that have been compiled regarding the property.
- May 2011 The Norwood Neighbourhood Association requested Council Members and City Officers, through a number of direct conversations, to revisit the use of the property as a community facility after receiving information that the State Government had discontinued their sale process for the property.
- 2 June 2011 The City wrote to Michael Sutherland, MLA, seeking support for the property to be leased to the City at a 'peppercorn lease' in return for the property being refurbished for community use.

- 13 June 2011 Michael Sutherland, MLA wrote to the Minister for Lands advising that he had met with a number of local residents, as well as the City's Chief Executive Officer, Mayor and two Council Members, to discuss the possible use of the property as a community facility. The Member for Mount Lawley supported the proposition that the City undertake an upgrade of the property for community use given the change of demographics in the immediate vicinity.
- 10 November 2011 Correspondence received from the Department of Regional Development and Lands requesting information from the City on its financial capacity to refurbish the building within a two (2) year period for a community facility.
- 6 December 2011 Authority was given to advise the Department of Regional Development and Lands of the City's preliminary interest in refurbishing the property at No. 34 (Lot 1) Cheriton Street, Perth for the purpose of establishing a community facility. The need to explore community needs, and service gaps within the community was requested along with investigating partnership pathways with Central TAFE.
- 27 March 2012 Council approves the acceptance of a Management Order from the Department of Regional Development and Lands for No. 34 (Lot 1) Cheriton Street, Perth with a condition attached that the property (building) on Lot 1 is to be refurbished and in use for community purposes within two (2) years of issue of the Management Order. Council listed an amount of \$300,000 in the Draft 2012/2013 Budget to undertake refurbishment of the property and building.
- 11 June 2012 The Cheriton Street Property Advisory Group (CSPAG) convened its first meeting to work through the opportunities and possibilities for uses of the property. Council endorsed the course of action taken for the group to determine possible future use and partnership collaborations with relevant agencies.
- 1 November 2012 The CSPAG agrees for a Memorandum of Understanding to be entered between Central Institute of Technology (CIT) and City of Vincent to proceed as a Working Partnership Agreement for the Cheriton Street Project. Collaboration between the City and CIT with the inclusion of Aboriginal students using the 'Live Works Projects' as part of their course, and with the provision that the City provides the materials and CIT would provide the labour.
- 18 December 2012 Council authorised the Chief Executive Officer to enter into negotiations with the Central Institute of Technology to progress a partnership for the purpose of assisting with the refurbishment of the property whilst engaging students in a "Live Works" program, and, to engage professional trades to carry out immediate remedial work required to make the site safe.
- Council also approved the Community Garden and Cheriton Outdoor Micro Cinema proposals submitted by the Norwood Neighbourhood Association for a trial period of six (6) months.

28 May 2013 Council authorised the Chief Executive Officer to progress the partnership with The Central Institute of Technology by entering into a Memorandum of Understanding outlining roles and responsibilities and scope of works to be undertaken by students.

Council also approved, in principle, the management of the facility by the Norwood Neighbourhood Association Inc. once the refurbishment was complete, subject to negotiating a Lease Agreement to the satisfaction of the City's Chief Executive Officer.

At this time Council was advised the City would be applying for a Capital Funds Grant, for the refurbishment, as well as an Organisational Development Grant, for the management of the facility, from Lotterywest.

At the Ordinary Meeting of Council held on 11 June 2013, the following recommendation was adopted:

*"That the Council;*

1. *RECEIVES the Progress Report No. 4 relating to No. 34 (Lot 1) Cheriton Street, Perth;*
2. *AUTHORISES the Chief Executive Officer to;*
  - 2.1 *write to the Minister of Regional Development and Lands to request to vary the Management Order to include the power to lease; and*
  - 2.2 *prepare a Management Plan as required, to clearly define the intended development/use, time-frame for development and any conservation, environmental, heritage, etc. requirements that has been secured; and*
3. *NOTES that a further report will be presented to Council once further notification has been received from the Department of Regional Development and Lands."*

#### **DETAILS:**

##### **Lotterywest Funding**

In September 2013, the City's Officers completed compiling the required documentation and submitted a Capital Fund Grant application to Lotterywest for the refurbishment of 34 Cheriton Street for Community Use. The total funding request of \$271,447 comprised of build works (\$198,000), furniture, equipment, and fittings (\$73,447).

Lotterywest had indicated funding approvals would be advised in January/ February 2014, however due to a larger number than usual of Capital Fund Grant applications, this was delayed and the City has subsequently received confirmation of approval of the funding on 31 March 2014.

At the same time, the City's Officers assisted the Norwood Neighbourhood Association Inc. with an application to Lotterywest for an Organisational Development Grant for \$15,000, to build capacity and sustainability to take on the governance and management of the Community facility on completion of the refurbishment.

Norwood Neighbourhood Association Inc. was successful with their application and was advised in December 2013.



### **Request to vary Management Order – Extension of time to refurbish and in use for Community Purpose**

The Management of Reserve 51225, Lot 1 on Deposited Plan 62748 (34 Cheriton Street) was given to the City of Vincent under section 46 of the *Land Administration Act 1997*, placing care, control and management of the Reserve to the City of Vincent, subject to conditions, in June 2012.

Those “conditions to be observed” relate to the building on Lot 1, which is to be refurbished and in use for “Community Purposes” within two (2) years of the issue of the Management Order. It does not imply that the Management Order ends within two (2) years of it being issued but rather it is a condition that has been placed on the Management Order.

The Management Order did not give the City the power to lease, and as such precluded the City from entering into a lease agreement to allow the Norwood Neighbourhood Association Inc. to manage the facility.

The City's Officers have subsequently made a request to the Minister for Lands to vary the Management Order to include the power to lease and provide an extension of time to March 2015, to complete the refurbishment and have the Community facility operational.

The City received advice on 24 March 2014, from the Director General, Department of Lands, on behalf of the Minister, that the requested amendments had been approved. The amendments will be made to the Management Order shortly and the City formally notified.

### **Memorandum of Understanding/Agreement – City of Vincent and Central Institute of Technology**

The City's Officers in collaboration with the Central Institute of Technology have been developing a document to progress the partnership for the purpose of assisting with the refurbishment of the property whilst engaging students in a “Live Works” program as part of their courses. Following legal advice from the City's solicitors, ‘The Cheriton Street “Live Works” Refurbishment Agreement’ has been drafted in lieu of a Memorandum of Understanding as a more appropriate document for the partnership. The Agreement has now been signed and subsequently arrangements will be made for an official event to mark the signing of the agreement.

### **Remedial /minor works and Consultant engagement**

Since mid-2012 the City has progressively undertaken a number of remedial works at 34 Cheriton Street to ensure safety and security of the site, including fencing and hoardings, re-roofing and electrical work.

During this time various consultants have been engaged to assist with the Lotterywest Funding application, preparation of architectural and engineering documentation required for Development Application, Building Certification/Approval and Request for Tender.

More recently in 2014 the City has also assisted Norwood Neighbourhood Association Inc. to attain early access to the rear of the site for the Community Garden with installation of fencing and provision of access to water.

### **Change of Use/ Development Application**

The refurbishment and subsequent use for a community facility of 34 Cheriton Street has required a Development Application including a Change of Use from Residential Use to Community Use. Approval from the Western Australian Planning Commission was received on 21 March 2014.

### **Request for Tender – Refurbishment 34 Cheriton Street, Perth**

To complete the refurbishment of 34 Cheriton Street, building works, of a value greater than \$100,000, are required to be carried out by a suitably qualified building contractor, and to this end the City is required to advertise a Request for Tender for this component of the refurbishment.

### **Management of the Community Facility**

The Norwood Neighbourhood Association Inc. with the funding from the Lotterywest Organisational Development Grant have engaged consultants and will receive governance training and work on developing a business plan for the operation and management of the facility. It is proposed that the City's Officers will mentor the organisation during this process in the lead up to the activation of community facility.

On formal receipt of Ministerial approval to lease, a Lease Agreement will be prepared by the City's Officers allowing the operation and management of the facility to be undertaken by the Norwood Neighborhood Association Inc. The City will need to provide initial financial support to Norwood Neighborhood Association Inc. for the operation of the facility until an on-going operational management and budgetary plan has been established.

### **Timeframe**

<b>ACTIVITY</b>	<b>DATE</b>
Commencement of; 1. Community Garden (NNA) 2. "Live Works" (Central Institute of Technology)	April/May 2014
Tender process for Refurbishment	May/June 2014
Council decision to award Tender for Refurbishment	July 2014
Refurbishment/Building works Preparation of Lease Agreement – operation/management of facility	July - December 2014
Activation of Community Facility	March 2015

### **CONSULTATION/ADVERTISING:**

Not Applicable.

### **LEGAL/POLICY:**

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

Relevant due diligence will be conducted to ensure the viability of the project and protecting the City's financial interest in relation to providing funds towards capital improvements of the property.

### **RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

*“Community Development and Wellbeing*

3.1 *Enhance and promote Community Development and Wellbeing:*

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

- (a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of “men’s sheds”, community gardens, toy libraries and the like.”*

**SUSTAINABILITY IMPLICATIONS:**

The potential of the premises for community use supports general principles of sustainability. Proposed “live work” projects to be undertaken by Central Institute of Technology will incorporate the assessment of materials and construction techniques to promote sustainability elements for the project where possible.

**FINANCIAL/BUDGET IMPLICATIONS:**

**BUDGET**

Build/Refurbishment Estimate	\$548,000
Furniture, Equipment & Fittings Estimate	\$ 73,447
<b>Total Budget Estimate</b>	<b>\$621,447</b>

**FUNDING CONTRIBUTIONS**

**Build/Refurbishment**

Lotterywest contribution	\$198,000
Municipal contribution	\$350,000

**Furniture, Equipment & Fittings**

Lotterywest contribution	\$ 73,447
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**2013/14 BUDGET**

2013/14 Budget Allocation	\$200,000
Expenditure to date (remedial works, architectural & engineering services)	\$ 83,687

An amount of \$621,447 has been listed for consideration in the 2014/2015 Draft Budget for the refurbishment.

An amount of \$20,000 is also required for consideration in the 2014/15 Draft Budget for on-going operational costs for the first six (6) month period, January 2015 to June 2015 to assist Norwood Neighbourhood Association Inc. with the operation of the Community facility.

**COMMENTS:**

Approval of the Change of Use/Development Approval combined with confirmation of Lotterywest funding as well as the approval to vary the Management Order all provide surety for this community project at 34 Cheriton Street. To complete this project a Request for Tender for the refurbishment and confirmation of municipal funding allocation are now required.

Approval from the Minister to vary the Management Order provides additional time to complete the refurbishment and activate the Community facility, while allowing the City to enter into a lease agreement with Norwood Neighbourhood Association Inc. for the operation and management of the facility.

While the timeframe to complete the whole of this project, including the refurbishment, fit out and activation of the community facility has been extended to March 2015, it is imperative that a building contractor for the refurbishment be appointed early July 2014 so as to ensure building works are completed no later than December 2014. Completion of building works prior to January 2015 will subsequently provide the Norwood Neighbourhood Association adequate time to finalise activation of the facility before March 2015.

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

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

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

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

**BACKGROUND:**

The A/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 A/CEO is to record in a register and report to Council the details of the use of the Common Seal.

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
08/04/2014	Deed - Easement Document	6	City of Vincent and H Katsamakias and V R Traganopoulos both of 59 Clieveden Street, North Perth re: No. 13A-15 (Strata Lot 2 on Strata Plan 26712 and Lot 2; D/P 9815) Barnet Street, North Perth - Proposed Two (2), Two-Storey Grouped Dwellings to Existing Single and Grouped Dwelling - Reciprocal Easement - <i>To satisfy Conditional Approval given at the Ordinary Meeting of Council held on 9 November 2010</i>
14/04/2014	Withdrawal of Caveat	1	City of Vincent and Tung Quang To of 33 Field Street, Morley 6062 re: No. 1 (Lot 1; D/P 580) Irene Street, Perth - Proposed Demolition of Existing Single House and Construction of Two, Two-Storey Grouped Dwellings - <i>To satisfy Clause (viii) of Conditional Approval given at the Ordinary Meeting of Council held on 16 December 2008</i>

Date	Document	No of copies	Details
15/04/2014	Cheriton Street "Live Works" Refurbishment Agreement	2	City of Vincent and Central Institute of Technology of 25 Aberdeen Street, Northbridge 6003 re: Assistance with the refurbishment of 34 Cheriton Street, Perth for Community Use - <i>Utilising the task as a "Live Works" activity for students as part of their course training and assessment</i>
17/04/2014	Scheme Amendment Documents	3	City of Vincent and Minister for Planning re: Town Planning Scheme No. 1 - District Zoning Scheme - Amendment No., 36 - <i>Amend Scheme Maps 3 and 4 - Leederville Precinct and Oxford Centre Precinct to show the extent of Development Area 1 - Leederville Activity Structure Plan; Re-zone No. 196 Oxford Street and Part No. 43 Richmond Street, Leederville to "Metropolitan Region Scheme Reserve - Public Purpose - Technical School" and Amend Schedule 6 to include a new table to reflect the changes</i>
22/04/2014	Notification under Section 70A	2	City of Vincent and Portland Asset Pty Ltd of 25/4 Crawley Avenue, Crawley re: Lot 301 on Deposited Plan 302590 (Cnr Charles Street and Alma Road, North Perth - <i>Removal of Notification on Title</i>
29/04/2014	Restrictive Covenant	3	City of Vincent and M Nestic, G Nestic, M, Nestic and V Radosevic of 39 Milton Street, Yokine re: No. 49 (Lot: 68 D/P: 2600) Selkirk Street, North Perth - <i>Restrictive Covenant to satisfy condition of Subdivision - Planning Ref No. 147732</i>

**9.5.3 Strategic Plan 2013-2023– Progress Report for the Period 1 January 2014 – 31 March 2014**

<b>Ward:</b>	-	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Strategic Plan Quarterly Progress Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Mike Rootsey, Acting Chief Executive Officer		

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

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

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the progress report on the Strategic Plan 2013-2023 for the period 1 January 2014 – 31 March 2014, as shown in Appendix 9.5.3.

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City’s Strategic Plan for the period 1 January 2014 – 31 March 2014.

**DETAILS:**

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

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The progress report for the Strategic Plan indicates that the City's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget. It should be noted that at the Ordinary Meeting of Council held on 10 September 2013, the Council adopted a revised Community Strategic Plan.

**9.5.4 Tamala Park - Proposed Lease to Crown Castle Australia Pty Ltd over Portion of Lot 9008 Antares Street, Clarkson, for telecommunication purposes**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	PRO0739
<b>Attachments:</b>	<a href="#">001</a> - Proposed Lease Area for Crown Castle Australia Pty Ltd		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, A/Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AGREES** in principle to the leasing of the site currently occupied by Crown Castle Australia Pty Ltd to Crown Castle Australia Pty Ltd on a commercial basis for a term of five (5) years commencing 1 May 2014, with an option to renew for a further term of five (5) years, subject to the requirements of Section 3.58(3) of the Local Government Act 1995 and the approval from the City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, City of Vincent and Town of Cambridge;
2. **AUTHORISES** the A/Chief Executive Officer to publish a local public notice of its intention to enter into the Lease as per Clause 1 above; and
3. **NOTES** that;
  - 3.1 in the event there are no submissions the A/Chief Executive Officer, under delegated authority, will approve the lease; and
  - 3.2 if any submissions or comments are received, a further report will be presented to Council for consideration.

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**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

To consider a proposed new lease to Crown Castle Australia Pty Ltd (Crown Castle) over a portion of Lot 9008 (formerly Lot 9005 and Lot 17 Marmion Avenue, Tamala Park) (1K) Antares Street, Clarkson.

**BACKGROUND:**

The Cities of Stirling, Joondalup and Perth entered into a lease, which commenced 1 November 1998, over a portion of the then Lot 17 Marmion Avenue, Tamala Park (**Attachment 1 refers**), with Vodafone Network Pty Ltd (Vodafone) for use as a telecommunications base station. The initial lease was for a five (5) year term with the option for two (2) further terms of five years each.



Due to past subdivisions to create the 'Catalina' estate, there has been several lot number changes to the land on which the leased area sits which is now a portion of Lot 9008.

In addition to the lot number changes that have occurred to the land since the lease commenced, there have been several other changes to the lease. These changes, which have been presented to Council for approval on each occasion during the course of the lease, have taken several forms, such as an assignment of the lease from Vodafone to the current lessee (Crown Castle), deed of variations and changes associated with the ownership of the land.

In 2001, the City of Perth's original interest in the land was divided equally between the City of Perth, the Town of Cambridge, the Town of Victoria Park and the City of Vincent. The City of Joondalup divided into two separate councils to form the City of Joondalup and the now City of Wanneroo. Currently, there are seven owners (Owner Councils) of Lot 9008 who own the land as tenants in common, each with its own allotment of shares, as shown in the following table:-

Local Government	Portion of Ownership of Lot 9008
City of Stirling	4/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Perth	1/12
City of Vincent	1/12
Town of Cambridge	1/12
Town of Victoria Park	1/12

Crown Castle owns the telecommunications tower on the leased site and has confirmed there are three telecommunication carriers on the site which have low impact equipment installed on and at the base of the tower.

The Owner Councils currently receive an aggregate annual rent from Crown Castle of \$54,296.49, distributed to each local government in accordance with their respective ownership allotment as shown in the above table.

Both five (5) year option terms referred to earlier were exercised which meant the lease expired on 31 October 2013. The lease, however, contains a six (6) month holdover provision which requires consent from the Owner Councils as the Lessor. To allow time for the essential terms of a proposed new lease be negotiated, the Owner Councils agreed that the six (6) month holdover provision in the lease should be implemented. A report was presented to Ordinary Meeting of Council held 27 August 2013, and Council resolved the following:

*"That the Council;*

1. *APPROVES Crown Castle Australia remaining in occupancy of portion of Lot 118 Marmion Avenue, Tamala Park as a six monthly tenant under the terms of clause 6.2 of the lease with Crown Castle Australia, which expires on 31 October 2013."*

The six (6) month holdover term expires on 30 April 2014.

**DETAILS:**

In addition to the proposed lease that is the subject of this report, there is an area of approximately 30m<sup>2</sup> immediately adjacent to the south west corner of the proposed lease area (**Attachment 1 refers**) which was previously occupied by Hutchison Telecommunications (Hutchison), a telecommunications carrier. There has never been a lease arrangement over this area and Crown Castle has advised that Hutchison has ceased its operations Australia wide. Hutchison is currently in the process of removing its entire infrastructure from the site and Crown Castle will be responsible for re-instating the fence line along the proposed lease area boundary which depicts the current and proposed lease area of 150m<sup>2</sup>. Crown Castle will notify the City once the fence line has been re-instated.

As part of the negotiation over a proposed new lease, Administration sought a market valuation for the rent from licensed valuer Burgess Rawson for the 150m<sup>2</sup> area currently occupied by Crown Castle. The recommended rent is \$60,000 per annum based on Crown Castle's current circumstances.

The Owner Councils agreed on the following essential terms (which were presented to Crown Castle on 19 December 2013), subject to Council approval from each of the seven (7) owners:

ITEM	DETAILS
Term:	Five (5) years with one five (5) year option
Rent:	\$60,000.00 plus GST
Rent Review:	Rent to be increased by 5% annually
Further Rent Review:	Rent to be reviewed after the initial term of 5 years
Commencement Date:	1 May 2014

In addition to the above essential terms, the proposed new lease will incorporate special conditions to ensure the telecommunications tower does not impact any future subdivisions in the 'Catalina' estate as follows:

1. A provision included so that there is an option to relocate Crown Castle if necessary by providing twelve (12) months written notice.
2. Restrictions on the maximum height for the tower (most likely this will be the height of the tower currently).
3. Crown Castle will be responsible, under the Telecommunications Act, for verifying that modifications that are classed as low impact are indeed that.

Crown Castle initially challenged the proposed \$60,000 rent and sought its own valuation from McGees Property. McGees Property's valuation recommended an annual rent of \$45,000. The Owner Councils rejected the rent proposed by McGees Property on the basis that it is lower than what the rent is currently. Crown Castle and the Owner Councils have reached an agreed position on a new proposed lease with Crown Castle recently providing the Owner Councils with in principle approval to the above essential terms, including the \$60,000 rental amount, subject to final delegated authority from its board.

Should Council approve the proposed new lease, the City (on behalf of the Owner Councils) will be required to advertise the proposed disposition in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*.

**CONSULTATION/ADVERTISING:**

The City, in consultation with the officers of the other six (6) owner Councils, agreed to the essential terms of the proposed new lease as detailed earlier in this report, subject to approval from each Council.

**LEGAL/POLICY:**

Not Applicable

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** City of Vincent exposed to 1/12th – Crown Castle have been good tenants for the previous lease period.

**STRATEGIC IMPLICATIONS:**

Not Applicable

**SUSTAINABILITY IMPLICATIONS:**

The new lease will incorporate special conditions to ensure the telecommunications tower does not impact on any future subdivisions in the Catalina Estate.

**FINANCIAL/BUDGET IMPLICATIONS:**

The proposed rent of \$60,000.00 per annum (plus GST), in aggregate, will be distributed to each of the seven owners in proportion with each local government's portion of ownership. The City's portion will therefore be \$5,000.00 plus GST for the first year of the term of the lease.

**COMMENTS:**

The City of Vincent, together with the other six (6) owner Councils, supports the proposed new lease to Crown Castle.

Each of the seven (7) owners will revert to their respective councils for approval to the proposed lease.

### 9.5.8 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Mike Rootsey, Acting Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 2 May 2014, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.8**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

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

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

**DETAILS:**

The items included in the Information Bulletin dated 2 May 2014 are as follows:

ITEM	DESCRIPTION
IB01	Tamala Park Regional Council Ordinary Meeting of Council Confirmed Minutes Meeting held on 10 April 2014
IB02	Mindarie Regional Council Ordinary Meeting of Council Unconfirmed Minutes Meeting held on 24 April 2014
IB03	Ranger Services Statistics for January, February and March 2014
IB04	Register of Petitions – Progress Report – May 2014
IB05	Register of Notices of Motion – Progress Report – May 2014
IB06	Register of Reports to be Actioned – Progress Report – May 2014
IB07	Register of Legal Action <b>(Confidential – Council Members Only)</b> - Monthly Report (May 2014)
IB08	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911 <b>(Confidential – Council Members Only)</b> - Quarterly Report (May 2014)
IB09	Register of State Administrative Tribunal Appeals – Progress Report – As at 28 March 2014
IB10	Register of Applications Referred to the Design Advisory Committee –April 2014
IB11	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB12	Forum Notes – 15 April 2014
IB13	Notice of Forum – 5 June 2014

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

**ITEM WITHDRAWN BY ACTING CHIEF EXECUTIVE  
OFFICER AS A RESULT OF A REQUEST FROM  
THE DEPARTMENT OF SPORT AND RECREATION**

**9.1.1 No. 497 (LOT 37; D/P 672) Beaufort Street, Highgate – Proposed Change of Use from Showroom, Ancillary Cafe and Warehouse to Showroom, Ancillary Cafe and Eating House**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO2340; 5.2014.74.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by TPG Planning, Urban Design and Heritage on behalf of the owner New Look Enterprises Pty Ltd for Proposed Change of Use from Showroom, Ancillary Cafe and Warehouse to Showroom, Ancillary Cafe and Eating House, at No. 497 (Lot: 37 D/P: 672) Beaufort Street, Highgate, and as shown on plans stamp-dated 12 February 2014 for the following reasons:

1. The Proposal does not comply with the following objectives and general provisions of Clause 6 'Objectives and Intentions' of the City of Vincent Town Planning Scheme No. 1, in that it:
  - 1.1 does not protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment due to exacerbated parking pressures;
  - 1.2 does not ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework as the site cannot effectively accommodate all the requirements of the proposed use; and
  - 1.3 does not recognise the individual character and needs of localities within the Scheme zone area due to the parking requirements of the proposed use in an area which already has restricted parking availability;
  
2. The Proposal does not comply with the following provision of Clause 38 'Determination of Application – General Provisions' of the City of Vincent Town Planning Scheme No. 1;
  - 2.1 The variations proposed contribute to creating an adverse effect on the amenity of the locality by virtue of increased parking pressures;
  
3. Non-compliance with the provisions of the City's Policy No. 7.7.1 relating to Parking and Access, with regards to the following clauses:
  - 3.1 Clause 1.2 in relation to Car Parking for Commercial Development with respect to the 13.464 on-site car parking bay shortfall;
  - 3.2 Clause 2.3.1 in relation to Minimum Numbers of Car Parking Bays with respect to the provision of nil car parking bays provided on-site.

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**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (3-5)**

**For:** Cr Harley, Cr Pintabona and Cr Topelberg

**Against:** Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald and Cr Peart

(Cr Wilcox was on approved leave of absence.)

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

Acceptable use of the property.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Harley, Seconded Cr Buckels**

**ALTERNATIVE RECOMMENDATION:**

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG Planning, Urban Design and Heritage on behalf of the owner New Look Enterprises Pty Ltd for Proposed Change of Use from Showroom, Ancillary Cafe and Warehouse to Showroom, Ancillary Cafe and Eating House, at No. 497 (Lot: 37 D/P: 672) Beaufort Street, Highgate, and as shown on plans stamp-dated 12 February, subject to the following conditions:

1. **Building**
  - 1.1 The windows, doors and adjacent floor area facing Mary Street shall maintain an active and interactive frontage to this street with clear glazing provided;
  - 1.2 The Public Floor Area shall be limited to 121 square metres for the eating house. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
  - 1.3 Any change of use from Eating House shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;
  - 1.4 The awnings being provided over the Mary 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 each awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Mary Street;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
  - 2.1 **Refuse Management**

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

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

3. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
  - 3.1 **Prior to the first occupation of the development, the redundant or 'blind' crossovers onto Mary Street shall be removed and the verge and kerb made good to the satisfaction of the City's Technical Services Directorate, at the applicant/owners full expense;**
4. **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:**
  - 4.1 **Cash-in-lieu**
    - 4.1.1 **Pay a cash-in-lieu contribution of \$67,320 for the equivalent value of 13.464 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR**
    - 4.1.2 **Lodge an appropriate assurance bond/bank guarantee of a value of \$67,320 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**
      - 4.1.2.1 **To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or**
      - 4.1.2.2 **To the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**
      - 4.1.2.3 **To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.**

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements; and
5. **Bicycle Parking development is required to provide three (3) class one or two or three class three (3) bicycle facilities in line with the City's Policy;"**
6. **The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Acting Chief Executive Officer.**

**ADVICE NOTES:**

1. **Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;**
2. **All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;**
3. **An Occupancy Permit is required for the change of use from Warehouse to Eating House;**
4. **All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street or Mary Street;**



5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
7. Bicycle parking requirement of Three (3) Class one or two and Three (3) Class three bicycle facilities has not been imposed as a condition as there is insufficient area for their installation;
8. The bin store is required to be constructed using the recycling 360 litre bin footprint to provide sufficient area to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate, and should be provided with a bin wash down facility that is drained to the sewer system; and
9. The proposed ramp access from the Right-of-Way must match into the existing ROW level with a grade of 1:14, with no steps in order to permit waste/recycle bins to be taken to Mary Street for collection.

**AMENDMENT 1**

**Moved Cr Topelberg, Seconded Cr Pintabona**

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

5. **Bicycle Parking development is required to provide three (3) class one or two or three class three (3) bicycle facilities in line with the City's Policy:"**

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

**AMENDMENT 2**

**Moved Cr Topelberg, Seconded Cr Buckels**

"That the Term Ancillary Cafe use be deleted from the Change of Use Approval".

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Buckels**

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

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

**For:** Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Peart and Cr Pintabona

**Against:** Presiding Member Mayor Carey and Cr Topelberg

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination as the proposal has a car parking shortfall of more than 5 car bays.

**BACKGROUND:**

The property is currently operating as a showroom in the front section of the building fronting Beaufort Street, with an ancillary eating house (cafe), and a warehouse in the rear section. The uses are linked with access to the rear section through the warehouse off Beaufort Street.

The current use has been operating (without the ancillary eating house element) since its approval in September 1999. The ancillary eating house element was approved in February 2010 but restricted to only 17 square metres.

It is of note that on two occasions previously, a proposed change of use to eating house was refused on the grounds of lack of car parking for the subject site. The other was for an eating house that was approved, subject to a condition requiring a reciprocal car parking arrangement with an adjoining property and a legal agreement to ensure compliance with the above requirement. The application for reconsideration of the above condition was refused and the change of use to eating house never went ahead.

Date	Comment
26 June 1996	Change of use from shop to eating house - Refused
24 September 1999	Change of use from shop to furniture and hardware showroom - Approved
24 June 2003	Change of use from furniture and hardware showroom to eating house – Approved subject to reciprocal car parking condition and legal agreement to ensure this (Approval never implemented)
13 April 2004	Reconsideration of reciprocal car parking condition on approval granted 24 June 2003 - Refused
23 November 2004	Change of use from furniture and hardware showroom to office, shop, eating house and warehouse – Approved but never implemented
28 July 2009	Change of use from furniture and hardware showroom to warehouse, showroom, shop and eating house - Refused
26 February 2010	Change of use from furniture and hardware showroom to warehouse, showroom and ancillary eating house - Approved

**DETAILS:**

<b>Landowner:</b>	New Look Enterprises Pty Ltd
<b>Applicant:</b>	TPG Planning, Urban Design and Heritage
<b>Zoning:</b>	Commercial
<b>Existing Land Use:</b>	Showroom and Ancillary Cafe and Warehouse
<b>Use Class:</b>	'P'
<b>Use Classification:</b>	Showroom/Warehouse
<b>Lot Area:</b>	449 square metres
<b>Right of Way:</b>	At rear

The proposal seeks a change of use for the rear portion of the building currently a warehouse. The proposal is for a change of use to an eating house (restaurant), which would be separate from the front section of the building which will still operate as a showroom and ancillary cafe, and would take access from Mary Street.

The proposal is for approximately 121 square metres of eating house (public area), with 147 square metres of showroom and 17 square metres of the existing ancillary eating house to remain in the front section of the building. All patron numbers have been based on a calculation of 1 person per 1 square metres.

The existing building on the site covers the entire lot. The proposed change of use cannot accommodate any car parking within the lot boundary. The applicant has requested that any cash-in-lieu requirement be waived.

**ASSESSMENT:**

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

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

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

Use

The proposal is for the change of use of the rear section of No. 497 Beaufort Street from a warehouse to an eating house. The front section of the property would remain as a showroom with ancillary eating house/cafe.

The site is located within a Commercial Zone, with acceptable uses as per the Commercial Zone of the Zoning table in TPS No. 1. An eating house in this location is a "P" use subject to compliance with all other policies.

Car Parking

Under the current Car Parking Policy, the parking rate for an eating house is 1 space per 5 persons. The number of persons is further determined as per the City's Health Department Assessment as outlined above. The calculation for the car parking is based on the maximum number of persons can be accommodated by the eating house as per the Health Department Assessment. In this instance, a maximum of 121 patrons is being considered for the eating house (1 person per 1 square metre). The existing showroom and ancillary eating house as existing on the front are proposing to be retained.

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

<b>Existing Car Bays</b>	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> <li>• Warehouse &amp; Showroom (existing) 1 space per 100 square metres NLA</li> </ul> <p>325 square metres NLA</p> <p>Total car bays required: 3.25</p> <ul style="list-style-type: none"> <li>• Eating House (existing) 17 persons (1 per 5 persons)</li> </ul> <p>17 square metres</p> <p>Total car bays required: 3.4</p> <p>TOTAL = 6.65</p>	<b>7</b>
<p>Adjustment factors</p> <ul style="list-style-type: none"> <li>• <b>0.80</b> (within 400m of bus route)</li> <li>• <b>0.85</b> (within 400m of existing off street carpark with &gt;75 car bays – Barlee St &amp; Chelmsford Rd)</li> <li>• <b>0.90</b> (located in Town Centre)</li> </ul>	(0.612)  <b>4.284</b>
Minus the car parking provided on-site	NIL
Minus the previously approved on-site car parking shortfall	N/A
<b>Resultant Shortfall</b>	<b>4.284</b>

<b>Proposed Car Bays</b>	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> <li>• Showroom (existing) 1 space per 100 square metres NLA 147 square metres NLA Total car bays required: 1.47</li> <li>• Eating House (existing) 17 persons (1 per 5 persons) 17 square metres Total car bays required: 3.4</li> <li>• Eating House (proposed) 121 persons (1 per 5 persons) 121 square metres PFA Total car bays required: 24.2</li> <li>• TOTAL car bays required = 29.07</li> </ul>	29 car bays
<p>Adjustment factors</p> <ul style="list-style-type: none"> <li>• 0.80 (the development is within 400m of bus route)</li> <li>• 0.85 (the development is within 400m of existing off street carpark with more than 75 car bays – Barlee St &amp; Chelmsford Rd)</li> <li>• 0.90 (the development is located in a Town Centre)</li> </ul>	(0.612)  17.748 car bays
Minus the car parking provided on-site	Nil
Minus the existing on-site car parking shortfall	4.284
<b>Resultant Shortfall</b>	<b>13.464</b>

Bicycle Parking

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

<b>Bicycle Bays</b>	
Bicycle bay requirement (nearest whole number)	
<ul style="list-style-type: none"> <li>• Eating House 1 per 20 square metres PFA 138 square metres = 6.9</li> <li>• Showroom 1 per 200 square metres NLA 147 square metres = 0.735</li> </ul>	
• TOTAL = 7.635	8
• 65% Class 3 = 4.96 or 5 spaces	
• 35% Class 1 or 2 = 2.67 or 3 spaces	
Minus the bicycle bays provided on-site	2 class 3 spaces
<b>Resultant Shortfall</b>	<b>6</b>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period	21 March 2014 – 4 April 2014		
Comments received	Two (2) objections and One (1) support		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Noise</u> Concern that an eating house in this location close to residential properties would create a noise nuisance when utilising seating on street, or by playing loud music as has been an issue in the area previously.</p>	<p>Supported. Careful control should be exercised over the nature of commercial uses and the design and site layout of development to ensure levels of noise, visual amenity and privacy are appropriate to any adjacent residences. Notwithstanding this, the proposed use accords with the Mount Lawley Precinct Centre Policy and if approval were to be granted, controls would be put in place to ensure minimum disruption and impact to adjacent residential properties.</p>
<p><u>Car Parking</u> Insufficient car parking provision for a use of this type. Applicant should be required to either provide car parking or be prepared to pay cash in lieu payments. Already parking issues in the area, and this type of use will exacerbate the situation.</p>	<p>Supported. It is noted that there is no car parking provision on site, and that any customers would place increased pressure on the existing on-road car parking in the area. The Parking and Access Policy states that a proposal with a car parking shortfall of between 11 – 40 bays, should provide a minimum of 15% of the required bays, with the remainder to be paid as cash-in-lieu. Furthermore the applicant refuses to pay any cash-in-lieu if imposed.</p>
<p><u>Inappropriate use</u> An appropriate mix of businesses should be retained so that it continues to be used during both the day and the evening. Increasing the number of eating house type uses takes away the daytime vitality. Beaufort street should be retained as a mix of commercial and business uses</p>	<p>Not Supported. The Mount Lawley Centre Precinct states “between Harold Street and Chatsworth Road, only shops, restaurants and other interactive uses which are considered to offer interest and attraction to pedestrians are to be permitted at ground level”. On the above basis, the use is considered acceptable.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

Summary of Design Advisory Committee Comments:

- N/A

**Department of Planning:**

Referred to Department of Planning: Yes

Summary of Department of Planning Comments:

- Verbally advised by Department of Planning that Change of Use unlikely to be an issue. No formal response received at time of report writing.

**LEGAL/POLICY:**

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Lawley Centre Precinct Policy 7.1.11;
- Parking and Access Policy 7.7.1;
- Development Guidelines for Commercial and Mixed Use Developments Policy 7.5.12.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

*Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

<b>ENVIRONMENTAL</b>
The adaptive re-use of this existing space has a lower environmental impact compared to the existing building.
<b>SOCIAL</b>
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.
<b>ECONOMIC</b>
The development will provide increased employment opportunities

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Building Services**

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

**Health Services**

The City's Health Services have advised that the proposal and the building is compliant with the relevant Health standards, with regards to exits and toilets. However, it is to be noted that if the Council is inclined to support the application, further detail on bin stores would be required.

**Technical Services**

The City's Technical Services have advised that the 'delivery bay' and redundant crossover shown on the plans should be removed, the footpath reinstated and an on-street car parking bay located in this area.

**Planning Services**

The site is located within the Commercial Zone of the Mount Lawley centre Precinct. The proposal is in accordance with the Zoning table of TPS No. 1, as an eating house is a "P" use in this location. The area between Harold Street and Chatsworth Road has specifically been identified as a location where only shops, restaurants and other interactive uses which are considered to offer interest and attraction to pedestrians at ground level are to be permitted. The proposal accords with the above criteria.

As the subject property does not have any on-site car parking, the proposed use is considered to have an adverse impact on the amenity of this section of Beaufort Street and Mary Street, as well as surrounding streets, as it will be relying 100 per cent on-street car parking. In addition, the City's Beaufort Street Enhancement Project has included a proposal for a Mary Street Piazza which was considered at the Ordinary Meeting of Council on 22 April 2014 (Item 9.4.8). This requires a semi-closure of Mary Street, ceasing access to Mary Street from Beaufort Street. The proposal removes all street car parking directly adjacent to the change of use, further exacerbating the already constrained car parking available to the site.

The proposed maximum number of people attending the eating house is unknown at this stage, but calculations based on public floor area give a maximum number of people at 121 plus staff, and the car parking has been calculated based on this figure.

The car parking shortfall is 13.464 bays. Whilst it is acknowledged that some customers may travel to the site by alternative means such as public transport, bicycles or as a pedestrian, there would still be a significant number of customers travelling by car and seeking on-street car parking. The applicant has advised that they do not consider a cash-in-lieu payment reasonable and have requested any amount be waived. Cash in lieu is calculated at a rate of \$5000 per bay, which gives a total for this development of \$67,320. The Parking and Access Policy states that for any parking shortfall amount between 11 and 40 car bays, at least 15% of the shortfall should be provided as physical car parking bays, and the remainder can be considered as a cash-in-lieu payment. For this proposal, no car parking is provided on site, therefore this requirement cannot be met. The Mount Lawley Centre Precinct Policy also states that adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.

The City's Officers are of the view that the on-street car parking and traffic impact would occur largely in the evenings and weekends and would therefore coincide with the highest demand from residential properties in the area, and as a result have a negative impact on the amenity of residents and businesses in the area.

The application site provides for two (2) bicycle parking bays from a previous approval. The proposal requires an additional six (6) bays to be provided. The site cannot accommodate any bicycle parking within its boundaries, but the proposal indicates three (3) bicycle bays within the road reserve of Mary Street, which is not considered to be appropriate given the current proposal for the Mary Street Piazza development. The Parking and Access Policy states that all developments that are required to provide 5 or more bicycle bays are required to provide end-of-trip facilities. No end-of-trip facilities have been proposed for this development.

**CONCLUSION:**

It is considered that whilst the proposed use of an eating house would be appropriate in this location, the proposal should also meet the criteria of all the other relevant policies as described above. In this instance, there is a significant shortfall of car parking which is considered unacceptable, and the applicant's refusal to pay cash in lieu payment which would be in the region of \$67,320.

For the reasons outlined above, the proposal is recommended for refusal.



**9.1.2 Nos. 3 & 4/177 Stirling Street, Perth - Proposed Extended Hours of Operation for Internal Area & Alfresco Area to Existing Unlisted Use (Small Bar) and Ancillary Coffee Shop**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO6208; 5.2014.67.1
<b>Attachments:</b>	<a href="#">001</a> - Planning Information Report and Development Application Plans. <a href="#">002</a> - Applicant Submissions <a href="#">003</a> - Acoustic Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 TPG Town Planning, Urban Design and Heritage on behalf of the owner S & D Psaros for Proposed Extension of Hours of Operation for Internal and Outdoor Alfresco Area to Existing Unlisted Use (Small Bar) and Ancillary Coffee Shop, at Nos. 3 & 4/177 (Lot 501; D/P: 68593) Stirling Street, Perth, and as shown on plans stamp-dated 7 February 2014, subject to the following conditions:

1. The hours of operation shall be as follows:
  - 1.1 Small Bar (Unlisted Use)
    - 1.1.1 Indoor Areas - Monday to Saturday – 7am – Midnight  
 - Sunday – 7am – 10pm  
 Outdoor Areas- ~~Monday to Sunday~~ Wednesday – 7am – 10pm  
Thursday – 7am – 11pm  
Friday and Saturday – 7am – midnight  
Sunday – 7am – 10pm
    - 1.2 The sale, supply and consumption of alcohol for public holidays are to be in accordance with Section 98 of the *Liquor Control Act 1988*.
2. The windows, doors and adjacent floor area facing Parry Street shall maintain an active and interactive frontage;
3. Noise Management
  - 3.1 The Proprietor/Approved Manager of the Small Bar shall take all practicable measures to:
    - 3.1.1 Reduce the likelihood of noise intrusion on residents and businesses in the locality; and
    - 3.1.2 Consult directly with any affected persons, residents and/or businesses to resolve any noise or other issues that may arise; and
    - 3.1.3 Noise management procedures shall be documented in the Venue Management Plan and shall include, but not be limited to, operational activities prior to, during and post trading hours. These procedures shall be highlighted as part of all staff induction and training programs.
4. The development shall comply with all Building, Health, Engineering and Parks Services Conditions and requirements to the satisfaction of the City of Vincent.

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

**ADVICE NOTES:**

1. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted and approved prior to the erection of the signage;
2. Should the City be required to investigate noise or other matters and, as a result, find that either adequate preventative measures have not been taken to the satisfaction of the City, and/or the noise or other complaints are found to be justified, the City will take action to cancel the Outdoor Eating Area Permit in accordance with the procedures outlined in Clause 13 of the City of Vincent Policy No. 3.8.1 relating to *Outdoor Eating Areas*; and
3. An ETP for a festival, public holiday or one-off event may apply to matters such as extended trading times, additional patrons and extended trading boundaries. Planning Approval is not required for a festival or one-off event ETPs; however written approval is required from the City's Acting Chief Executive Officer.

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**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Topelberg, Seconded Cr Buckels**

"That a new Clause 1.3 be inserted as follows:

"1. The hours of operation shall be as follows:

1.1 Small Bar (Unlisted Use)

- 1.1.1 Indoor Areas - Monday to Saturday – ~~7~~6am – Midnight  
- Sunday – ~~7~~6am – 10pm  
Outdoor Areas- Monday to ~~Sunday~~ Saturday – ~~7~~6am – ~~4~~12am  
- Sunday – 6am – 10pm

1.2 The sale, supply and consumption of alcohol for public holidays are to be in accordance with Section 98 of the Liquor Control Act 1988.

1.3 The 6am start time is subject to approval for a period of twelve (12) months. At the conclusion of twelve (12) months, the start time shall revert to 7am. Any further approval is subject to further approval from the City."

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED (5-3)**

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

**Against:** Cr Cole, Cr Peart and Cr Pintabona

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

**AMENDMENT 2**

**Moved Cr Cole, Seconded Cr Peart**

**“That Clause 1 be amended as follows:**

**1. The hours of operation shall be as follows:**

**1.2 Small Bar (Unlisted Use)**

- 1.1.1 Indoor Areas - Monday to Saturday – 7am – Midnight  
- Sunday – 7am – 10pm  
Outdoor Areas- Monday to ~~Sunday~~ Wednesday– 7am – 10pm  
Thursday – 7am – 11pm  
Friday and Saturday – 7am – midnight  
Sunday – ~~6am~~ 7am – 10pm**

**Debate ensued.**

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

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

**Against:** Cr Buckels and Cr Harley

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

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

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

**Against:** Cr Cole and Cr Pintabona

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

**COUNCIL DECISION ITEM 9.1.2**

**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 TPG Town Planning, Urban Design and Heritage on behalf of the owner S & D Psaros for Proposed Extension of Hours of Operation for Internal and Outdoor Alfresco Area to Existing Unlisted Use (Small Bar) and Ancillary Coffee Shop, at Nos. 3 & 4/177 (Lot 501; D/P: 68593) Stirling Street, Perth, and as shown on plans stamp-dated 7 February 2014, subject to the following conditions:**

**1. The hours of operation shall be as follows:**

**1.1 Small Bar (Unlisted Use)**

- 1.1.1 Indoor Areas - Monday to Saturday – 6am – Midnight  
- Sunday – 6am – 10pm  
Outdoor Areas- Monday to Saturday – 6am – Midnight  
- Sunday – 7am – 10pm**

**1.2 The sale, supply and consumption of alcohol for public holidays are to be in accordance with Section 98 of the *Liquor Control Act 1988*;**

**1.3 The 6am start time is subject to approval for a period of twelve (12) months. At the conclusion of twelve (12) months, the start time shall revert to 7am. Any further approval is subject to further approval from the City;**

2. **The windows, doors and adjacent floor area facing Parry Street shall maintain an active and interactive frontage;**
3. **Noise Management**
  - 3.1 **The Proprietor/Approved Manager of the Small Bar shall take all practicable measures to:**
    - 3.1.1 **Reduce the likelihood of noise intrusion on residents and businesses in the locality; and**
    - 3.1.2 **Consult directly with any affected persons, residents and/or businesses to resolve any noise or other issues that may arise; and**
    - 3.1.3 **Noise management procedures shall be documented in the Venue Management Plan and shall include, but not be limited to, operational activities prior to, during and post trading hours. These procedures shall be highlighted as part of all staff induction and training programs.**
4. **The development shall comply with all Building, Health, Engineering and Parks Services Conditions and requirements to the satisfaction of the City of Vincent.**

**ADVICE NOTES:**

4. **All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted and approved prior to the erection of the signage;**
5. **Should the City be required to investigate noise or other matters and, as a result, find that either adequate preventative measures have not been taken to the satisfaction of the City, and/or the noise or other complaints are found to be justified, the City will take action to cancel the Outdoor Eating Area Permit in accordance with the procedures outlined in Clause 13 of the City of Vincent Policy No. 3.8.1 relating to *Outdoor Eating Areas*; and**
6. **An ETP for a festival, public holiday or one-off event may apply to matters such as extended trading times, additional patrons and extended trading boundaries. Planning Approval is not required for a festival or one-off event ETPs; however written approval is required from the City's Acting Chief Executive Officer.**

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**PURPOSE OF REPORT:**

The application is referred to the Council as the proposal involves the extension of operating hours to a Small Bar use which was previously approved by the Council at its Ordinary Meeting held on 25 June 2013. It is considered likely to be of significant interest to the community and set a precedent for other similar developments.

**BACKGROUND:**

**History**

<b>Date</b>	<b>Comment</b>
9 February 2010	The Western Australian Planning Commission conditionally approved the subdivision of Nos. 208-212 Beaufort Street and Nos. 173-179 Stirling Street, Perth.
14 September 2010	The Council at its Ordinary Meeting deferred their decision with respect to an application for demolition of the existing car park and construction of a six storey building comprising forty (40) single bedroom multiple dwellings and twenty-five (25) multiple dwellings including car parking.

Date	Comment
26 October 2010	The Council at its Ordinary Meeting conditionally approved the demolition of the existing car park and construction of a five storey mixed use development comprising thirty-seven single bedroom multiple dwellings, twenty multiple dwellings and six offices and associated car park.
14 June 2011	The Council at its Ordinary Meeting conditionally approved the application for a Change of Use of Unit 3 from Office to Eating House.
22 February 2012	The City approved an application for a change of use from Office to Consulting Rooms (Unit 7)
7 September 2012	The City approved an application for a change of use from Office to Eating House (Unit 6)
23 October 2012	The City approved an application for a shade sail under delegated authority.
25 June 2013	The Council at its Ordinary Meeting conditionally approved the application for a Change of Use from Eating House and Office to Small Bar & Ancillary Coffee Shop (Unlisted Use)
11 September 2013	The City approved an application for an Outdoor Eating Area under delegated authority subject to conditions.
7 October 2013	A letter was provided to the Department of Racing Gaming and Liquor from Health & Compliance Services clarifying noise conditions on the Outdoor Eating Area approval.
3 December 2013	The Council at its Ordinary Meeting conditionally approved Proposed Canopy and Retrospective Approval for Servery) – Proposed Lease in Road Reserve and Outdoor Area

**DETAILS:**

<b>Landowner:</b>	S & D Psaros & Department of Lands
<b>Applicant:</b>	TPG, Urban Design and Heritage
<b>Zoning:</b>	Commercial and Unzoned Land
<b>Existing Land Use:</b>	Unlisted Use (Small Bar) and Ancillary Coffee Shop
<b>Use Class:</b>	"SA" and "P"
<b>Use Classification:</b>	Not Applicable
<b>Lot Area:</b>	2284 square metres
<b>Right of Way:</b>	Not applicable

**ASSESSMENT:**

**Town Planning Scheme/Policy Detailed Assessment**

Current Approval – Times and Day	Proposed
<b><u>Existing Approval – Granted by the Council at its Ordinary Meeting held on 25 June 2013</u></b>	<b><u>Proposed Hours of Operation of Small Bar with Ancillary Coffee Shop – Where alcohol is not sold or served</u></b>
Hours of Operation of Small Bar with Ancillary Coffee Shop Monday to Wednesday – 7am – 10pm Thursday – 7am – 11pm Friday to Saturday – 7am – 12 Midnight Sunday – 7am – 10pm	Monday to Wednesday – 6am – 12 Midnight Thursday – 6am – 12 Midnight Friday to Saturday – 6am – 12 Midnight Sunday – 6am – 10pm New Years Eve (where it falls on a Sunday – 6am – 12 Midnight) New Years Day – Up to 2am (immediately following New Years Eve) Good Friday or Christmas Eve – 6am – 10pm Anzac Day – 6am – 12 Midnight
<b><u>Existing Approval – Hours of Operation of Small Bar with Ancillary Coffee Shop– Where Alcohol can be sold and/or served.</u></b>	<b><u>Proposed Hours of Operation of Small Bar with Ancillary Coffee Shop – Where Alcohol can be sold and/or served.</u></b>
Monday to Wednesday - 7am to 10pm Thursday – 11am – 11pm Friday and Saturday – 11am – 12 Midnight Sunday – 11am – 10pm	Monday to Wednesday – 6am – 12 Midnight Thursday – 6am – 12 Midnight Friday to Saturday – 6am – 12 Midnight Sunday – 10am – 10pm New Years Eve (where it falls on a Sunday) – 10am to 12pm New Years Day – Up to 2am (immediately following New Years Eve) Good Friday or Christmas Day – 12.00 Noon to 10pm Anzac Day – 12.00 noon to 12.00 midnight <u>Alfresco Outdoor Area</u> Same as above.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	6 February 2014 to 27 February 2014
<b>Comments Received:</b>	Seven (7) comments of support in addition to Eleven (11) comments of support in petition: Eleven (11) objections received.

Summary of Comments Received:	Officers Technical Comment:
Issue: <b>Operational Times</b> <ul style="list-style-type: none"> <li>Concern in relation to a start time earlier 7am given early work commitments.</li> </ul>	Supported. The proposal is permitted to open at 7am and conditioned accordingly in accordance with Policy 7.5.7 in relation to Licensed Premises.

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> <li>No meals/trading should occur in the alfresco area after 11pm. This area is noisy and should have different hours of operation from the internal area.</li> </ul>	<p>Supported. The outdoor alfresco area is not permitted to be open past 10pm in accordance with the acoustic report submitted by the applicant and the assessment of the proposal by the City's Health Services as noted in their comments below.</p>
<ul style="list-style-type: none"> <li>Concern regarding noise generated through additional hours proposed and on special event days.</li> </ul>	<p>Supported. Noise measures included in the acoustic report submitted to the City and the cessation of operating times past 10pm in the outdoor alfresco area will ameliorate the impact of noise.</p>
<ul style="list-style-type: none"> <li>Feel that current opening hours are more than adequate and any additional operating hours would increase the burden on residents of the building.</li> </ul>	<p>Noted. See Above operating hours recommended in conditional approval.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- Policy No. 3.8.1 relating to Outdoor Eating Areas;
- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Policy 7.5.7 relating to Licensed Premises

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposed increase in hours of operation involves additional operating hours to the existing commercial development.	

SOCIAL	
Issue	Comment
The additional hours of the small bar/café will provide a place for persons to meet and socialise in an inner city environment, which promotes surveillance and activation of the street.	

ECONOMIC	
Issue	Comment
The increased hours of operation of the premises will provide opportunities for employment.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Planning Services**

The existing Small Bar was approved prior to the initiation of the City's Policy 7.5.7 relating to Licensed Premises and was approved with conditions stipulating the permitted hours of operation. In this instance, the application for additional operating hours was assessed against the provisions of the policy and the hours of operation permitted in a Commercial area for a Small bar.

**Health Services**

The Acoustic Report prepared by Gabriels Environmental Design Pty Ltd states in the Executive Summary on Page 2 that *"no patrons are permitted within the Alfresco Area" from 10pm onwards. This is also reiterated in Section 6 of the above Report. the following under Section 2 'Noise Management Requirements':*

*"It is recommended noise level measurements be undertaken on site after the Brika Bar/Café has commenced trading, to determine if compliance is being achieved. The relevant time period is between 7pm and 12am."*

*In view of the above, Health Services do not support the extension of operating hours past 10pm in the Alfresco Area (Outdoor Eating Area) unless a further Report addressing the noise emanating from the Alfresco Area is submitted to the City for further assessment. The Report must also detail sound attenuation measures required to reduce noise levels subsequent to 10pm so that compliance with the assigned levels detailed in the *Environmental Protection (Noise) Regulations 1997* is achieved. The applicant must also confirm in writing once these measures have been implemented. In light of the above, Health Services **request** the applicant submit a further Acoustic Report as required above. The Report must include the noise level measurements taken onsite between 7pm and 12am whilst the premises is operating. The Report must also detail if any further sound attenuation measures are required to reduce noise levels subsequent to 10.00pm so that compliance with the assigned levels detailed in the *Environmental Protection (Noise) Regulations 1997* is achieved.*



Following assessment of this report, the City's Health Services will consider the proposed extension of hours in the Alfresco Area. Until such time, the City's Health Services **do not support** the proposed extension of hours til 12.00midnight from Monday to Thursday in the Alfresco Area.

~~In addition, as the outdoor eating area is directly adjacent to residential premises, the City reserves the right to amend the operating hours by giving written notice, should complaints relating to noise and anti-social behaviour be substantiated during the hours of operation of the alfresco area.~~

~~In relation to the proposed operating hours within the premises itself, it is requested that all previous recommendations relating to noise management detailed in the Acoustic Report dated 11 June 2013 be complied with.~~ 12 September 2013 be complied with.

~~When the initial application was assessed, strong emphasis was placed on ensuring health and amenity issues were considered. The area is inner city and as such has higher ambient noise levels than others with higher density of residential premises. As a result, enforcement of the *Environmental Protection (Noise) Regulations 1997* becomes problematic therefore, it is most important to 'manage out' noise issues before they arise. New conditions were developed for this site which allow the City to review the Outdoor Eating Area Permit at any time should justifiable noise complaints be received post 10pm.~~

### **Compliance Services**

Compliance Services do not have any outstanding issues with the proposal. The existing Outdoor Eating Area Permit was issued with a condition relating the hours of operation. There is no requirement to complete another Outdoor Eating Area Permit application, should the hours be extended as this will then require amendment to the current permit.

### **Conclusion**

The proposed operating hours are in accordance with the City's Policy 7.5.7 in relation to Licensed Premises with the indoor areas supported from 7am – 12am on Monday to Saturday and 7am to 10pm on Sunday. The operating hours for public holidays are controlled by the Liquor Control Act 1988. For the outdoor alfresco area, which was previously noted as providing acoustic impacts post 10pm, and taking into account the recommendations of Health Services, the hours of 7am – 10pm every day of the week Sunday to Wednesday, 7am -11pm on Thursday and 7am – Midnight on Friday and Saturday, is supported.

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

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

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

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO0789; 5.2013.559.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report & Development Application Plans <a href="#">002</a> - Applicant Submission <a href="#">003</a> - Comment from Department of Planning <a href="#">004</a> - Applicant Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 Proud Property Group on behalf of the owner Kentville Holdings Pty Ltd & JR Marzec for Proposed Demolition of Existing Building and Construction of Three (3) Storey Multiple Dwelling Development Comprising of Twelve (12) Multiple Dwellings And Associated Carparking, at No. 550 (Lot 58 D/P: 3660) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 6 March 2014, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 548a and 552 Fitzgerald Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
  - 2.1 **On-Site Parking Provision**

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

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

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

## **2.4 Acoustic Report**

Prepare and Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

## **2.5 Landscape and Reticulation Plan**

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section;

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

- 2.5.1 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.5.2 The location and type of existing and proposed trees and plants;
- 2.5.3 All vegetation including lawns;
- 2.5.4 Areas to be irrigated or reticulated;
- 2.5.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.5.6 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

## **2.6 Privacy**

The proposed first and second floor kitchen windows to units 8/9/11/12 on the northern and southern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 6.0 metres from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

## **2.7 Refuse Management**

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

**2.8 Schedule of External Finishes**

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

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

**3.1 Percent for Public Art**

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

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

**3.2 in conjunction with the above chosen option;**

**3.2.1 Option 1**

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

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

**3.2.2 Option 2**

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

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

**4.1 Car Parking**

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

**4.2 Management Plan-Vehicular Entry Gates**

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

**4.3 Clothes Drying Facility**

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

**4.4 Bicycle Bays**

A minimum of four (4) residential bicycle bays, and 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; and

**4.5 Visitor Bays**

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

**4.6 Underground Power**

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

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

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

**ADVICE NOTES:**

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

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Cr Buckels Departed the Chamber at 7.25pm

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Harley, Seconded Cr Peart**

**That the recommendation be adopted.**

Debate ensued.

Cr Buckels returned to the Chamber at 7.26pm.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Topelberg**

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

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

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

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

**REASONS FOR DEFERRAL OF ITEM:**

**The Council is seeking further clarification on the traffic impact.**

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**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Nil.

**Previous Reports to the Council:**

*Nil*

**DETAILS:**

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

**ASSESSMENT:**

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

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio			✓
Streetscape	✓		
Front Fence	N/A		
Lot Boundary Setbacks			✓
Building Height			✓
Building Storeys	✓		
Roof Forms			✓
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Dwelling Size	✓		
Site Works	✓		
Utilities and Facilities	✓		
Surveillance	✓		
Energy Efficiency			✓
Landscaping	✓		
Outdoor Living Areas	✓		

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

Issue/Design Element:	Building Size
Requirement:	<b>Residential Design Codes Clause 6.1.1 (P1)</b> Plot Ratio = 0.7 (708.4m <sup>2</sup> )
Applicants Proposal:	Plot Ratio = <del>1.38 (1,396.56m<sup>2</sup>)</del> <u>0.826 or 836.12m<sup>2</sup></u>
Design Principles:	<b>Residential Design Codes Clause 6.1.1 (P1)</b> Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	Not provided
Officer technical comment:	Supported. The proposed plot ratio is not considered to be out of context for the emerging streetscape along Fitzgerald Street, given the number of developments of a similar height and scale of over three storeys and scale proposed. Based on this the additional floor area is not considered unreasonable. The proposed development is consistent with the desired built form in this area.

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

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 5.1.3 (C3.1)</b></p> <p><b>Northern (First Floor)</b> 2.8 metres from the portion of wall to the balcony and kitchen to unit 8 of the first floor to the north side boundary.</p> <p><b>Second Floor</b> 4.0 metres from the portion of wall to the balcony and kitchen of unit 11 of the first floor to the north side boundary.</p> <p><b>Southern (First Floor)</b> 7.0 metres from the portion of wall of the first floor to the south side boundary.</p> <p><b>Eastern (Second Floor)</b> 5.0 metres from the portion of wall to the balcony of unit 11 and kitchen of unit 12 on the second floor to the rear (east) boundary.</p> <p><b>Boundary Walls</b> Walls not higher than 7.0 metres with average height of 6 metres for 2/3 (28 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p><b>Retaining Walls</b> Where a retaining wall less than 0.5m high is required on a lot boundary, it may be located up to the lot boundary subject to the provisions of clauses 6.1.4 and 6.4.1, or within 1 metre of the lot boundary to allow for an area assigned to landscaping subject to clauses 6.3.6 and 6.4.1.</p>
Applicants Proposal:	<p><b>Northern (First Floor)</b> 2.0 metres from the portion of wall to the balcony and kitchen to unit 8 of the first floor to the north side boundary. (Variation of 0.8 metres)</p> <p><b>Second Floor</b> 2.0 metres from the portion of wall to the balcony and kitchen of unit 11 of the first floor to the north side boundary. (Variation of 2.0 metres)</p>
	<p><b>Southern (First Floor)</b> 3.0-4.5 metres from the portion of wall of the first floor to the south side boundary. (Variation of 2.5 metres to 4.0 metres)</p> <p><b>Eastern (Second Floor)</b> 4.5-6.5 metres from the portion of wall to the balcony of unit 11 and kitchen of unit 12 on the second floor to the rear (east) boundary. (Variation of 0.5 metres)</p> <p><b>Boundary Walls</b> Northern Boundary Maximum Heights= 9.0 metres (Variation of 2.0 metres) Average Heights = 8.75 metres (Variation of 2.75 metres) Two side boundaries (northern boundary (stairwells) &amp; southern boundary – ground floor storeroom)</p> <p><b>Retaining Walls</b> 2.1 metres maximum height on south boundary.</p>
Design Principles:	<p><b>Residential Design Codes Clause 5.1.3 P3.1</b> Buildings set back from boundaries or adjacent buildings so as to:</p>



Issue/Design Element:	Lot Boundary Setbacks
	<ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
<p>Applicant justification summary:</p>	<p><i>“The building is considered to be stepped and screened on both sides to optimise privacy and the amenity while acknowledging the buildings exposure and thus influence on the streetscape. All elevations of the project have significant design detail.</i></p> <p><i>The project only has the stair/lift walls on the north which are 5.7 metres – 8.0 metres above ground (fence height).</i></p> <p><i>The building has been lowered by 0.6 metres to accommodate the Technical Services requirements for the slopes from the footpaths.</i></p> <p><i>The property has substantial falls from the rear north east corner at 39.54m AHD to the south-west crossover at 34.10m. The cutting of the soil to achieve the required levels has meant the north eastern corner has the garage as a basement and the first floor is at ground level.</i></p> <p><i>North</i></p> <p><i>The neighbouring property to the north has a bitumen car park at 38.8 AHD adjacent to apartment 8 at 39.6m AHD. The kitchen window of apartment 8 would provide passive surveillance of the car park.</i></p> <p><i>The apartment 11 north wall and balcony above apartment 8 requires a setback of 2.8 metres as a wall with major openings.</i></p> <p><u><i>Retaining Walls</i></u></p> <p><i>The cutting into the slope to accommodate the disabled access gradient and driveways minimising the retaining of the property. The retaining of the neighbouring boundaries ranges up to 2.0 metres in the north east.”</i></p>
<p>Officer technical comment:</p>	<p>Supported. The proposed excess in building bulk is located to the northern and eastern portions of the site allowing for maximum solar access to the adjoining property to the south. Generous southern setbacks are also provided to the southern boundary to facilitate this. The parapet walls proposed are evenly spaced to allow for a reduction of bulk along the northern boundary of the site and employ different methods of articulation to resolve the bulk at the boundary. It is also noted that the articulated design on the northern elevation allows for northern light to be provided to the first and second floor dwellings and ensures that energy efficiency is maintained. These sections are afforded generous setbacks also.</p> <p>The proposed overshadowing is compliant with the provisions of the Residential Design Codes of WA at 42%.</p>

Issue/Design Element:	Lot Boundary Setbacks
	<p>The proposed boundary walls along the northern side are effectively spaced to reduce their bulk to the northern property, whilst the orientation of the lots creates no overshadowing. On the southern elevation the small boundary parapet wall is minor in area and at ground level and abuts an outdoor living area of the adjoining property.</p> <p>The proposed retaining walls do not unreasonable impact the adjoining property or significantly change the land when viewed from either property.</p>

Issue/Design Element:	Street Setbacks
Requirement:	<p><b>Residential Design Elements Policy No. 7.2.1 SADC 5</b>  <b>Ground Floor</b>                      An average of Five (5) Properties Either Side of Subject Lot – 10.5 metres  <b>Upper Floors</b>                      A minimum of two metres behind each portion of the ground floor setback.                      - Upper Floors – 12.5 metres                      - Balcony – 11.5 metres</p>
Applicants Proposal:	<p>Ground Floor (Portico) - 3.5 metres                      Ground Floor (Study/Entry) – 6.0 metres                      First Floor – 6.0 metres                      Second Floor – 6 metres</p>
Design Principles:	<p><b>Residential Design Elements Policy No. 7.2.1 SPC 5</b>                      Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul>
	<p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“The old adjacent properties do not present a continuous alignment so establishing and averaging the setback for five (5) properties either side is difficult. Establishing the 5 properties either side of the lot is messy. We established the average as approximately 7.7 metres. We have set the portico/entry at 3.5 metres, the ground floor study stairs and balconies at 6.0 metres and the majority of the walls on the first and second floors at 9.0 metres. The stepping of the setbacks and articulation are intended to reduce the bulk and scale and be integral to the contemporary design of the development. The entry portico is designed to improve the amenity of</i></p>

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

Issue/Design Element:	Building Height
Requirement:	<p><b>Residential Design Codes Clause 6.1.2 C2</b> Top of external wall (concealed roof): 10 metres.</p>
Applicants Proposal:	<p>Top of external wall (concealed roof): 11.9 metres.</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.2 P2</b></p>
	<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"> <li>• adequate access to direct sun into buildings and appurtenant open spaces;</li> <li>• adequate daylight to major openings into habitable rooms;</li> <li>• access to views of significance;</li> <li>• buildings present a human scale for pedestrians;</li> <li>• building façades designed to reduce the perception of height through design measures; and</li> </ul>

Issue/Design Element:	Building Height
	<ul style="list-style-type: none"> <li>podium style development is provided where appropriate.</li> </ul>
Applicant justification summary:	<p><i>"The building is cut into the ground along the northern and eastern boundaries."</i></p>
Officer technical comment:	<p>Supported. In this particular development, it is considered that the site, located on a major road (Fitzgerald Street), and existing three storey developments within this area, will fit in with the other future developments in the precinct. It is considered the skillion roof design will ameliorate the impact that would otherwise be created by a pitched roof type. The building has been designed specifically to take the height well away from the property boundaries where possible, with the non compliant portion of the height located at the front of the site, given the ground levels and transition towards the eastern end of the property.</p>

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

Issue/Design Element:	Landscaping
Requirement:	<p><b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b> A minimum of 5 percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings (50.6m<sup>2</sup>).</p>
Applicants Proposal:	<p>Landscaping – 0% or 0m<sup>2</sup> Landscaping in Private Outdoor Living Areas</p>
Design Principles:	<p><b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8</b></p> <ul style="list-style-type: none"> <li>Assists in contributing to the amenity of the locality;</li> <li>Assists in providing a landscaped setting for the building;</li> <li>Assists in the protection of mature trees;</li> <li>Maintains a sense of open space between buildings; and</li> <li>Assists in increasing tree and vegetation coverage.</li> </ul>
Applicant justification summary:	<p><i>"The practical design is balanced with the landscaped entry walkways and amenities area. The landscaping at the front of the property is designed</i></p>

Issue/Design Element:	Landscaping
	<i>to screen and enhance the streetscape. As this faces west evergreen planting will incorporate larger trees with lower feature gardens. This area includes a soft landscaped reversing area for the occasions when the parking is full. No parking is located in front of the development."</i>
Officer technical comment:	Not supported. The proposal conveys insufficient landscaping in the proposed private courtyard areas, therefore the City has imposed a condition relating to the provision of landscaping. It is considered there is adequate landscaping over the site to accommodate the requirement in order for compliance with the City's Multiple Dwelling Policy. A condition has been included requiring that within the private courtyard areas that 50.6 square metres of landscaping be provided.

Issue/Design Element:	Roof Forms
Requirement:	<b>Residential Design Elements Policy 7.2.1 BDADC 3. Roof Forms</b> 30- 45 degrees
Applicants Proposal:	Skillion (approximately 20 degrees) and flat roof forms proposed
Design Principles:	<b>Residential Design Elements Policy 7.2.1 BDPC 3 Roof Forms</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• it does not unduly increase the bulk of the building;</li> <li>• in areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• it does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>"The roof combines the 3 degree flat sections on both sides which tie into the raked 10 degree sections in the centre. This is used to lower the building on the boundaries while maintaining the contemporary design and providing light into the apartments. The roof will be visible from the north as you drive down from Walcott Street.</i>
	<i>The use of the 30-45 roof pitches and traditional roof style would generally increase the height and bulk of the building. They generally do not work with the current contemporary building designs. We have incorporated flat roof sections with skillion roofs to minimise the height and reduce the bulk and shadowing of the adjacent property to the south."</i>
Officer technical comment:	The proposed roof form is functional in this instance as a pitched roof would increase the bulk and overshadowing of this development.

Issue/Design Element:	Privacy
Requirement:	<b>Residential Design Codes Clause 5.4.1 P1.1 Northern</b> Kitchen (Units 8 & 11) –First and Second Floor 4.5 metres <b>Southern</b> Kitchen (Units 9 & 12) –First and Second Floor 4.5 metres

<b>Issue/Design Element:</b>	<b>Privacy</b>
Applicants Proposal:	<p><b>Northern</b> Kitchen (Units 8 &amp; 11) –First and Second Floor 2.0 metres</p> <p><b>Southern</b> Kitchen (Units 9 &amp; 12) –First and Second Floor 3.0 metres</p>
Design Principles:	<p><b>Residential Design Codes Clause 5.4.1 C1.1</b></p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. The proposed privacy requirements are required to be compliant and therefore conditioned to be screened accordingly. Thereby enabling compliance with the deemed to comply requirements of the Residential Design Codes of WA 2013. A condition requiring that the kitchen windows have privacy screening to a height of 1.6 metres.

<b>Issue/Design Element:</b>	<b>Utilities and Facilities</b>
Requirement:	<b>Residential Design Elements Policy 7.2.1 &amp; Multiple Dwellings Policy No. 7.4.8 Clause 5.2 A6.3</b>
	Stores – Minimum Dimension of 1.5 metres Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows: 1-15 dwellings = 3 lineal metres of clothes line per dwelling.
Applicants Proposal:	Proposed Stores 1-10 minimum dimension of 1.45 metres. Clothes-drying area/facilities provided however no lineal metres of clothed line shown
Design Principles:	<p><b>Residential Design Elements Policy 7.2.1 &amp; Multiple Dwellings Policy No. 7.4.8 Clause 5.2 A6.3</b></p> <p>External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:</p> <ul style="list-style-type: none"> <li>• convenient for residents</li> <li>• rubbish collection areas which can be accessed by service vehicles;</li> <li>• screened from view; and</li> </ul>

Issue/Design Element:	Utilities and Facilities
	<ul style="list-style-type: none"> <li>able to be secured and managed.</li> </ul>
Applicant justification summary:	<i>"The stores combined with garages of units 1-10 offer improved storage and circulation. The clotheslines shall be a minimum of 36 metres."</i>
Officer technical comment:	Supported. The dimensions of the storerooms are considered adequate given the total area proposed of over 4.0 square metres. The clothes drying facilities requirements have been conditioned accordingly.

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

Residential Bicycle Parking
<p><b>Residential Design Codes Clause 6.3.3 C3.2</b> 1 bicycle space to each 3 dwellings for residents (12 dwellings); and 1 bicycle space to each 10 dwellings for visitors (12 Dwellings), and designed in accordance with AS2890.3.</p> <p><u>Required</u> Residents: 4 bicycle spaces Visitors: 1 bicycle spaces Total: 5 bicycle spaces</p> <p><u>Provided</u> 4 Bicycle Spaces plus Storeroom space for bicycles.</p>

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

**CONSULTATION/ADVERTISING:**

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

Summary of Comments Received:	Officers Technical Comment:
Issue: <u>Plot Ratio</u> Concern over the size of the proposal and the excess plot ratio.	Not Supported. The proposed plot ratio, although providing for a significant variation is not considered to be out of context for the emerging streetscape along Fitzgerald Street, given the number of development of a height of over three storeys and scale proposed.
Issue: <u>Scale</u> Concern of the negative impact to the adjoining properties.	Noted. See above.
Issue: <u>Height</u>	

Summary of Comments Received:	Officers Technical Comment:
<p>Concern over the three storey building height proposed and the fact it will not fit in with the current streetscape.</p> <p>Concern in relation to any additional height proposed.</p>	<p>Not supported. A three storey height is supportable along Fitzgerald Street in accordance with the City's Policy 7.4.8 relating to Development Guidelines for Multiple Dwellings. In this instance, it is considered that the site, located on a major road (Fitzgerald Street), and with the existing three storey developments within this area, the development will fit in with the other future developments in the future design for the precinct. In terms of scale it is considered that the skillion roof design will ameliorate the impact that would otherwise be created by a pitched roof type.</p> <p>The building has been designed specifically to take the height well away from the property boundaries where possible, with the majority of the non compliant height located at the front of the building.</p>
<p>Issue: <u>Privacy and Loss of Views</u></p>	
<p>Concern in regard to the loss of privacy and City views from the development.</p> <p>Request that any kitchen windows on the top floor be screened accordingly. Also request any examples of the louvers proposed are made available.</p>	<p>Not supported. Privacy is compliant with the provisions of the Residential Design Codes of WA 2013. The proposed height of three storeys is compliant in terms of height, which in turn takes into account the desired amenity of neighbours. The loss of views is a non planning issue.</p> <p>Noted. The proposed kitchen windows are required to be screened for compliance with the privacy provisions of the Residential Design Codes of WA and are required to be conditioned accordingly.</p>
<p>Issue: <u>Car Parking</u></p>	
<p>Concern in relation to the proposed car parking and the impact it may have on surrounding streets. The proposal notes fifteen (15) car bays on-site, not sixteen (16). The units proposed will more than likely generate far greater traffic than provided on-site. There is also no parking for visitors on the property.</p>	<p>Not supported. The proposed car parking is compliant for the number of units proposed in accordance with the Residential Design Codes of WA 2013.</p>
<p>There is a safety concern with the development as the development is proposed on a bend in the road on Fitzgerald Street. The significant number of cars likely to enter/exit this property given its size) has the potential to create safety concerns.</p>	<p>Noted. The Department of Planning have considered the proposal and noted support of the proposed development in relation to the existing road network. There is future road widening applicable to this site and others along Fitzgerald Street, which will enable further area for vehicles to exit the site.</p>
<p>Issue: <u>Side Setbacks and Building on the Boundary</u></p>	



Summary of Comments Received:	Officers Technical Comment:
<p>Concern regarding buildings on the boundary given the height proposed and the impact it will have on the existing streetscape. The proposed side setbacks will impact the visual amenity of the adjoining owner, notably in the location of the stairwell.</p>	<p>Not supported. The proposed excess in building bulk is located to the northern and eastern portions of the site allowing for maximum solar access to the adjoining property to the south. The parapet walls proposed are evenly spaced to allow for a reduction of bulk along the northern boundary of the site and employ different methods of articulation to resolve the bulk at the boundary.</p>
<p>Note further that the reduced side setbacks create additional concerns such as privacy, reduction in sunlight and visual bulk.</p>	<p>The proposed boundary walls along the northern side are effectively spaced to reduce their bulk to the northern property, whilst the orientation of the lots creates no overshadowing. On the southern elevation the small boundary parapet wall is minor in area and abuts an outdoor living area of the adjoining property. The proposal efficiently utilises the site area and alleviates overlooking with the use of adequate screening.</p>
<p>Issue: <u>Streetscape</u> Concern over loss of the open street frontages which are applicable to this area from the proposal. The proposal is likely to create a feeling of encroachment in the neighbouring properties. A greater setback, particularly of all floors above ground level would reduce the impact of these floors.</p>	<p>Not supported. The proposed front setback provides for an articulated and active street frontage and the use of landscaping and differing building materials provides for a softening to its Fitzgerald Street entrance. The upper storey includes a number of open balconies, design features, and window openings which ameliorate the impact of the front setback variation.</p>
<p>Issue: <u>Front Fence</u> Fencing is required to be provided, especially to the south where there is none shown on the proposed plans.</p>	<p>Noted. Any boundary fencing is to be in accordance with the dividing fences act and to be negotiated by the affected property owners.</p>

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

**Design Advisory Committee:**

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

Summary of Design Advisory Committee Comments:

***“Discussion:***

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

*Long corridor needs reconsideration.*

*Remove nook where doors are located.*

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

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

*Check threshold number of units.*

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

*Stairwell is on the boundary.*

*Consider relocating stores for Units 11 and 12.*

***Recommendation:***

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

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

***Mandatory:***

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

*Redesign stairs to eliminate stepped landing.*

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

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

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

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

**LEGAL/POLICY:**

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

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 7.1.10;
- Development Guidelines for Multiple Dwellings No. 7.4.8; and
- Residential Design Elements Policy No. 7.2.1.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

<b>ENVIRONMENTAL</b>
The design of the dwellings allow for adequate natural light and ventilation through numerous windows on the sides of the building. These design elements have the potential to reduce the need or reliance on artificial heating, lighting and cooling.

<b>SOCIAL</b>
The provision of multiple dwellings provides for greater housing choice.

<b>ECONOMIC</b>
The construction of the building will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Technical Services**

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

**Demolition**

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

### **Planning**

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

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

### **Conclusion**

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

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

**9.1.6 Proposed Scheme Amendment No. 38 relating to land coded Residential R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8**

<b>Ward:</b>	North Ward	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Mount Hawthorn (P1); North Perth (P8)	<b>File Ref:</b>	PLA0202 Vol. 8
<b>Attachments:</b>	<a href="#">001</a> - Scheme Amendment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Tarca, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES** to **INITIATE** Scheme Amendment No. 38 to the City's Town Planning Scheme No. 1 to amend the dates referred to in clauses 20(4)(c)(ii) and 20(4)(h)(i) of the City of Vincent Town Planning Scheme from '29 March 2015' to '29 March 2017';
2. **ENDORSES** the Scheme Amendment No. 38 Report as shown in Scheme Amendment Report.
3. **REFERS** Scheme Amendment No. 38 to the City's Town Planning Scheme No. 1, to the Environmental Protection Authority to seek approval prior to advertising; and
4. **APPROVES** the advertising of Scheme Amendment No. 38 to the City's Town Planning Scheme No. 1 for a period of twenty-one (21) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy.
5. **REQUESTS** the Western Australian Planning Commission to grant a reduced advertising period of 21 days under Regulation 25(2)(j)(v) of the Town Planning Regulations 1967 for the following reasons;
  - 5.1 Scheme Amendment No. 34 relating to this area was only recently Gazetted on 23 May 2013;
  - 5.2 The timeframe approved by the Western Australian Planning Commission and Minister for Planning under Scheme Amendment No. 31, that being '29 March 2015', is unrealistic for the consideration and finalisation of City of Vincent's Draft Town Planning Scheme No. 2;
  - 5.3 A 21 day advertising will ensure there is a greater probability that the Scheme Amendment will be completed prior to 29 March 2015 so that there is no 'gap' period where the land returns to the higher zoning;
  - 5.4 The Amendment allows the Western Australian Planning Commission sufficient time to consider the City of Vincent's Draft Town Planning Scheme No. 2; and
6. **FORWARDS** the City's decision to the Western Australian Planning Commission for their information.

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Buckels, Seconded Cr Harley**

That the recommendation be adopted.

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

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

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to initiate a Scheme Amendment to modify the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i) from '29 March 2015' to '29 March 2017'. This ensures the land within the North Perth and Mount Hawthorn Precincts to remain at the Residential R20 zoning until 29 March 2017.

**BACKGROUND:**

Scheme Amendment No. 11 originally proposed to down code areas of North Perth and Mount Hawthorn from R30/40 and R30 to R20, respectively. This amendment was modified and two sunset clauses (clauses 20(4)(c)(ii) and 20(4)(h)(i)) were imposed in the Town Planning Scheme No. 1 by the former Minister for Planning and Infrastructure. These sunset clauses would only allow the area to be zoned at R20 for a certain period of time. This interim measure was imposed to enable the City time to conduct a review on housing and density across the entire City to form a more holistic approach to density in the City.

**History:**

Date	Comment
7 October 2003	Scheme Amendment No. 11 was gazetted which down coded an area in the Mount Hawthorn Precinct from R30 to R20 and the North Perth Precinct from R30/40 to R20, and imposed a sunset clause in the Town Planning Scheme No. 1 to limit the time the land would remain at R20.
14 July 2006	Scheme Amendment No. 22 was gazetted which modified the dates listed in the sunset clauses.
9 May 2008	Scheme Amendment No. 24 was gazetted which modified the dates listed in the sunset clauses.
3 March 2009	Scheme Amendment No. 27 was gazetted which modified the dates listed in the sunset clauses.
27 August 2010	Scheme Amendment No. 28 was gazetted which modified the dates listed in the sunset clauses.
7 August 2012	Scheme Amendment No. 31 was gazetted which modified the dates listed in the sunset clauses.
23 May 2013	Scheme Amendment No. 34 was gazetted which modified the dates listed in the sunset clauses to 29 March 2015.
28 March 2014	The City received a request to extend the current dates listed on the Eton Locality Clause. The concern raised the issue that the new Town Planning Scheme No. 2 may not be gazetted by the current date, therefore the clause would lapse and would see the rezoning to R30/40 and R30 densities.

**Previous Reports to Council:**

This matter was previously reported to the Council on the following dates 12 February 2013.

The Minutes of Item 9.1.11 from the Ordinary Meeting of the Council held on 12 February 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](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**DETAILS:**

The existing clauses that are subject to this amendment are as follows:

20(4)(c)(ii) *'After 29 March 2015 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.'*

20(4)(h)(i) *'After 29 March 2015 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.'*

Amendment No. 38 proposes to extend these dates from 29 March 2015 to 29 March 2017

## Draft Town Planning Scheme No. 2

The review of zonings and housing densities has been completed as part of the review of the City's Town Planning Scheme No. 1. The City acknowledges that the State Government direction is to allow for increased inner city densities. As part of the Town Planning Scheme review, the City has taken the approach of targeted growth in areas where there is good access to services, amenities and public transport, whilst retaining areas of character and low to medium density, to provide a diverse range of housing choice within the City. The draft Town Planning Scheme No. 2 is currently being advertised which ceases on 27 June 2014.

### Previous Amendments

In the past the City has requested that clauses 20(4)(c)(ii) and 20(4)(h)(i) be deleted as per scheme amendments Nos. 22, 24, 27, 28 and 31. In all these instances the Minister for Planning has requested modifications to the dates listed in the clauses rather than deleting the clauses. In the case of Amendment No. 34 the City proposed to extend the time period rather than delete the clauses. Amendment No. 38 proposes to further extend these dates.

It is noted that in the past the City has received a majority of support for the clauses to be deleted in order to maintain the R20 zoning in the area. In the most recent scheme amendment relating to this area, scheme Amendment No. 34, of the 97 submissions received, 82.5% were in support to extend the date of clauses 20(4)(c)(ii) and 20(4)(h)(i) to maintain the R20 zoning until 2015.

### Sunset Clause Dates

It is noted that in 2011/2012, the City recently undertook Scheme Amendment No. 31 which proposed to delete clauses 20(4)(c)(ii) and 20(4)(h)(i) from the City of Vincent Town Planning Scheme No. 1. Rather than approve the amendment as requested, the Minister for Planning requested modifications to the scheme amendment to retain the clauses and modify the dates from '1 May 2012' to '29 March 2013'. Scheme Amendment No. 34 saw the further extension of the time period from 29 March 2013 to 29 March 2015.

The dates in clauses 20(4)(c)(ii) and 20(4)(h)(i) were modified by the WAPC and Minister for Planning as the City's Draft Town Planning Scheme No. 2 is currently being advertised. Whilst the Draft Town Planning Scheme No. 2 is currently being advertised and does not finish until 27 June 2014, Town Planning Scheme No. 2 may not be an active scheme by March 2015.

The City expects the Draft Town Planning Scheme No. 2 is expected to be gazetted by 29 March 2015, however the City cannot guarantee its adoption by this time. Therefore Scheme Amendment No. 38 is proposed to be initiated to modify the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i). Extending the dates will ensure that the land remains as Residential R20 in the North Perth and Mount Hawthorn Precincts for a longer period of time allowing the Draft Town Planning Scheme No. 2 to be gazetted.

The City has proposed that the dates be extended for two (2) years to allow sufficient time for the City to undertake the three (3) month consultation, and for the Scheme to be finalised and gazetted. With the adoption of this Scheme Amendment there will be no lapse in time from when the Clause finishes until the Draft Town Planning Scheme No. 2 is adopted.

### CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Scheme Amendments are to be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, following endorsement from the WAPC (where required).

The City is requesting a reduced advertising period of 21 days given that an amendment was recently undertaken and gazetted in this area. This also provides greater certainty that the amendment is complete prior to 29 March 2015 and there is no 'gap' period where the clauses lapse and the land returns to the higher zoning.

**LEGAL/POLICY:**

Planning and Development Act 2005  
Town Planning Regulations 1967

The Minister for Planning is the determining authority on Scheme Amendments.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** If this scheme amendment is not initiated, there is a risk that clauses 20(4)(c)(ii) and 20(4)(h)(i) will lapse and the land will return to the higher zoning. This is inconsistent with the City's original scheme amendment and subsequent amendments, as well as the proposed R20 zoning in the Draft Town Planning Scheme No. 2.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

**SUSTAINABILITY IMPLICATIONS:**

The following tables outline the applicable sustainability issues for this Scheme Amendment:

<b>ENVIRONMENTAL</b>
Lower density housing may reduce the likelihood of established trees being removed from private gardens.

<b>SOCIAL</b>
This amendment has been driven by the community to maintain a lower residential density for the area of Residential R20. Extending the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i) allows the continuation of the R20 zoning until 29 March 2017. By this date, the Draft Town Planning Scheme No. 2 will be in place which will see the removal of these Clauses and the zoning remained at R20.

<b>ECONOMIC</b>
Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

*Town Planning Scheme Amendment & Policies*

Budget Amount: \$73,000

Spent to Date: \$21,622

Balance: \$51,378

**COMMENTS & CONCLUSION:**

Amendments in this area have been ongoing for a number of years since the sunset clauses were introduced under Scheme Amendment No. 11. Whilst in the past the City has requested a deletion of the clauses, this scheme amendment pre-empts the Minister for Planning's request to modify the amendment, consistent with previous amendments, and proposes an extension to the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i). Although the City believes the Town Planning Scheme No. 2 will be gazetted by 29 March 2015, it cannot guarantee this. The time extension detailed by Scheme Amendment No. 38 will allow sufficient time for the Draft Town Planning Scheme No. 2 to be in effect. The subject areas will remain at Residential R20 until the new Town Planning Scheme No. 2 is gazetted. Upon adoption of the Town Planning Scheme No. 2, the City will have applied zonings to this area without the need for the sunset clauses.



**9.1.3 No. 315 (Lot 43; D/P 1554) Pier Street, Perth – Proposed Construction of Two (2) Three (3) Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO0763; 5.2013.456.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans <a href="#">002</a> - Streetscape Perspective <a href="#">003</a> - Applicant Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Home Builders Advantage on behalf of the owners, A & Z Shehzad, for Proposed Construction of Two (2) Three (3) Storey Grouped Dwellings at No. 315 (Lot 43; D/P 1554) Pier Street, Perth and as shown on amended plans stamped 17 April 2014 and 23 April 2014, due to the following reasons:

1. The proposal does not satisfy Clause 38 (5) (b) (g) (i) of the Scheme as the development does not comply with the development standards and general provision in relation to Council Policy 7.1.13, does not respect the orderly and proper planning of the locality, and is not in keeping with the design and relationship to existing buildings, surroundings or structures;
2. Non-compliance with the Deemed to Comply Provisions and Design Principles provisions of the Residential Design Codes 2013, with regard to the following Clauses:
  - 2.1 Clause 5.1.3 “Lot Boundary Setbacks” relating to the boundary setbacks proposed on site;
  - 2.2 Clause 5.1.4 “Open Space” relating to the open space provided on site;
  - 2.3 Clause 5.2.2 “Garage Width” relating to the width of the garages onsite;
  - 2.4 Clause 5.4.2 “Solar Access for Adjoining Sites” relating to the overshadowing proposed; and
3. Non-compliance with Deemed to Comply Provisions and Design Solution provisions of the City’s Policy 7.2.1 relating to Residential Design Element, with regard to the following Clauses:
  - 3.1 Clause SADC 5 & SPC 5 “Street Setbacks” relating to the street setback of the proposed building”

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Buckels, Seconded Cr Harley**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The application is referred to a meeting of the Council as Officer's do not have delegation to determine a three (3) storey height grouped dwelling.

**BACKGROUND:**

**History:**

Date	Comment
23 February 2010	The Council at its Ordinary Meeting approved an application for Five Single Bedroom Multiple Dwellings.
27 May 2008	The Council at its Ordinary Meeting approved a Three Storey Mixed Use Development.

**DETAILS:**

<b>Landowner:</b>	A & Z Shehzad
<b>Applicant:</b>	Home Builders Advantage
<b>Zoning:</b>	Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	N/A
<b>Use Classification:</b>	N/A
<b>Lot Area:</b>	319 square metres
<b>Right of Way:</b>	N/A

The application proposes two (2) three (3) storey grouped dwellings on the existing vacant site.

**ASSESSMENT:**

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density	✓		
Streetscape	✓		
Front Fence	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Number of Storeys			✓
Roof Forms			✓
Open Space			✓
Access & Parking			✓
Privacy			✓
Garage Width			✓
Solar Access			✓
Site Works	✓		
Utilities & Facilities	✓		
Surveillance	✓		

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

<b>Issue/Design Element:</b>	<b>Street Setbacks</b>
Requirement:	<p><b>Residential Design Elements Policy 7.2.1 SADC 5 Northern Unit</b> 3.9 metres (Front Setback) Garage to be 0.5 metres behind front of dwelling</p> <p><b>Southern Unit</b> 3.9 metres (Front Setback) Garage to be 0.5 metres behind front of dwelling</p>
Applicants Proposal:	<p><b>Northern Unit</b> 2.41 metres Garage forward of entry</p> <p><b>Southern Unit</b> 2.5 metres</p>
Design Solution:	<p><b>Residential Design Elements Policy 7.2.1 SPC 5</b></p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. The proposed grouped dwellings are located along Pier Street, which is characterised by its single storey converted dwellings with minimal front setbacks. The proposed setbacks are considered to present a bulky appearance to the street with the upper setbacks amplifying this. In doing so the proposed development does not maintain the streetscape or maintain the amenity of the street.

<b>Issue/Design Element:</b>	<b>Lot Boundary Setback</b>
Requirement:	<p><b>Residential Design Codes Clause 5.1.3 C3.1 Northern Unit</b> Ground Floor – Northern – 1.5 metres First Floor – Northern (Balance) – 3.9 metres Second Floor – Northern (B1 – Sitting) – 1.2 metres Balance – 4.9 metres</p> <p><b>Southern Unit</b> Ground Floor (Southern) – Garage - 1.5 metres Balance – 1.5 metres First Floor – (Southern) Balance - 1.8 metres Second Floor – (Southern) – Balcony – Ensuite – 1.7 metres</p>

Issue/Design Element:	Lot Boundary Setback
	Balance – 4.9 metres <b>Buildings On Boundary –</b> Northern Boundary – One (1) boundary wall Average Height – 3.0 metres Maximum Height – 3.5 metres
Applicants Proposal:	<b>Northern Unit</b> Ground Floor – Northern - 1.0 metre (min) First Floor – Northern (Balance)- 1.5 -2.24 metres Second Floor – Northern (B1 – Sitting) 1.0 metre Balance 1.5 metres <b>Southern Unit</b> Ground Floor (Southern) – Garage – Nil Balance Nil – 1.2 metres First Floor – (Southern) Balance Nil – 1.5 metres Second Floor – (Southern) – Balcony – Ensuite 1.0 metres Balance – 1.5 metres <b>Buildings On Boundary –</b> Walls on three (3) boundaries Average Height - 5.5 metres Maximum Height - 6.0 metres
Design Principles:	<b>Residential Design Codes Clause 5.1.3 P3.1</b> P3.1 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties</li> </ul> P3.2 Buildings built up to boundaries (other than the street boundary) where this: <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> </ul>
	<ul style="list-style-type: none"> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing development context and streetscape.</li> </ul>
Applicant justification summary:	See attachment for justification.

Issue/Design Element:	Lot Boundary Setback
Officer technical comment:	<p>Not Supported. Whilst it is considered on balance that the northern unit's setbacks, given the east-west orientation of the lots will not provide undue impact to light and ventilation to the adjoining commercial unit. The impact of the southern unit, with the bulk of the upper storeys with a minimal side setback will reduce the amenity of the adjoining buildings and limit any sunlight or ventilation being afforded to these dwellings. The proposed boundary parapet walls on the northern and southern boundaries cover an extensive expanse of the property boundaries and at a height of two storeys are considered to significantly reduce the amenity of the adjoining two buildings.</p>

Issue/Design Element:	Open Space
Requirement:	<p><b>Residential Design Codes Clause 5.1.4 C4</b> 30% or 95.7m<sup>2</sup></p>
Applicants Proposal:	<p><b>Residential Design Codes Clause 5.1.4 P4</b> 27.95% or 90.16m<sup>2</sup></p>
Design Principles:	<p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> <li>• reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</li> <li>• provide access to natural sunlight for the dwelling;</li> <li>• reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</li> <li>• provide an attractive setting for the buildings, landscape, vegetation and streetscape;</li> <li>• provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</li> <li>• provide space for external fixtures and essential facilities.</li> </ul>
Applicant justification summary:	<p>See attachment for justification.</p>
Officer technical comment:	<p>Supported. The proposed open space provided by the two dwellings provides minimal area for future residents of the subject site to utilise open spaces. This creates the appearance of an overdevelopment of the site, which in turn reduces the amenity of the area.</p>

<b>Issue/Design Element:</b>	<b>Number of Storeys</b>
Requirement:	<b>Residential Design Elements Policy 7.2.1 BDADC 5 &amp; Beaufort Precinct Policy (P13)</b> Three (3) Storeys can be considered
Applicants Proposal:	Three (3) Storeys
Design Solution:	<b>Residential Design Elements Policy 7.2.1 BDADC 5 &amp; Beaufort Precinct Policy (P13)</b> Building height is to be considered to: <ul style="list-style-type: none"> <li>• limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. Under the provisions of the Beaufort Precinct Policy (P13), a third storey can be considered and a height of 12.0 metres where the amenity of the adjoining residential area is protected in terms of privacy, scale and bulk. Whilst the three storey height of the grouped dwellings is greater than the predominant nature of the street, within close proximity to the subject site are a number of multi storey buildings above the proposed height, which provide some context to the development. It is noted however that the proposed location of the dwelling, abutting a number of single storey converted single houses and the bulky design of the proposed development, would reduce the amenity of the immediate area. Furthermore the proposed height would dominate the existing streetscape.

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Policy 7.2.1 Clause BDADC 3</b> 30-45 degrees
Applicants Proposal:	2 – 9 degrees
Design Principles:	<b>Residential Design Elements Policy 7.2.1 Clause BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• it does not unduly increase the bulk of the building;</li> <li>• in areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• it does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Supported. The proposed flat roof design reduces the overall scale of the development.

<b>Issue/Design Element:</b>	<b>Privacy</b>
Requirement:	<b>Residential Design Codes Clause 5.4.1 P1.1</b> <b>Northern Unit</b> Rear Balcony – 6.0 metres <b>Southern Unit</b> Rear Balcony- 6.0 metres
Applicants Proposal:	<b>Northern Unit</b> 2.7 metres – First and Second Floor Balcony <b>Southern Unit</b> 2.7 metres – First and Second Floor
Design Principles:	<b>Residential Design Codes Clause 5.4.1 C1.1</b> P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. The proposed privacy requirements are required to be compliant and in the event of support of the development would be required to be screened accordingly.

<b>Issue/Design Element:</b>	<b>Garage Width</b>
Requirement:	<b>Residential Design Codes Clause 5.2.2 C2</b> 50% or 6.1 metres
Applicants Proposal:	64.75% or 7.9 metres
Design Principles:	<b>Residential Design Codes Clause 5.2.2 P2</b> P2 Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Supported. The existing nature of Pier Street, in close proximity to the subject site, is characterised by minimal front setbacks and open car parking areas to the street. It is noted however the combined visual impact of the two garages and their doors does not enable visual connectivity to the dwellings.

<b>Issue/Design Element:</b>	<b>Solar Access</b>
Requirement:	<b>Residential Design Codes Clause 5.4.2 C2.1</b> 50% or 159.5 m2
Applicants Proposal:	67.91% or 216.65m2
Design Principles:	<b>Residential Design Codes Clause 5.4.2 P2.1</b> P2.1 Effective solar access for the proposed development and protection of the solar access. P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing: <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</li> <li>• roof mounted solar collectors.</li> </ul>
Applicant justification summary:	See attachment for justification.
Officer technical comment:	Not Supported. The proposed dwellings abut a Residential/Commercial zoned property which is currently being utilised as a Commercial Office. It is noted however the overshadowing proposed will limit any future development of the adjoining property and reduce the availability of light and ventilation to the building.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	1 November 2013 to 15 November 2013
<b>Comments Received:</b>	No comments received

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed construction of two (2) three (3) storey residential dwelling at No. 315 Pier Street, Perth

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 7.1.13;
- Residential Design Elements Policy No. 7.2.1.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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



**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwelling allows for adequate natural light and good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating, lighting and cooling.	

SOCIAL	
Issue	Comment
The proposal provides accommodation for smaller households.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

It is considered that the proposed building height, street setbacks and scale of the proposed dwelling adversely impacts the existing streetscape, given the layout of the land of the property. The three (3) storey appearance of the two dwellings is well within the maximum permitted height for Residential/Commercial R80 zoned properties within the Beaufort Precinct (P13), however within the context of this section of Pier Street, abutting a number of single storey converted single houses the impact is considered significant. It is considered to not comply with the Design Principles/Design Solutions of the City's Policy No. 7.2.1 relating to Residential Design Elements Policy and the Residential Design Codes of WA 2013.

On the above basis, the proposed construction of two (2) three (3) storey grouped dwellings is not supportable in this instance.

**9.2.2 Parking Related Matters in Mount Lawley and North Perth**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Forrest (14), Smiths Lake (6)	<b>File Ref:</b>	TES0455, TES0257, PKG0001 PKG0026 TES0050
<b>Attachments:</b>	<a href="#">001</a> – Clarence Street Proposal (Plan No. 2812-PP-01B) <a href="#">002</a> – Kayle Street Proposal (Plan No. 3131-PP-01A) <a href="#">003</a> – Harold Street Proposal (Plan No. 3141-PP-01)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the;
  - 1.1 introduction of a 2P parking restriction 8.00am to 6.30pm Monday to Friday and 8.00am to 12.00 Noon Saturday in Clarence Street, Mount Lawley between Beaufort Street (excluding the ticket parking zone) and Curtis Street as shown on attached Plan No. 2812-PP-01B; and
  - 1.2 introduction of 3P parking restriction 8.00am to 5.00pm Monday to Friday in Kayle Street, North Perth on the eastern or residential side between Emmerson and Bourke Streets, as shown on the attached Plan No. 3131-PP-01A; and
2. **CONSULTS** with the residents of Harold Street, Mount Lawley between Stirling and Curtis/Smith Streets about the introduction of 2P parking restriction 8.00am to 6.30pm Monday to Friday and 8.00am to 12.00 Noon Saturday as shown on attached Plan No. 3141-PP-01;
3. **RECEIVES** a further report at the conclusion of the Harold Street consultation;
4. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and
5. **INFORMS** all respondents of its decision.

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Cole, Seconded Cr McDonald

“That Clause 1.2 be deleted as follows:

- 1.2 introduction of 3P parking restriction 8.00am to 5.00pm Monday to Friday in Kayle Street, North Perth on the eastern or residential side between Emmerson and Bourke Streets, as shown on the attached Plan No. 3131-PP-01A; and”

Debate ensued.

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

**For:** Cr Buckels, Cr Cole, Cr Harley, Cr Peart, Cr Pintabona and Cr Topelberg

**Against:** Presiding Member Mayor Carey and Cr McDonald

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.2**

**That the Council;**

- 1. APPROVES the;**
  - 1.1 introduction of a 2P parking restriction 8.00am to 6.30pm Monday to Friday and 8.00am to 12.00 Noon Saturday in Clarence Street, Mount Lawley between Beaufort Street (excluding the ticket parking zone) and Curtis Street as shown on attached Plan No. 2812-PP-01B; and**
- 2. CONSULTS with the residents of Harold Street, Mount Lawley between Stirling and Curtis/Smith Streets about the introduction of 2P parking restriction 8.00am to 6.30pm Monday to Friday and 8.00am to 12.00 Noon Saturday as shown on attached Plan No. 3141-PP-01;**
- 3. RECEIVES a further report at the conclusion of the Harold Street consultation;**
- 4. PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and**
- 5. INFORMS all respondents of its decision.**

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**PURPOSE OF REPORT:**

The purpose of this report is to update the Council of the outcome of two (2) community consultations undertaken in respect of resident's requests for parking restrictions and to recommend public consultation in a third location potentially experiencing similar issues.

**BACKGROUND:**

The City regularly receives requests from residents seeking parking restrictions to be introduced as a means of ensuring that their street it is not used as a 'free parking zone' by commuters, employees and/or patrons of nearby commercial and entertainment precincts. Each request is assessed and where warranted the residents consulted to canvass their opinions of possible parking restrictions.

**DETAILS:**

**Clarence Street, Mount Lawley:**

Clarence Street is an Access Road and is predominately residential in nature and links Beaufort and Curtis Streets, Mount Lawley. Currently, other than in the 90° angled ticket parking area at Beaufort Street (commercial) end, there are no parking restrictions.

Further, the majority of the surrounding streets are all subject to varying timed parking restrictions, albeit ticket parking, timed and/or no stopping restrictions (such as Curtis Street).

As a consequence several Clarence Street residents have contacted the City aggrieved that their street is being used as a 'free parking' zone both during the day (by employees on nearby businesses) and to a lesser extent into the evening by patrons of the various restaurants and bars along Beaufort Street.

The adjacent streets all have timed restrictions and/or ticket parking with clearly defined periods, i.e. 8.00am to 6.30pm Monday to Friday, and 8.00am to 12noon Saturdays such as in Barlee, Roy and Gerald Streets and a 5.30pm restriction in Vincent Street to approximately halfway to William Street.

On the 19 March 2014, the City sent out fifty four (54) consultation packs to all the residential properties in Clarence Street, and those commercial properties abutting or with direct access to Clarence Street.

Officers Comments:

The letter and accompanying drawing distributed suggested a 2P restriction At All Times, which was not the intention. As a consequence an amended consultation pack was sent out immediately suggesting an 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturday restriction consistent with the surrounding streets.

However, it would appear that some of those who responded chose to ignore the second (or corrected consultation letter) and replied to the original proposal. Further, one (1) of the Beaufort Street business owners sent in multiple negative responses even though some of the businesses listed were well outside the consultation zone.

By the close of the consultation period on 8 April 2014 the City had received fourteen (14) responses from the properties within the consultation and four (4) outside the consultation zone.

Related Comments In Favour of the Proposal (9):

- 5 in favour with no further comments.
- however we do not support the revised proposal. The parking problems are at least as bad after 6.30pm and weekends. The new proposal would therefore be of little benefit to residents...We therefore support the original proposal.
- I am very pleased to hear of this proposal as it will make a big difference to the lives of the residents.... Even if only part of the street has timed parking it would be a great help, and it might encourage parkers to use the Barlee St carpark a bit more.
- It is frustrating not to have direct access and observe non residents using the street as a parking lot, particularly when the Barlee Street carpark is rarely full... I would prefer restricted two hour parking at all times....if it is not possible to restrict fully 8.00am-8.00pm Monday to Saturday should have two hour restrictions.
- I am really pleased this is happening. Very often we get home in the evenings and cannot park on our street, we have to park on neighbouring streets with restrictions.

Related Comments Against the Proposal (7):

- 4 against the proposal with no further comment, received from outside the surveyed area (owners of Beaufort Street businesses).
- 3 against the proposal with no further comment.

Related Comments Neither in Support nor Objecting (2):

- The number of permits for residents doesn't reflect the fact that households in this area increasingly have three and four cars. This is because grown-up children stay at home for longer and rental properties often go to a group of young singles (ECU students or professionals) who can only afford the accommodation as a group. IF more permits were made available to residents, I would be in favour of this proposal.
- I have some concerns about this proposal which are of particular relevance and unique to this property....verge parking will continue to be legally available in front of the property if this proposal is adopted...of concern also, is the often restricted access to the existing rear off road parking facility for one small vehicle. As Council would be aware, the section of Beaufort Street between Harold and Clarence Streets contains no less than six (6) commercial establishments...beside private vehicles using the lane as a thoroughfare, many commercial vehicles use the lane on a daily basis...sometimes directly in front of the rear off road parking...Therefore, should the proposal be adopted,
- Confirmation is sought from Council that legal verge parking will continue to be permitted in front of the property, and
- Consideration from Council is given to allow for the provision of 2 resident permits notwithstanding that 1 off road parking facility exists for a small vehicle.

Officers Comments:

While there was some degree of confusion/conjecture as to which consultation pack the residents were responding to it is apparent that the majority of those who did respond supported some form of parking restrictions.

Therefore to ensure consistency with that of the surrounding streets i.e. Barlee, Roy and Gerald Streets, it is recommended that Council endorse the same restrictions by imposing an 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturday restriction.

Residents would be eligible for parking permits in accordance with Council's policy.

**Harold Street, Highgate/Mount Lawley:**

When assessing the parking restrictions in the streets surrounding Clarence Street it become apparent that the only remaining unrestricted area\* in the immediate vicinity (if Clarence Street is approved) will be Harold Street, between Stirling and Smith/Curtis Streets.

\*apart from 2 x 1/2P bays on the northern side of Harold Street nearest the Child Health Clinic corner Curtis Street.

Therefore, it was considered, that on the assumption Clarence Street is restricted, that it will lead to an increase the parking demand in Harold Street.

Officers Comments:

Similar to that of the situation in Clarence Street, and to ensure consistency with the restrictions in the surrounding streets, i.e. Barlee, Roy and Gerald Streets, it is proposed that the residents be canvassed about installing a 2P 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturday restriction.

**Kayle Street, North Perth:**

The origins of the Kayle Street parking complaints can be directly related to a development approval for large residential unit complex on Lot 1, #1 Bourke Street and Lot 2, #261 Charles Street, corner of Bourke Street, which abuts the rear boundary of nine (9) Kayle Street properties.

The residents of said properties are concerned that the development has been approved with insufficient parking and given that there is no street parking in Bourke Street or Charles Street that the overspill will block up Kayle Street, and specifically the northern end. Further, that during the construction phase contractors vehicles will take up the majority of the available parking spaces during the week to the detriment of the residents.

In light of the above the several residents have asked that the City to install parking restrictions in Kayle Street.

- It should be noted that all the residences along Kayle Street have off-road parking;
- If parking restrictions are introduced the tenants/owners of the Charles Street units would not be eligible for parking permits; and
- The full length of the western side of Kayle Street abuts Smiths Lake Reserve.

Random surveys indicate that the on-road parking take-up is generally less than 50% on the average weekday with the majority of vehicles associated with the residents, i.e. their own, visitors or trades/deliveries.

On the 6 March 2014, the City sent out forty eight (48) consultation parks to which fourteen (14) responses were received by the close of the consultation period on 21 March 2014.

The proposal was for a 3P 8.00am to 5.00pm Monday to Friday restriction to be implemented along both sides of Kayle Street from Emmerson to Bourke Streets.

Related Comments *In Favour* of the Proposal (9):

- 3 in favour with no further comments.
- The likely increase in housing density in the area will require some regulation of vehicle parking to preference home owners and their visitors.
- I applaud your decision for 3 hour parking in Kayle Street...Emmerson Street will need 3 hour parking, some of Emmerson Street already has 3 hour parking but from the Charles Street end heading west has not.
- this should have been done before.
- Could the proposed 3P be extended to the sections of Emmerson Street approaching Charles? This is a very busy junction and safety would be improved by parking restrictions.
- we would support the 3hr restriction on the provision that it is extended to the entire length of Emmerson St, and also to the carpark at our rear (Beatty Park Reserve)....
- I propose to extend the parking restriction on Kayle St to around the corner to #10 Emmerson St as same cars park there all day.

Related Comments *Against* the Proposal (3):

- 1 objection with no further comments
- The matter of parking restrictions in the North Perth areas needs to be considered on a larger scale. Simply changing the parking restrictions on one street only results in the vehicles being displaced to the adjacent streets thereby creating issues where there may previously have been none. In reality, the majority of the vehicles on Kayle Street are local residents. A detailed survey of the street parking would reveal the same. I do not support the proposal. A higher level street parking strategy needs to be developed to address similar cases with a consistent solution.
- Parking in front of our house is already quite difficult during week days because of city workers leaving their cars all day whilst working in the city...if you insist on bringing in that restrictions to Kayle Street, then you will need to do the same for our sections of Emmerson Street. Our preference is to have no 3P parking in Kayle Street, but if you do, you need to make it apply to our eastern end of Emmerson.

Related Comments *Neither in Support nor Objecting* (2):

- My concerns are not with commuters to the City. These people generally park at my end of the street and total three to four cars on the whole street on any one day...My greater concern is on-street parking by residents and visitors, particularly up the end that intersects with Bourke Street. This part of the street is heavily congested with parked cars on weekends and nights, so the issue in my opinion is with residents. I believe restrictions should be placed on parking outside of normal working hours (not as proposed by the City). This problem is soon to be exacerbated by the construction of approx. 50 units on the corner of Bourke and Charles Streets.
- the vehicles parked on Kayle Street appear to be by residents or visitors... I believe that the east side should be 'No Parking' and the west side limited as per the proposal. I also note that at times vehicles are parked right up to the intersection at the Bourke Street end creating a dangerous situation when turning left into Kayle Street from Bourke Street. This needs to be policed...there will be 50 apartments with only one parking bay each, and there will obviously be an overflow of 40plus vehicles that can't be accommodated on the property....

Officers Comments:

As discussed above the primary basis for the residents' complaints is not specifically related to the current situation but rather in anticipation that there will be problems in the future, both during construction and after occupation, of the unit development on the corner of Charles and Bourke Streets.

Currently the majority of the on-road parking appears to be by the residents, and not commuters as suggested, and again, is primarily at the northern end of the street adjacent the eight (8) townhouses.

Further, as several residents of Emmerson Street indicated, if Kayle Street were to be timed restricted it would likely increase the parking demand in their street which is currently also unrestricted.

Therefore, it is suggested that rather than impose restrictions on both sides of Kayle Street confine the restrictions to the eastern or residential side only so that the western or Smith Lake side remains unrestricted.

The intention being that it will protect the resident's interests while not creating a problem in Emmerson Street.

The only additional action required would be to re-enforce the 'No Parking' on the verge/reserve signage along Smiths Lake, which is currently not a problem but could be when construction starts on the unit development.

In response to the comment about the proximity of parking to the Bourke Street intersection the No Stopping zone will be formalised by line-marking the appropriate set back.

Kayle Street residents would be eligible for parking permits in accordance with Council's policy.

**CONSULTATION/ADVERTISING:**

Consultation was and will be undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5.

**LEGAL/POLICY:**

The City is responsible for implementing, monitoring and enforcing parking restrictions within its boundaries.

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** Related to amenity/safety improvements for residents.

**STRATEGIC IMPLICATIONS:**

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

- "1.1: *Improve and maintain the natural and built environment and infrastructure.*
  - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
  - 1.1.5(a) *Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to install the signage and line-marking in both Clarence and Kayle Streets is in the order of \$1,500.

**COMMENTS:**

As discussed in the body of the report with regards to Clarence Street the majority supported some form of time parking restrictions being imposed. Further, it is believed that if Council approve the Clarence Street restrictions the only remaining restriction free street in the immediate area will be Harold Street between Stirling and Curtis/Smith Streets and hence the recommendation to consult with the residents.

In respect of Kayle Street it would be fair to say that a problem does not currently exist but rather there may be in future with the residential unit development proposed for the corner of Bourke and Charles Streets.

Therefore it is recommended that the Council endorses the various parking improvements as discussed in the report.



**9.3.2 81 Angove Street, North Perth Usage Options - Progress Report No. 4**

<b>Ward:</b>	North	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Smith's Lake	<b>File Ref:</b>	PRO2919
<b>Attachments:</b>	<a href="#">001</a> – Plans of Option 1. 2 and Option 4.1 <a href="#">002</a> – Sewer Plan <a href="#">003</a> – Policy No. 7.2.1		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	G Pieraccini, Director Special Projects		
<b>Responsible Officer:</b>	M Rootsey, A/Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Progress Report No. 4 relating to further investigation into the development of apartments at the rear of the site (Option 1.2) and the survey strata subdivision of the rear of the site (Option 4.1) as requested by Council;
2. **APPROVES** a detailed investigation for the subdivision (Option 4.1) (including the development of a subdivision plan);
3. **LISTS** for consideration an amount of \$25,000 in the 2014/15 Draft Budget to carry out this work;
4. **RECEIVES** a further report on the leasing options for the Heritage listed building; and
5. **NOTES** that a further progress report will be provided to Council in August 2014.

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Moved Cr Peart, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McDonald departed the Chamber at 7.40 pm.

Debate ensued.

Cr McDonald returned to the Chamber at 7.43pm.

Debate ensued.

**AMENDMENT**

Moved Cr Buckels, Seconded Cr Harley

"That Clause 1 be amended, Clauses 2, 3 & 4 be deleted and the remaining Clauses be renumbered as follows:

That the Council;

1. **RECEIVES APPROVES IN PRINCIPLE** the subdivision and sale of the rear lot at No. 81 Angove Street, North Perth ~~the Progress Report No. 4 relating to further investigation into the development of apartments at the rear of the site (Option 1.2) and the survey strata subdivision of the rear of the site (Option 4.1) as requested by Council;~~
2. ~~APPROVES~~ a detailed investigation for the subdivision (Option 4.1) (including the development of a subdivision plan);
3. ~~LISTS~~ for consideration an amount of \$25,000 in the 2014/15 Draft Budget to carry out this work;

~~4. ——— RECEIVES a further report on the leasing options for the Heritage listed building; and~~

~~5 2. NOTES RECEIVES that a further progress report prior to the final consideration of 2014/2015 budget. will be provided to Council in August 2014.~~

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

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.3.2**

That the Council;

1. **APPROVES IN PRINCIPLE** the subdivision and sale of the rear lot at No. 81 Angove Street, North Perth; and
2. **RECEIVES** a further progress report prior to the final consideration of 2014/2015 budget.

**PURPOSE OF REPORT:**

The purpose of this report is to provide additional information to Council on the development and subdivision options available for 81 Angove Street, North Perth and seeks approval to progress the preferred option.

**BACKGROUND:**

**History**

Date	Comment
29 October 2009	The Council purchased No. 81 Angove Street, North Perth at public auction for \$1.725 million
3 November 2009	The Council resolved to endorse the Business Plan for the Major Land Transaction and to borrow \$1,600,000 for the purchase of No. 81 Angove Street, North Perth.
8 February 2011	The Council resolved to approve the lease of the property to GROW WA for 3 years, at \$27,000 per annum (expires May 2014).
6 December 2011	The Council requested the Chief Executive Officer to investigate alternative community uses for the property to be introduced at the end of the current lease to GROW WA
27 March 2012	The Council requested the Chief Executive Officer to investigate further options for alternative uses and redevelopment options for the property and that \$50,000 be listed in the 2012/2013 draft Budget for the preparation of a Feasibility Study for various development and land use scenarios.
December 2012	Internal North Perth Police Station Working Group prepared draft Business Plan for options for alternative uses for the property
May 2013	The Council resolved to approve the engagement of 'Integral Project Creation' to conduct a Feasibility Study on Usage Options for 81 Angove Street.

### **Previous Reports to Council:**

At the Ordinary Meeting of Council held 17 December 2013, the Council resolved as follows:

- “1. *RECEIVES the Progress Report No. 3 relating to the outcome of the Feasibility Study on Usage Options for 81 Angove Street, North Perth (Former North Perth Police Station) prepared by Integral Project Creation;*
2. *AUTHORISES the Chief Executive Officer to further investigate;*
  - 2.1 *Option 1.2 and Option 4.1 as recommended in the Feasibility Study; and*
  - 2.2 *uses and leasing options for the heritage listed building*
3. *APPROVES the extension of the current lease with GROW WA for a further twelve (12) months; and*
4. *RECEIVES a further report on completion of the further investigation of Clause 2 above.”*

### **DETAILS:**

The Feasibility Study carried out by Integral Project Creations in conjunction with TPG Town Planning, Urban Design and Heritage and Slattery Australia Pty Ltd was based on the social and financial impacts of potential usage options and took into consideration heritage constraints and the City's expenditure to date on the property.

It was recommended that Options 1.2 and 4.1 (refer attachment 001) be considered for further investigation as they provide the ability to pay down the existing loan and achieve on-going rental income. Both options would conserve a heritage asset within the community and allow the City to achieve a return on the asset, all be it long term, through revenue and capital growth.

More detailed investigation and a review of these two options have been undertaken by an independent Town Planning Consultant and Council Officers to better inform the Council of the most advantageous way forward for usage of the whole property.

### **Services location and capacity**

A check of the location of underground services within the property has revealed that the rear of the site is constrained by a sewer main, which services lot 500 (81 Angove Street) and two adjoining lots along the eastern boundary. This has implications for the recommended development options, (refer attachment 002) so much so that these options may not be feasible as they are proposed, without a redesign or realignment of the sewer main. As a consequence both options recommended would need to be re-examined.

While a review of all essential services infrastructure indicates there should be capacity to service the proposed development options, it would be prudent, upon selection of the preferred option, to have all services requirements quantified for the whole site, so as to preclude any unforeseen budgetary or timing issues that may arise. I.e. Western Power may require an additional transformer to service an increased density development at the rear plus a possible “commercial” use of the Police Station.

### **Provision of pedestrian access to dedicated road (Angove Street)**

Consistent with State Policy and in accordance with the City's Policy No. 7.2.1 Residential Design Elements Clause 19 (i), amended 9 July 2013, “*All lots to be provided with pedestrian access to a dedicated road*”. (refer attachment 003) Both options would need to be reviewed to take into consideration this requirement.

### **Option 1.2 – Eight Dwelling Apartment Development**

This option proposes the construction of eight (8) multiple dwellings on the rear of the lot, with the option of renting, or selling the dwellings (as built strata lots), while retaining the Heritage listed Police Station fronting Angove Street. The concept proposes three levels with associated vehicle access from the rear ROW via a central entry, with reciprocal rights agreement providing access to car parking for the Police Station on the lot fronting Angove Street.

Implementation of this option would require a substantial budget allocation and have a timeframe of approximately sixteen (16) months excluding construction and sales.

#### **Option 4.1 – Three rear Survey Strata Lot Subdivision**

This option proposes the creation of three (3) survey strata lots at the rear of the lot for sale, while retaining the heritage listed Police Station on a separate lot. The subdivision would require the widening of the ROW (2 metres into lot 500) to enable vehicular access to rear lots.

Implementation of this option would require a relatively small budget allocation and have a time frame of approximately eight (8) months excluding sales.

#### **Police Station Usage and Leasing**

Uses and leasing options assessed in the Feasibility Study for the heritage listed Police Station building included Community and Commercial leasing together with use by the City. Comments from the Feasibility Study are summarised below;

With both Community and Commercial leasing the City is assured of ongoing income while use of the building by the City would preclude any rental income. A Community use will result in lower rental rates than that of a Commercial use.

The Heritage listed building has an inefficient layout for Commercial use and would likely require capital expenditure to satisfy the accommodation requirements of a Commercial tenant.

Use of the building by the City would ensure total control of the Heritage asset while a Community use/lease would afford some control over the building and a Commercial use/lease would result in minimal control over the building. However, it is important to note, that any prospective tenant would be required to comply with all Heritage conditions or requirements outlined for the Heritage listed building.

The existing lease with GROW WA, of the Heritage listed building, has been extended for a further twelve (12) months, as resolved by Council at the 17 December 2013 Ordinary Council meeting. Moving forward, the Administration will further investigate all leasing options available for the building.

#### **CONSULTATION/ADVERTISING:**

Not applicable.

#### **LEGAL/POLICY:**

Not applicable.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** It is important that the City fully assesses any options for the site and building usage to ensure limited financial risks are placed on the Council with managing this City owned asset.

#### **STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2013 - 2017* 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;*
- 3.1 *Enhance and promote community development and wellbeing*
- 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community*
  - (a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community , such as the establishment of "men's sheds", community gardens, toy libraries and the like; and*
- 4.1 *Provide good strategic decision-making, governance, leadership and professional management*
- 4.1.2 *Manage the organisation in a responsible, efficient and accountable manner.*
  - (d) *Continue to Implement the City's Asset Management Plans."*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

There is currently no budget allocation for this project in the 2013/14 Budget or 2014/15 Draft Budget for any further work to be undertaken. Should Council resolve to proceed with any option, the associated estimated budget allocation will be required as outlined below.

<b>ESTIMATED COST (As outlined in Feasibility Study)</b>	
<b>Option 1.2 Apartment Development</b>	In order of \$2 - \$2.5 million (excl. GST) to implement (Excluding construction and sales)
<b>Option 4.1 Subdivision Development</b>	In order of \$20,000 - \$25,000 (excl. GST) to implement (Excluding sales)

**COMMENTS:**

A multiple dwelling development at the rear of 81 Angove Street, while maintaining the heritage listed Police Station, would entail all the risks associated with an ambitious development project and would put the City firmly in the role of "Developer". Such a project is comparatively complex, would need a sizable capital outlay and would require the City to seek a joint venture partner to assist with the implementation. It would also have a considerably long timeframe to implement.

Subdivision of the land to maintain a front lot containing the heritage listed Police Station and at the rear either, one large green title lot or two or three survey-strata lots, appears to provide the best project scenario for the City, being relatively simple and having lower risk, least capital outlay with a comparatively short timeframe to implement.

The implications associated with the existing sewer main, as well as the requirement to provide pedestrian access from the rear lots or properties to a dedicated road, i.e. Angove Street, require thorough consideration in any further progression of either project.

In the short to medium term, the continuance of a lease with a Community Group, such as GROW WA for the Heritage listed Police Station will continue to provide ongoing income, albeit at a lesser rate than that for a Commercial lease. If a Commercial lease were to be pursued it is likely that additional expenditure would be needed to accommodate specific requirements of a Commercial tenant and this in turn would require a longer term program to implement.

**9.3.3 No. 62 (Lots 26, 27 & 28) Frame Court, Leederville – YMCA of Perth Incorporated – Lease Approval**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO0946
<b>Attachments:</b>	<a href="#">001</a> – Map of proposed leased area <a href="#">002</a> – Letter from YMCA HQ		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	K Ball, Executive Secretary Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

1. That the Council APPROVES a lease of three (3) years from 2 December 2014 to 1 December 2017, over the premises at 62 (Lots 26, 27 & 28) Frame Court, Leederville being granted to the YMCA of Perth Incorporated, as per Appendix 9.3.6, as follows:

No.	ITEM	DETAILS
1.1	Term:	three (3) years
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Office, community, recreational and leisure activities

subject to final satisfactory negotiations being carried out by the Acting Chief Executive Officer.

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Harley, Seconded Cr Topelberg

That clause 1 be amended as follows:

1. That the Council APPROVES a lease of ~~three~~ five (3 5) years from 2 December 2014 to 1 December 2017~~9~~, with ~~two~~ two (2) further ~~five~~ five (5) year options to ~~1 December 2024 and 1 December 2029~~ 1 December 2024 and 1 December 2029 respectively, over the premises at 62 (Lots 26, 27 & 28) Frame Court, Leederville being granted to the YMCA of Perth Incorporated, as per Appendix 9.3.6, as follows:

No.	ITEM	DETAILS
1.1	Term:	<del>three</del> <u>five (3 5)</u> years <del>with two</del> <u>with two (2)</u> further <del>five</del> <u>five (5)</u> year options to <del>1 December 2024 and 1 December 2029</del> <u>1 December 2024 and 1 December 2029</u> respectively
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Office, community, recreational and leisure activities

subject to final satisfactory negotiations being carried out by the Acting Chief Executive Officer.

Debate ensued.

Cr Pintabona departed the Chamber at 7.50pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 7.55pm.

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.3.3**

That the Council APPROVES a lease of five (5) years from 2 December 2014 to 1 December 2019, with two (2) further five (5) year options to 1 December 2024 and 1 December 2029 respectively, over the premises at 62 (Lots 26, 27 & 28) Frame Court, Leederville being granted to the YMCA of Perth Incorporated, as per Appendix 9.3.6, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years with two (2) further five (5) year options to 1 December 2024 and 1 December 2029 respectively
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Office, community, recreational and leisure activities

subject to final satisfactory negotiations being carried out by the Acting Chief Executive Officer.

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**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details regarding YMCA of Perth Incorporated's lease and their request for a new lease.

**BACKGROUND:**

YMCA of Perth Incorporated has held a lease over 62 Frame Court, Leederville for a period of thirteen (13) years, consisting of two (2) five (5) year terms and one (1) three (3) year term of which the current period is due to expire on the 1 December 2014.

**DETAILS:**

The City wrote to the YMCA Perth on 20 March 2014 advising that their current lease would be expiring on 1 December 2014. Following receipt of the City's letter, YMCA Perth Officer's met with the Acting Chief Executive Officer, Acting Director Community Services and Mayor to discuss an extension to the lease and other matters relating to the operation of the facility.

These include increased funding for the operations of the facility and the removal of the fence around the facility to assimilate with the redevelopment of the Oxford Street Reserve.

The YMCA have successfully managed and operated the HQ Youth facility during the time they have leased the facility.

The HQ Youth facility is recognised as one of the major youth facilities in Western Australia and is known for its innovative programs, especially with disadvantaged youth. The facility has blended successfully into the Leederville Community and has been well received.

The City received a formal request from YMCA Perth dated 3 April 2014 requesting a further three (3) year lease.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

**RISK MANAGEMENT IMPLICATIONS:**

**Low** YMCA of Perth Incorporated have been excellent tenants during their lease periods.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2013-2017:

*2.1.3 Develop business strategies that reduce reliance on rates revenue*

- (c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.*

**SUSTAINABILITY IMPLICATIONS:**

This provides an excellent example of social sustainability in providing youth services to the City.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current lease payment is a peppercorn agreement and it is recommended that given the valuable community use of the facility and the possible redevelopment of the site, this agreement be continued subject to satisfactory negotiations by the Acting Chief Executive Officer.

**COMMENTS:**

YMCA of Perth Incorporated have been excellent tenants for the past thirteen (13) years and the administration has no hesitation in supporting a further three (3) year period, with the continued inclusion of a redevelopment clause in the agreement should the Leederville Masterplan be implemented.



**9.4.2 Perth Registry Week and Salvation Army Street Team Proposals**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0105
<b>Attachments:</b>	<a href="#">001</a> – Request for support for Registry Week <a href="#">002</a> – Project Proposal for Registry Week <a href="#">003</a> – Salvation Army Street Team in Vincent Proposal		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	M Wood, Co-ordinator Safer Vincent, S Butler, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES**;

- 1.1 an allocation of funds from the 2013/2014 Community Safety Programmes-Rough Sleepers Budget of \$6,000 (excluding GST), contribution to the Registry Week Proposal as detailed in attachments 001, 002, in conjunction with the City of Perth, Department of Housing and Department of Child Protection and Family Services and Ruah Community Services; and
- 1.2. an allocation of funds from the 2013/2014 Community Safety Programmes-Rough Sleepers Budget of \$6,000 (excluding GST) as detailed in attachment 003, to enable the continuation of the Salvation Army Street Team to operate in the City of Vincent for approximately the next 6 months.

Moved Cr Harley, Seconded Cr Buckels

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

- 1.1 an allocation of funds from the 2013/2014 Community Safety Programmes-Rough Sleepers Budget of \$6,000 (excluding GST), contribution to the Registry Week Proposal as detailed in attachments 001, 002, in conjunction with the City of Perth, Department of Housing and Department of Child Protection and Family Services and Ruah Community Services; ~~and~~
- 1.2. an allocation of funds from the 2013/2014 Community Safety Programmes-Rough Sleepers Budget of ~~\$6,000~~ \$7,500 (excluding GST) as detailed in attachment 003, to enable the continuation of the Salvation Army Street Team to operate in the City of Vincent for approximately the next 6 months; ~~and~~ and
2. that a review of this service be referred to the Community Development Advisory Group for the next meeting to be held on Monday, 21 July 2014.

Debate ensued.

Cr Cole departed the Chamber at 7.56pm.

Debate ensued.

Cr Topelberg departed the Chamber at 8.00pm.

Debate ensued.

**Cr Cole returned to the Chamber at 8.00pm.**

**Debate ensued.**

**Cr Topelberg returned to the Chamber at 8.01pm.**

**Debate ensued.**

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

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

**COUNCIL DECISION ITEM 9.4.2**

- 1.1 **an allocation of funds from the 2013/2014 Community Safety Programmes-Rough Sleepers Budget of \$6,000 (excluding GST), contribution to the Registry Week Proposal as detailed in attachments 001, 002, in conjunction with the City of Perth, Department of Housing and Department of Child Protection and Family Services and Ruah Community Services;**
- 1.2. **an allocation of funds from the 2013/2014 Community Safety Programmes-Rough Sleepers Budget of \$7,500 (excluding GST) as detailed in attachment 003, to enable the continuation of the Salvation Army Street Team to operate in the City of Vincent for approximately the next 6 months; and**
2. **that a review of this service be referred to the Community Development Advisory Group for the next meeting to be held on Monday, 21 July 2014.**

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**PURPOSE OF REPORT:**

The purpose of this report is to detail two project separate proposals received from Ruah Community Services and the Salvation Army Street Team, seeking financial approval towards Registry Week in Perth and the Salvation Army Street Team to continue their targeted outreach programme in the parks and public spaces within the City of Vincent.

**BACKGROUND:**

At the Ordinary Meeting of Council on 22 May 2012, the following decision was made;

*“That the Council;*

1. *RECEIVES the Perth Metropolitan Homelessness Response Workshop: Final Report (September 2011), as shown in Appendix 9.4.1;*
2. *SUPPORTS IN PRINCIPLE, the actions as outlined in the Perth Metropolitan Homelessness Response Workshop: Final Report;*
3. *APPROVES:*
  - 3.1 *the ongoing clerical support from the City of Vincent, to assist in the administration of the Parks People Project Working Group; and*
  - 3.2 *an allocation of remainder funds from the 2011/2012 Safer Vincent Initiatives Budget of \$3000 (incl. of GST), which represents approximately 9% of total cost contribution of Perth Registry Week Proposal as shown in Appendix 9.4.1, in conjunction with the City of Perth, Department of Health and Department of Child Protection and RUAH Community Services; and*
4. *APPOINTS Cr Warren McGrath to represent the City of Vincent at the Parks People Project Working Group (PPPWG) meetings, to provide a co-ordinated action and response to homelessness, at a local community level, in conjunction with the City of Perth elected members.”*

**DETAILS:**

**Registry Week Proposal**

The City of Vincent supported the first Registry Week run in Perth in 2012. This event was run by Ruah Community Services in collaboration with other agencies, and is planned to be run every two years.

Ruah Community Services, whom have been active participants in the City of Vincent hosted Parks People Project Working Group (PPPWG) have approached the City again this year, to support and co-fund their proposal to run a Registry Week in conjunction with the City of Perth, Department of Housing and Department of Child Protection and Family Services and Ruah Community Services.

The proposal has come about in part due to the strong collaboration of key agencies participating in the PPPWG and as a proactive strategy identified to assist in dealing with homelessness that is experienced throughout the metropolitan area, including the local government areas of Vincent and Perth.

The Proposed Registry Week event runs over three days on 13, 14 and 15 May 2014 and will aim to collect information on the individual profiles of homeless people who are sleeping rough in our City. Registry Week has been successfully established in Brisbane, Sydney, Melbourne and Hobart since June 2010 and was established in Perth in 2012. This event was viewed by participating agencies as beneficial in gaining an accurate snapshot of homelessness and also in identifying specific assistance for those 'at risk' to obtain further support.

There is a further opportunity for the City of Vincent to participate in Registry Week 2014 with a number of advantages of Registry Week being identified. It will aim to;

- Provide a detailed snapshot of homelessness and related issues;
- Provide indicative numbers of homelessness people presenting in Vincent/Perth area;
- Link homeless people to services;
- Support homeless people beyond the registration process;
- Allow the City of Vincent and Perth to participate in regional approach to minimise impact of homelessness within the Cities of Vincent and Perth;
- Allow information to be provided to Commonwealth Department dealing with homelessness Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA); and
- Provide information on impacts of homelessness within Vincent and Perth to the Council of Capital City Lord Mayors Group;
- Provide a further tangible outcome arising from the PPPWG.

Ruah detailed in their letter requesting support from the City of Vincent (attachment 001), a range of short, medium and long term benefits for Vincent which include promotion of the City of Vincent and a range of tangible actions and assistance to homeless found within the parks and public spaces in Vincent.

**Salvation Army Street Team**

Launched on 30 October 2013, the Salvation Army expanded their response to homelessness in Perth, with the introduction of the Salvo Street Team which is a night outreach service. The service operates from 8pm to 11pm Friday to Sunday evening, providing assistance to those in need in a variety of circumstances. The Street Teams were set up to compliment the other services seeking to assist those who are sleeping rough in the inner City. The teams engage with around 20 - 30 people each night, providing food, sleeping bags, transport and accommodation assistance. The teams also seek to engage with women who are working in the Stirling Street area, providing support if required.

The service, originally began with seed funding provided by Kleenheat Gas, visits parks, laneways and squats to provide sleeping bags, a hot meal and a conversation. The Salvation Army Street Team is modelled around the successful operations of similar Salvation Army Services around the world. The programme provides a presence to assist those in our community who are homeless, impacted by substances or vulnerable.

The Street teams work closely with the Police also taking referrals for assistance coming through the general public, businesses, rangers or other sources. Lt Kris Halliday, Night Outreach Manager said *"While the food is important for those we see late at night and of course the sleeping bags are incredibly helpful (and appreciated), this programme is first and foremost about relationships by sitting alongside, sharing a coffee and listening to the stories of those sleeping rough. We aim to build the trust required to help them with any immediate need and also to navigate their way back into being a part of functioning society"* (Media release Salvation Army 25 October 2013).

According to research conducted by The Australian Institute of Health and Wellbeing in 2011-2012, there are over 9,500 homeless West Australians with 10% of them sleeping rough on the streets, in construction sites and in derelict buildings. Currently, there are minimal after-hours response services available to engage with homeless people in Northbridge and Perth with an assertive (outreach) approach or level of personal response to their needs.

Statistics gathered by the Salvation Army and included in their proposal (attachment 003) indicate there is a need for support services being made in Vincent and the programme is achieving significant results. The Salvation Army has advised that seed funding to operate the street teams in target areas including areas within the parks and streets of Vincent has now been expanded. The funding of \$6000 as proposed will enable the Salvation Army to continue the intensive service offered within the City of Vincent for a further six months. This funding if approved will top up Salvation Army Funding to provide immediate accommodation for rough sleepers in Vincent and put towards staffing costs of the Salvation Army Street Team to provide intensive outreach support to work with those most 'at risk' in our community.

#### **CONSULTATION/ADVERTISING:**

There is no requirement for further consultation, though it should be noted that through the networks of the PPPWG, and the Safer Vincent Crime Prevention Partnership (SVCPP), that these groups have been informed of these programmes and general discussion at these meetings has been supportive of both strategies. No formal recommendations have been able to be sought from either the PPPWG or the SVCPP due to the short time frames in which to consider the proposals (received by the City of Vincent on 30 April 2014) from both Ruah and the Salvation Army Street Team.

#### **LEGAL/POLICY:**

There are no legal implications to the City of Vincent proposals.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** There is a risk that, unless the current homeless and anti-social issues are effectively addressed, the problems that are being experienced in local parks and reserves will increase. As a result, it is important that proactive programmes are implemented.

**STRATEGIC IMPLICATIONS:**

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

- 3.1 *Enhance and Promote Community Development and Wellbeing:*
  - 3.1.2 *Promote and foster community safety and security.*
  - 3.1.3 *Promote health and wellbeing in the community.*
  - 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
  - 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.*

**SUSTAINABILITY IMPLICATIONS:**

The issue of homelessness and why people continue to present in the City's parks and public spaces is ongoing and extremely complex, with no apparent quick or easy solutions. Participating in a collaborative approaches to reducing the negative issues associated with homelessness and trialling strategies to help minimise homelessness such as in the Perth Registry Week Proposal and the Salvation Army Street Team Proposal, is a sustainable way for the City of Vincent to continue to play an important role.

**FINANCIAL/BUDGET IMPLICATIONS:**

The \$6000 proposed contribution from Vincent will be utilised to purchase materials for Registry Week which includes pillows for homeless, breakfast over three days for 80 volunteers and incentive gift packs for homeless participants whom complete the survey. Ruah have provided details of all items that make up the \$60,000 operating costs of the whole event;

<b>Materials</b>
Gift packs to hand out to rough sleepers who complete the survey (220 @cost of \$10)
Chairs, Tables, crockery and cutlery for volunteers (hire costs)
Printing of survey forms
Logo development for Registry Week 2014
A4 Posters for advertising event and ID Cards for Volunteers
Banner and Large A3 size posters
Badges for volunteers
VI and sensitive information cards printing
Stationery - pens, markers etc
T-shirts for volunteers with printed logo
water and juice for volunteer kits
torches; batteries; usb drives
printing of certificates for volunteers
12 digital cameras
memory cards for cameras 12@ \$10
pillows for homeless persons at (200 @ cost of \$3)

<b>Venues &amp; equipment</b>
Venue for Volunteer feedback session on final day - Ruah Centre
Venue for Registry Week Headquarters - Ruah Centre
Training Venue - Ruah Training Room
Function Centre and morning tea for presentation of data to invited guests including Senior Govt people
<b>Catering</b>
Food for data entry venue
Team Leader Training - refreshments
Volunteer training - refreshments
Breakfast X 3 days X 80 volunteers @ \$10pp

Funding has been confirmed by Ruah Community Services from the following agencies with contributions amounts as per below;

<b>Agency</b>	<b>Contribution sought</b>	<b>Status of contribution</b>
City of Perth	\$20,000	Confirmed
Department of Child Protection and Family Support	\$20,000	Confirmed
Department of Housing	\$ 5,000	Confirmed
City of Vincent	\$ 6,000*	*Dependant on Council approval sought in this report
Ruah	\$ 9,000*	Any remainder funding shortfall
<b>TOTAL COST OF PERTH REGISTRY WEEK</b>	<b><u>\$60,000 incl.GST</u></b>	

It should be noted of the costs listed above, that no in-kind costs have been listed. If in-kind costs by Ruah and volunteer time was included, it is likely that if that this would far exceed cash contributions sought.

If approved, money will be allocated from the existing 2013/2014 Community Safety Programmes, Rough Sleepers Budget with \$12,000 remaining. If this money is not spent this financial year, these monies will be carried forward in the 2014/2015 budget.

**COMMENTS:**

The City of Vincent has demonstrated a long-standing, proactive role in dealing with homelessness in local parks and public spaces. The participation sought in the Registry Week Proposal along with the Salvation Army Street Team Proposal and funding, is aligned to the aims of the City of Vincent in supporting positive actions to reduce homelessness thus far, in our participation with PPPWG and the SVCPP. Noting the City of Vincent's history in working in this area, and the positives provided to 'at risk' persons in the community through the Registry Week and Salvation Army Street team proposals, the recommendations contained within this report are recommended for approval.

### 9.4.3 YMCA HQ Fence Removal and Additional Funding

<b>Ward:</b>	South Ward	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	CMS0064
<b>Attachments:</b>	<a href="#">001</a> - Map of affected area		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Everitt, A/Senior Community Development Officer A Birch, A/Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

#### OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report regarding the removal of the fence currently surrounding YMCA HQ; and
2. **APPROVES**;
  - 2.1 The removal of the fence surrounding the YMCA HQ recreational (skate park and basketball court) facility;
  - 2.2 The addition of \$15,000 to YMCA Perth Inc to supplement the lost entry fee revenue; and
  - 2.3 An addendum to the YMCA Perth Inc. lease with the City to include the \$15,000 conditional funding additional to the current \$60,000 funding, which will be listed for consideration in the Draft Budget 2014/2015.

subject to the final satisfactory conditions and negotiations being carried out by the Acting Chief Executive Officer.

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#### **COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Topelberg, Seconded Cr Harley**

That the recommendation be adopted.

Debate ensued.

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

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

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

To seek Council approval to partially remove the fence that currently surrounds YMCA HQ and to provide YMCA Perth Inc. with an additional \$15,000 operational funding to supplement the revenue that will be lost in entry fees as a result of the fence being removed, to be included as an addendum to the YMCA Perth Inc. lease.

**BACKGROUND:**

YMCA Headquarters (HQ) is a City owned, externally operated youth facility in Leederville. The facility has a number of services that operate from the premises including a skate park and basketball court. HQ has held a lease and funding agreement with the City for thirteen (13) years. The current funding agreement provides HQ with \$60,000 per annum for the delivery of youth services. HQ reports revenue from other sources including cafe sales, entry fees, events and venue hire, grants and sponsorship and skate lessons. HQ earns revenue from entry fees as the skate park is currently a supervised skate park and charges a five (5) dollar entry fee. The City's Officers have had feedback from the community that they would like a free community skate facility in the City of Vincent as it can become costly for young people with a keen interest in skating, to skate daily at a five (5) dollar fee.

The implementation of a free community skate facility has been investigated but has not been actioned to date due to budget constraints and the fact that there is already a large skate park located within the City's boundaries, at HQ.

The Oxford Street Reserve, adjacent to the west of HQ, is currently being redeveloped to include a larger reserve area and an accessible nature based playground. Given the current redevelopments of the Oxford Street Reserve, it is an appropriate time to investigate how HQ can be incorporated into this space to further activate the Leederville Town Centre, as well as address community requests for a free community skate facility.

**DETAILS:**

HQ is a youth facility in Leederville that includes a skate park basketball court, gig space and access to counselling services. The facility is owned by the City of Vincent and operated by YMCA Perth Inc. with a funding and lease agreement attached to the management of the facility and its programmes. The current agreement provides \$60,000 funding to YMCA Perth Inc. for the delivery of youth services; YMCA Perth Inc. reports other income including approximately \$15,000 per annum, after staff costs, from the five (5) dollar entry charged to enter and use the recreational facilities.

The facility is currently fenced off to the public and entry to use the recreational facilities of a skate park and basketball court incurs a five (5) dollar fee. The City has had feedback from community members that the physical structure of HQ creates a barrier to use as it appears intimidating, especially to younger users. In addition, access to a free facility would be ideal as young people who like to skate regularly find the fee an additional barrier.

The City's Officers are recommending to partially remove the fence that surrounds HQ, to incorporate the recreational facilities into the newly developed Oxford Street Reserve and to make the space more accessible, community and family friendly. The partial removal of the fence would see the facility turn into a free community skate park. If the recommendations are adopted YMCA Perth Inc. will lose approximately \$15,000 in revenue from lost entry fees to the recreational facilities. It is recommended to provide an additional \$15,000 to the current \$60,000 funding provided for the term of their three (3) year amended lease.

Both the Leederville Town Centre Enhancement Working Group and HQ have been approached regarding removing the fence that surrounds the facility, both groups are supportive of this recommendation.

If the fence surrounding the facility is removed, the area leased to YMCA Perth Inc. would change to exclude the skate park and basketball court. The recreational area would become public open space and would be managed by the City of Vincent. The below considerations were made by the City's Officers in the recommendation to remove the fence that surrounds the recreation area.



### **Lost Revenue**

After staff costs are considered HQ has reported current net revenue of \$15,000 per annum from entries to its recreational facilities. The recommended removal of the fence and opening of the skate park free to the public will consequently see HQ a loss in revenue. It is recommended that the Council approve an additional \$15,000 in funding for operational costs to supplement estimated lost revenue.

### **Lighting**

HQ currently has flood lights that have the ability to run on timers and currently, the lights are only on during weekend evening opening hours. If the fence was removed the lighting would not be included in the leased area and, as such, the City would be responsible for the maintenance and operation of the lighting as well as the costs. The cost of running the lights is to be investigated based on hours of operation once the hours have been determined.

### **Public Liability**

If the recreational facilities at HQ become accessible to the public, the responsibility of public liability will become that of the City. Signage will need to be erected stating that patrons will use the facility at their own risk and that the City will not assume responsibility for injuries. In the instance of injuries caused by faulty or poorly maintained equipment the injury claim will be assessed to determine fault. During periods in which YMCA Perth Inc. or any other individual or organisation books the recreational facilities, for example during concerts or for skate coaching, the safety of patrons will be their responsibility and they will require Public Liability Insurance.

### **YMCA Use of Recreational Facilities**

YMCA currently supervises the recreational facilities during peak hours and the skate park is used for skate coaching that attendees can book into on weekends. Furthermore, the recreational facilities are also made available during concerts held in the gig space. If the fence is removed as recommended the recreational facilities will become public open space, and will no longer require supervision. In the instances of use for skate coaching and use during concerts, YMCA would be required to book the recreational facilities through the City's halls and reserves booking process. YMCA would be responsible for the supervision and cleanliness of the recreational facilities as well as Public Liability Insurance during booked periods.

### **Security**

HQ is concerned about the security of the main office building if the fence around the facility is removed leaving no barrier between the public and their front entrance. HQ would like security gates placed between the recreation facility and their leased area to block access to the main office building after hours whilst the recreational facility remains open to the public. The City would be responsible for the cost of installing the security gates. The location of these security gates are highlighted in attachment 001.

### **Bollards**

As the recreation facility is adjacent to the Frame Court Car Park, it is recommended to install bollards along the North side of the facility to prevent vehicle access. The City would be responsible for the cost of installing the bollards. The location of the bollards is highlighted in attachment 001.

### **Child Safety**

On the West side of the recreation facility, there is a skate ramp with an open side adjacent to the Oxford Street Reserve. To prevent children running through the open side and into the path of skaters it is recommended to erect a small fence. The recommended fence would be approximately one (1) metre in height and three (3) metres in length and would separate the Oxford Street Reserve and the open skate ramp on the West side of the recreational facility. This fence would prevent children from accessing the landing area, avoiding possible injury from collision between a pedestrian and a skate board. City would be responsible for the cost of installing the fence. The location of the fence is highlighted in attachment 001.

### **Cleaning and maintenance**

The City of Vincent will become responsible for the cleanliness of the recreational facilities; this can be incorporated into the cleaning roster of Oxford Street Reserve. However, during periods where the recreational facility is booked by YMCA or any other user the responsibility to maintain the cleanliness will be that of the person booking the facility.

### **Art**

The artwork that is currently painted on the north and west outward facing skate structures requires updating. It is proposed that the City's Officers and HQ work together to commission various artists to create murals that are community friendly. It is proposed that a portion of the artwork be completed by City of Vincent young people as a community art project. HQ and the City would both contribute to the cost of updating the artwork.

### **Toilets**

The City's Officers are recommending the installation of a self cleaning toilet in Oxford Street Reserve. The toilets currently located on the North side of the recreational facility will not be accessible to the public as they will remain on the leased area to YMCA Perth Inc. Moreover, the toilets are not suitable for public access as they don't meet disability access requirements and their location provides a security risk to the leased area. The location of the toilets is within the leased area and would give public access to windows leading into the main office building; the toilets are located within the secured gates highlighted in attachment 001.

### **CONSULTATION/ADVERTISING:**

The Leederville Town Centre Enhancement Working group and YMCA HQ have both been consulted with in regards to the above recommendations; both groups are supportive of the recommendations.

### **LEGAL/POLICY:**

Nil

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Upon liaising with the City's insurers, and the performing a risk assessment on site at HQ, this project has been deemed as medium risk.

### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Plan 2013-2017* where the following objective states:

*"Natural and Built Environment*

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

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

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

*"Economic Development*

2.1 *Progress economic development with adequate financial resource;*

2.1.4 *Implement the Leederville and North Perth Masterplans."*

*"Community Development and Wellbeing*

3.1 *Enhance and promote community development and wellbeing;*

3.1.2 *Promote and foster community safety and security;*

3.1.3 *Promote health and wellbeing in the community;*

3.1.4 *Continue to implement the principles of universal access;*

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

### **SUSTAINABILITY IMPLICATIONS**

Removing the fence surrounding the recreational facilities at YMCA HQ would help incorporate the facility into the new Oxford Street Reserve, further activating the town centre. This would assist in the long term sustainability of the facilities for the general community.

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

The City currently funds YMCA Perth Inc. \$60,000 per annum. Expenditure for the annual grant of \$60,000 and the recommended additional \$15,000 funding has been listed for consideration on the 2014/15 Draft Budget.

Capital expenditure relating to the removal of the fence, bollards, security fencing, safety gate and installation of the toilet blocks as outlined in the above report will be listed for consideration in the 2014/15 Draft Budget.

### **COMMENTS:**

The City's Officers recommend removing the fence surrounding the YMCA HQ recreational facilities. Approving this recommendation will assist in incorporating the current facility into the newly developed Oxford Street Reserve and further activating the Leederville Town Centre. It will also open the recreational facility to be accessible to all of the community and meet the community's requests for a free community skate park.

**9.5.2 Delegations for the Period 1 January 2014 to 31 March 2014**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	001 – Delegation Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Butler, Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

- ENDORSES** the delegations for the period 1 January 2014 to 31 March 2014 as shown at Appendix 9.5.2; and
- APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$49,785 for the reasons as detailed below:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$805
Details Unknown/Vehicle Mismatched	\$1,505
Equipment Faulty (Confirmed by Technicians)	\$1,250
Failure to Display Resident or Visitor Permit	\$15,810
Interstate or Overseas Driver	\$1,145
Ranger/Administrative Adjustment	\$13,920
Signage Incorrect or Insufficient	\$2,440
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$5,250
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,290
Unenforceable through Fines Enforcement Registry	\$865
Litter Act	\$0
Dog Act	\$0
Planning Act	\$0
Health Act	\$0
Pound Fees Modified	\$505
<b>TOTAL</b>	<b>\$49,785</b>

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 January 2014 to 31 March 2014 and to obtain the City's approval to write-off infringement notices.

**BACKGROUND:**

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

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

**DETAILS:**

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

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

**9.5.5 Review of the City of Vincent Policy No. 4.1.5 – Community Consultation – Amendment Report**

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 May 2014
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0277
<b>Attachments:</b>	001 - Draft Amended Policy No. 4.1.5 relating to Community Consultation		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Unicomb, Marketing and Communications Officer T Elliott, Planning Officer		
<b>Responsible Officers:</b>	Mike Rootsey, Acting Chief Executive Officer P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adoption of the Draft Policy No. 4.1.5 – “*Community Consultation*”, as shown in Appendix 9.5.5;
2. Subject to clause 1 above being approved **AUTHORISES** the Acting Chief Executive Officer to advertise the proposed amendments to Policy No. 4.1.5 relating to Community Consultation, as shown in Appendix 9.5.5, for public comment.
  - 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 Acting Chief Executive Officer to:
    - 2.2.1 **REVIEW** the Draft Amended Policy No. 4.1.5 relating to Community Consultation having regard to any submissions received; and
    - 2.2.2 **DETERMINES** the Draft Amended Policy No. 4.1.5 relating to Community Consultation having regard to any submissions with or without amendments, to or not to proceed with the draft amended Policy; 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.

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**Moved Cr Cole, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Cole, Seconded Cr Peart**

“That a new Clause 1.2 be inserted into the Community Consultation Policy to read as follows:

**1.2 That subject to amending the radius advertising from 100metres to 75 metres, 150 metres to 100 metres and 200 metres to 150 metres respectively”**

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED (5-3)**

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

**Against:** Cr Buckels, Cr Harley and Cr Peart

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

**AMENDMENT 2**

**Moved Cr Cole, Seconded Cr Topelberg**

**“That Clause 10.4 in the Community Consultation be amended to include reference to the City’s website and an email address as follows:**

- (4) The wording of the signs and notices for development applications is to be in the form prescribed as follows:**

**“City of Vincent Town Planning Scheme No. 1  
Notice of Application to Use or Develop Land.**

**Notice is given that (insert name of applicant) has applied to the City of Vincent for a (insert particulars of development) on (insert address of subject land), being on (insert title details of subject land).**

**Any person wishing to comment on this proposal should do so in writing to:  
Chief Executive Officer  
City of Vincent  
PO Box 82  
LEEDERVILLE WA 6902**

**Website: [www.vincent.wa.gov.au](http://www.vincent.wa.gov.au)**

**Email address: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)**

**no later than (the date to be inserted is to be not less than the comment period after the date of the written notification letters)”**

**Debate ensued.**

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

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

**AMENDMENT 3**

**Moved Cr Topelberg, Seconded Cr Buckels**

**“That a new Clause 1.2 be inserted into the Community Consultation Policy to read as follows:**

- 1.2 That the radia be taken down to fifty (50) percent of what they originally were to 100, 75 and 50 metres”**

**AMENDMENT 3 PUT AND LOST (3-5)**

**For: Cr Buckels, Cr Peart and Cr Topelberg**

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

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

**AMENDMENT 4**

**Moved Cr Buckels, Seconded Cr Cole**

“That the Community Consultation Policy Diagrams 1A, 1B, 2A and 2B just to stay the same as each other”.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.5.5**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adoption of the Draft Policy No. 4.1.5 – “*Community Consultation*”, as shown in Appendix 9.5.5;

1.1 That subject to amending the radius advertising from 100metres to 75 metres, 150 metres to 100 metres and 200 metres to 150 metres respectively;

1.2 The wording of the signs and notices for development applications is to be in the form prescribed as follows:

“City of Vincent Town Planning Scheme No. 1  
Notice of Application to Use or Develop Land.

Notice is given that (insert name of applicant) has applied to the City of Vincent for a (insert particulars of development) on (insert address of subject land), being on (insert title details of subject land).

Any person wishing to comment on this proposal should do so in writing to:

Chief Executive Officer  
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no later than (the date to be inserted is to be not less than the comment period after the date of the written notification letters); and

1.3 the Community Consultation Policy Diagrams 1A, 1B, 2A and 2B just to stay the same as each other;

2. Subject to clause 1 above being approved **AUTHORISES** the Acting Chief Executive Officer to advertise the proposed amendments to Policy No. 4.1.5 relating to Community Consultation, as shown in Appendix 9.5.5, for public comment.

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 Acting Chief Executive Officer to:**
- 2.2.1 REVIEW the Draft Amended Policy No. 4.1.5 relating to Community Consultation having regard to any submissions received; and**
- 2.2.2 DETERMINES the Draft Amended Policy No. 4.1.5 relating to Community Consultation having regard to any submissions with or without amendments, to or not to proceed with the draft amended Policy; 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.**
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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to endorse the proposed amendments to Policy No. 4.1.5 relating to Community Consultation for formal consultation.

**BACKGROUND:**

The Council at its Ordinary Meeting held 17 December 2013 received progress report No. 1 concerning the review of the City's Policy No. 4.1.5 relating to Community Consultation as follows:

*'At the Ordinary Meeting of Council held on 29 October 2013 the Council considered a Notice of Motion and resolved as follows:*

*"That the Council;*

- 1. NOTES the decision of 23, July 2013 in relation to the review of the City's Community Consultation Policy;*
- 2. ENDORSES the role of the working group as per the Council's previous decision; and*
- 3. REQUESTS a report and recommendations be submitted to the Council no later than the second Ordinary Council meeting to be held in February 2014."*

**DETAILS:**

*Previous Meeting:*

*At the Ordinary Meeting of Council held on 23 July 2013 the Council considered a Notice of Motion and resolved as follows:*

*"That the Council;*

- 1. ESTABLISHES a Community Consultation and Engagement Review Working Group comprising of;*
  - 1.1 Mayor (or nominee);*
  - 1.2 Two (2) Council Members – Cr Carey and Cr Topelberg;*

- 1.3 *Chief Executive Officer;*
- 1.4 *Director Planning Services, Director of Community Services and Director Technical Services (or nominees);*
- 1.5 *Marketing & Communications Officer; and*
2. *APPROVES the role of the Working Group to include:*
  - 2.1 *Review of the current City of Vincent Community Consultation Policy;*
  - 2.2 *Development of a Community Consultation Guide for developers and change of use applicants to encourage community engagement best practice;*
  - 2.3 *Making any other recommendations to the Council in regards to this policy matter as required; and*
3. *PROVIDE recommendations to the Council no later than November 2013;*
4. *REVIEWS the role of the Working Group and will report in April 2014 on the impact of the recommendations; and*
5. *NOTES that significant consultation undertaken by the City may be utilized as case studies/working examples by the Working Group.”*

**Actions to Date:**

**1. Working Group Membership**

**The following working group was establishing in accordance with the council motion:**

Council Member

Mayor John Carey (*Chair*)

Cr Emma Cole

Cr Roslyn Harley

Cr Joshua Topelberg (resigned from the Group 15 March 2014)

Officers

Mike Rootsey, Acting Chief Executive Officer (attended 19 March 2014 meeting)

Jacinta Anthony, Acting Director Community Services (attended 19 March 2014 meeting)

Rick Lotznicker, Director Technical Services

Petar Mrdja, Acting Director Planning Services

Shenade Unicomb, Marketing & Communications Officer

Jerilee Highfield, Executive Assistant

**2. Meetings**

Working Group Meetings have been held on 4 November 2013, 16 December 2013 and 19 March 2014.

**3. Matters discussed include but are not limited to:**

- 3.1 Review and Overview of Current Policy;
- 3.2 Review of Other Local Government Policies;
- 3.3 Presentation and language of letters to simplify and facilitate better engagement with local residents;
- 3.4 Type of Consultation selected for council projects and policies
- 3.5 Organisational awareness of consultation policy and greater consistency and accuracy in delivery;
- 3.6 Education and General Engagement; and
- 3.7 Signage for Development Projects.

The assessment of the working group found in general that the City of Vincent Community Consultation Policy was quite detailed in comparison to other councils and prescribed (via a table format) very specific instructions for the scope and extent of consultation for each policy or project requiring consultation.

However, there was a general consensus that the current policy was not meeting the demands of ongoing consultation for major development projects in the City and that the complexity of parts of policy appeared to create confusion in its application and opportunities for staff error. In recent development applications reported to the Council it was found that the consultation, although carried out in accordance with Policy No. 4.1.5, was insufficient.

In addition, there was also a strong recognition that community demand for information and engagement regarding proposed developments was increasing and consultation policy should reflect this.

There was also an assessment that with an increasing number of applications for large scale residential and mixed use developments occurring in the city required a simpler prescribed process for consultation. Accordingly, the working party sought to simplify where possible the table formats set in the policy while also increasing the extent of consultation for major developments.

#### **4. Proposed consultation for planning**

The primary changes proposed for consultation of major developments is the use of a simpler radius model to advertise to ensure that an appropriate area is canvassed in the consultation process of large scale developments.

A minimum requirement is introduced as a base for advertising areas, with the extent of the consulted areas increasing as the scale of the development increases. These areas have been introduced as the size of development influences the area for which it will impact therefore radius advertising is considered necessary to appropriately canvass the affected landowners.

The key changes include (summarized here for both residential and non-residential and mixed used developments):

1) Advertised to a 100 metre radius

- *Single Dwelling Three-Storey Residential Development*
- *Grouped Dwelling Or Two-Storey Multiple Dwelling Residential Development That Involves A Total Of Four (4) Or More Dwellings*

2) Advertised to a 150 metre radius

- *Three-Storey Multiple Dwelling Residential Development*
- *Three-Storey Non-Residential and Mixed-Use Development*

3) Advertised to a 200 metre radius

*Development Assessment Panel Applications And Four-Storey or More Multiple Dwelling Developments Four (4) Storeys and Higher Non-Residential And Mixed-Use Development*

**KEY PLANNING DETAIL CHANGES**

The list of following amendments to section 12 *Nature and Extent of Consultation* are proposed to be made to the existing Policy No. 4.1.5 relating to Community Consultation:

Amendment	Officer Comments
<p>12.1.1 <i>Development Applications – Uses and Demolition</i></p> <ul style="list-style-type: none"> <li>• The columns <i>State Newspaper Notice and Government Gazette</i> have been removed.</li> <li>• The phrase <i>‘DEVELOPMENT APPLICATIONS THAT DO NOT INVOLVE VARIATION TO DEVELOPMENT REQUIREMENTS DO NOT REQUIRE NOTIFICATION/CONSULTATION’</i> has been removed.</li> <li>• The title <i>‘PLANNING BUILDING AND HERITAGE MATTERS’</i> has been removed.</li> <li>• 12.1.1(g) has been included.</li> </ul>	<ul style="list-style-type: none"> <li>• Unnecessary information has been removed or relocated so as to reduce repetition.</li> <li>• This extra title is redundant as the title of the table is sufficient.</li> <li>• Included to convey the requirements for advertising change of use for home occupations.</li> </ul>
<p>12.1.2- <i>Development Applications – Residential Development</i></p> <ul style="list-style-type: none"> <li>• The table has been replaced.</li> </ul>	<ul style="list-style-type: none"> <li>• The requirements for advertising residential development were consolidated into a single table as the previous format was unorganised.</li> </ul>
<ul style="list-style-type: none"> <li>• The new provisions and radius advertising include: <ul style="list-style-type: none"> <li>➢ <i>Minimum Advertising Requirements For Residential Development</i></li> <li>➢ <i>Single Dwelling Three-Storey Residential Development</i></li> <li>➢ <i>Grouped Dwelling Or Two-Storey Multiple Dwelling Residential Development That Involves A Total Of Four (4) Or More Dwellings</i> <ul style="list-style-type: none"> <li>- <u>Advertised to a 100 metre radius</u></li> </ul> </li> <li>➢ <i>Three-Storey Multiple Dwelling Residential Development</i> <ul style="list-style-type: none"> <li>- <u>Advertised to a 150 metre radius</u></li> </ul> </li> <li>➢ <i>Development Assessment Panel Applications And Four-Storey or More Multiple Dwelling Developments</i> <ul style="list-style-type: none"> <li>- <u>Advertised to a 200 metre radius</u></li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A minimum requirement is introduced as a base for advertising areas. The extent of the consulted areas increases as the scale of the development increases. These areas have been introduced as the size of development influences the area for which it will impact therefore radius advertising is considered necessary to appropriately canvass the affected landowners.</li> </ul>
<p>12.1.3- <i>Development Applications - Non - Residential and Mixed-Use Development</i></p> <ul style="list-style-type: none"> <li>• The table has been reformatted.</li> <li>• The new provisions and radius advertising include: <ul style="list-style-type: none"> <li>➢ <i>Minimum Advertising Requirements For Non-Residential and Mixed-Use Development</i></li> <li>➢ <i>Three-Storey Non-Residential and Mixed-Use Development</i> <ul style="list-style-type: none"> <li>- <u>Advertised to a 150 metre radius</u></li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The table was reformatted to resemble an increase in development size as per the previous Residential Development section.</li> <li>• As above, a minimum requirement is introduced as a base for advertising areas. The extent of the consulted areas increases as the scale of the development increases. These areas have been introduced as the size of development influences the area for which it will impact therefore radius advertising is considered necessary to</li> </ul>

➤ <i>Four (4) Storeys and Higher Non-Residential And Mixed-Use Development</i> - Advertised to a 200 metre radius	appropriately canvass the affected landowners.
<ul style="list-style-type: none"> <li>• <i>Telecommunication Facilities</i> have been reformatted and re-ordered.</li> <li>• <i>Minor Nature Development</i> removed.</li> </ul>	<ul style="list-style-type: none"> <li>• These provisions remain the same however have been reordered to convey minimum requirements followed by increased requirements, to be in accordance with previous provisions.</li> <li>• Removed as it exists in an earlier table.</li> </ul>
12.1.4 <i>Strategic Planning and Heritage Management</i> <ul style="list-style-type: none"> <li>• The table has been reformatted.</li> </ul>	<ul style="list-style-type: none"> <li>• Reformatted for ease of interpretation, all provisions remain.</li> </ul>
12.2 (7) <ul style="list-style-type: none"> <li>• Removed the requirement to fax the list of applications out for community consultation.</li> </ul>	<ul style="list-style-type: none"> <li>• Removal recommended as this is not practiced as it is outdated, the precinct groups and councilors are available by email.</li> </ul>
13 <i>Extent of Consultation – Diagrams</i> <ul style="list-style-type: none"> <li>• ‘✓ <i>People to be consulted</i>’ removed</li> <li>• ‘<i>This may be extended at the discretion of the City.</i>’ Added to each table.</li> <li>• A section at the bottom of each diagram states which application applies to the preceding diagram.</li> <li>• Removal of ‘<i>Diagram 3a</i>’ and ‘<i>Diagram 3b</i>’.</li> </ul>	<ul style="list-style-type: none"> <li>• Redundant term as there is a key in each table.</li> <li>• If an extended area is necessary for advertising the City may approve this.</li> <li>• Included for ease of application.</li> <li>• As radius advertising is introduced these diagrams are no longer necessary.</li> </ul>

ADDITIONAL POLICY CHANGES:

In addition to the key changes to consultation for major developments, the following other amendments are proposed to community consultation policy and general engagement practices:

1. The proforma templates for both non-planning and planning matters were reviewed to improve clarity and simplicity for letters and comment forms
2. Updated access and equity requirements to reflect current standards;
3. Engagement guidelines for staff have been created to facilitate better consistency and delivery of community engagement practice and consultation
4. Once a Council decision has been made on a planning matter, the compulsory requirement for the City to respond and explain via letter to local residents’ submitters the decision made and reasoning behind the determination.
5. The introduction of record keeping for significant high profile or extensive consultation projects. As deemed by Senior Management using Appendix 3 – Community engagement Action plan template.

Further to the above, appropriate amendments in terms of functionality of the Policy and appropriate terminologies are detailed below:

Amendment	Officer Comments
<p>Inclusion of the following key principles in Clause 4.2 of the Policy:</p> <p>(i) <u>ensuring public consultations are widely advertised in a range of media;</u></p> <p>(ii) <u>ensuring a wide range of consultation strategies are provided to meet individual needs.</u></p> <p>(iii) <u>ensuring public consultation venues are consistent with Disability Service Commission Guidelines.</u></p> <p>(xi) <u>consultations are evaluated for accessibility for broad representation where possible.</u></p>	<p>Included as per the City's Disability Access and Inclusion Plan 2012 – 2017.</p>
<p>Introduce <i>Access and Equity</i> as section 6 of the Policy.</p>	<p>This section highlights the need for appropriate consultation in accordance with the City's Policy No. 3.10.2 relating to Access and Equity.</p>
<p>The addition of the following reference in <i>REFERENCES AND FURTHER READING</i>:</p> <p><u>"Disability Access and Inclusion Plan 2012-2017", developed by the City of Vincent.</u></p>	<p>Necessary to be included as per the City's Disability Access and Inclusion Plan 2012 – 2017.</p>
<p>Section 2 of the <i>Guidelines and Policy Procedures</i>, is expanded.</p>	<p>This section is included to convey the City's other media channels and also the need for a record of consultation when significant matters are advertised.</p>
<p>Amend section 4 of the <i>Guidelines and Policy Procedures</i> to include the following: <u>"In considering the submissions received the City may elect for a development application to be determined by the Council regardless of the number of objections received."</u></p>	<p>This inclusion allows the City to require an application to be determined by the Council regardless of the number of objections received. This may be appropriate in certain situations where the City's Officers are unable to confidently determine an application.</p>
<p>A section has been included to precede the advertising table in the <i>Guidelines and Policy Procedures</i>.</p>	<p>This section highlights the additional media tools available to the City for community consultation.</p>
<p>The following has been removed from section 7 relating to <i>PARKS AND RESERVES UPGRADES AND ENHANCEMENTS</i>:</p> <p><u>"Minor Works: Consultation will be carried out prior to the commencement of works to all owner(s) and occupier(s) adjoining the park/reserve for at least fourteen (14) days."</u></p>	<p>The provision has been removed as it is considered onerous for minor works to the City's reserves to be advertised for a 14 day period which have minor impact on the proposed area.</p>
<p>The following has been added to section 7: <u>"No consultation required as advised by the City of Vincent Arts Advisory Committee."</u></p>	<p>It is view of the working party that the critical focus of Council should be on improving consultation for major developments. Community consultation on public art is a highly subjective matter and considered better referred to the Arts Advisory Committee for advice, which does included community representatives with recognized expertise in the field.</p>
<p>Consolidation of section 9.1 and 9.2.</p>	<p>This section has been reformed as it is unnecessarily repetitive.</p>

<p>The inclusion of 9.4 <i>Post Council Correspondence</i>:</p> <p><u>(1) For planning applications which are determined at an Ordinary Meeting of Council the City must inform the applicant of the determination following the confirmation of the Council Minutes. At this time the City is to also inform any persons who made a submission in relation to the determined application.</u></p>	<p>There is currently no provision for post Council correspondence therefore 9.4 has been included.</p>
<p>Throughout the Policy obsolete terms have been removed and replaced by the appropriate and current term as follows:</p> <p><del>Acceptable Development</del> <u>Deemed-to-Comply</u>; and</p> <p><del>Performance Criteria</del> <u>Design Principles/Design Solution</u></p>	<p>These terms have been replaced to be in accordance with the Residential Design Codes (2013) and the City's Residential Design Elements Policy.</p>
<p>The appendices have been reformatted and additional information included.</p>	<p>The appendices are reformatted for ease of application. Information has been included to ensure submitters are aware of the planning procedures and where they can find more information relating to planning.</p>

**CONSULTATION/ADVERTISING:**

The amended Community Consultation will be advertised for fourteen (14) days in public comment.

**LEGAL/POLICY:**

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

- 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*
- *Building Act 2011*; and
- *Disability Access and Inclusion Plan 2012-2017*.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The City already has the ability to administer community consultation under the provisions of the City's Town Planning Scheme No. 1; however amendments to this Policy will provide a clearer framework and ensure that larger scale developments engage the affected landowners.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

**SUSTAINABILITY IMPLICATIONS:**

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

<b>ENVIRONMENTAL</b>
An increase in consultation will increase the resources required to carry out the consultation process.

<b>SOCIAL</b>
Ensure that appropriate consultation is carried out for development applications to allow maximum inclusion.

<b>ECONOMIC</b>
As there are increases in the amount of consultation, there will be an increase in the use of resources required to carry out the consultation.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:       \$73,000  
Spent to Date:        \$12,206  
Balance:               \$60,794

**COMMENTS & CONCLUSION:**

The administration is of the opinion that the recommendations from the Community Consultation and Engagement Working Group will improve the Community Consultation Policy and will improve contact and feedback from the Community.

The introduction of radius advertising for development applications of large scale will maximise inclusion in the consultation process. This will in turn produce outcomes which have sufficiently canvassed the community's interests for positive development outcomes. The amendments proposed in this report remove obsolete information from the Policy and are considered to improve the efficiency of implementation.

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



**9.5.6 Library and Local History Services – Draft Policy No. 3.11.1 ‘Library Collection Management’**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0002
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy No. 3.11.1 ‘Library Collection Management’		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Scott, Manager Library and Local History Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report relating to the Draft Policy No. 3.11.1 ‘Library Collection Management’;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 3.11.1 – ‘Library Collection Management’, as shown in Appendix 9.5.6; and
3. **AUTHORISES** the Chief Executive Officer to:
  - 3.1 **Advertise** the Draft Policy No. 3.11.1 – ‘Library Collection Management’, for a period of twenty-one (21) days, seeking public comment;
  - 3.2 **Report back** to the Council with any public submissions received; and
  - 3.3 **Include the Policy** in the City’s Policy Manual if no public submissions are received.

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**COUNCIL DECISION ITEM 9.5.6**

**Moved Cr Peart, Seconded Cr Buckels**

**That the recommendation be adopted.**

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

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

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**PURPOSE OF REPORT:**

This report is submitted to Council to request approval to use and promote the proposed Policy, which quantifies and formalises procedures that are already in place.

**BACKGROUND:**

The Library and Local History Services strive to provide a well balanced collection, of stock addressing subjects, authors, and a variety of media that meets the needs of our community. The Library and Local History Centre recognises that the community has a wide range of interests and needs which can vary over time. In order to maximise resources, it is essential that strong selection and deselection guidelines are in place and that the guidelines be available to the public to ensure community satisfaction. The rights of individuals to challenge selected materials and the avenues to do so are addressed in this Policy.

The Local History Collection is maintained under different conditions; accordingly a Draft Policy No. 3.11.2 'Local History Collection Management' is also submitted at this Ordinary Meeting of Council Agenda at Item 9.5.6 for consideration.

**DETAILS:**

The Library and Local History Service Collection Management Policy has been drafted based on accumulated staff knowledge and experience in managing the Collection.

It addresses the following issues:

- Description of the current Collection;
- Selection Guidelines;
- Deselection and disposal of stock; and
- The Local History Collection.

The Policy refers to the following attachments, to be included in the Policy when promoted:

- The City of Vincent Library and Local History Centre Mission and Values Statement;
- Australia Library and Information Association Statement on Free Access to Information;
- The City of Vincent Library and Local History Centre Guidelines regarding Donation of Items; and
- The City of Vincent Library and Local History Centre Request for Reconsideration of Library Material.

**CONSULTATION/ADVERTISING:**

The Draft Policy No. 3.11.1 'Library Collection Management' will be advertised for a period of twenty-one (21) days, and will be included in the City's Policy Manual if no public submissions are received. The matter will be reported to Council again for further consideration should comments be received.

**LEGAL/POLICY:**

There are no legal requirements for public Libraries to create or publicise a Collection Management Policy.

**RISK MANAGEMENT IMPLICATIONS:**

Low: Should the Council not approve this Policy, the risk to the Library Collection is negligible at present.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2017*, Objective 3.1.6 states:

*"Build capacities within the community for individuals and groups to meet their needs and the needs of the broader community"*

**SUSTAINABILITY IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be incurred under the following budgeted item for the purchase of new stock:

Budget Amount:	\$20,000
Spent to Date:	<u>\$14,035</u>
Balance:	\$ 5,965

**COMMENTS:**

It is recommended that the Council support the proposed Draft Policy 'Library Collection Management' as outlined. This will formalise the unofficial guidelines and processes already in place for the selection and management of the Library stock, and empower members of the community with the tools to question stock that has been selected.

**9.5.7 Library and Local History Services – Draft Policy No. 3.11.2 ‘Local History Collection Management’**

<b>Ward:</b>	Both	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0002
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy No. 3.11.2 ‘Local History Management Collection’		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E. Scott, Manager Library and Local History Services		
<b>Responsible Officer:</b>	J. Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report relating to the Draft Policy No. 3.11.2 ‘Local History Collection Management’;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 3.11.2 – ‘Local History Collection Management’, as shown in Appendix 9.5.7; and
3. **AUTHORISES** the Chief Executive Officer to:
  - 3.1 Advertise the Draft Policy No. 3.11.2 – ‘Local History Collection Management’, for a period of twenty-one (21) days, seeking public comment;
  - 3.2 Report back to the Council with any public submissions received; and
  - 3.3 Include the Policy in the City’s Policy Manual if no public submissions are received.

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**COUNCIL DECISION ITEM 9.5.7**

**Moved Cr Cole, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

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

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

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**PURPOSE OF REPORT:**

This report is submitted to Council to request approval to use and promote the proposed Policy, which quantifies and formalises procedures that are already in place.

**BACKGROUND:**

The Library’s Local History Collection is a special reference-only collection, which aims to collect and preserve the rich history of the City of Vincent areas, and ultimately provide access to researchers, students, former employees, interested families, and the like.

Because the Collection is intended to have a specific focus, unlike the general Collection, this Policy addresses the strategies for collection and preservation, and defines the options for public access.

The Management of the Library Collection is maintained under different conditions; accordingly a Draft Policy No. 3.11.1 ‘Library Collection Management’ is also submitted at this Ordinary Meeting of Council Agenda at Item 9.5.7 for consideration.

**DETAILS:**

The Local History Collection Policy has been drafted based on accumulated staff knowledge and experience in managing the Collection, and incorporates recognised archival standards and procedures.

It addresses the following issues:

- Description of the variety of resources in the Collection;
- Methods of acquisition;
- Local History Awards;
- Organisation and recording;
- Preservation and safe storage;
- Access to the Collection; and
- Promotion.

The Policy refers to the following attachments, to be included in the Policy when promoted:

- Donation of published material;
- Loan of unpublished material;
- Donation of unpublished material;
- Donation of photographs;
- Donation to archive; and
- Oral History Interview: Conditions of interview and use.

**CONSULTATION/ADVERTISING:**

The draft Policy will be advertised for a period of twenty-one (21) days, and will be included in the City's Policy Manual if no public submissions are received. The matter will be reported to Council again for further consideration should comments be received.

**LEGAL/POLICY:**

There are no legal requirements to create or publicise a Local History Collection Management Policy.

**RISK MANAGEMENT IMPLICATIONS:**

Low: Should the Council not approve this Policy, the risk to the Local History Collection is negligible at present.

**STRATEGIC IMPLICATIONS:**

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

*"Promote the City's Local History Centre to encourage local history and community participation."*

**SUSTAINABILITY IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$11,500
Spent to Date:	<u>\$ 5,694</u>
Balance:	\$ 5,806

**COMMENTS:**

It is recommended that the Council support the proposed Draft Policy 'Local History Collection Management' as outlined. This will formalise the unofficial guidelines and processes already in place for the selection, management and preservation of the Local History Collection.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 NOTICE OF MOTION: Mayor Carey request to remove/delete reference to 'including loft' relating to building height development standards in the City's Planning and Building Policy Manual**

That the Council REQUESTS to remove/delete reference to 'including loft' where it relates to building height development standards in the City's Planning and Building Policy Manual.

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Topelberg, Seconded Cr Cole

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

**2. NOTES that the Residential Design Elements Policy is to be reviewed in 2014.”**

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

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1**

That the Council;

1. REQUESTS to remove/delete reference to 'including loft' where it relates to building height development standards in the City's Planning and Building Policy Manual; and
2. NOTES that the Residential Design Elements Policy is to be reviewed in 2014.

**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 8.45pm** Moved Cr McDonald, Seconded Cr Cole

That the Council proceed "behind closed doors" to consider confidential item 14.1,

- (e) a matter that, if disclosed, would reveal;
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person; and

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

(Cr Wilcox was on approved leave of absence.)

There were no members of the public present.

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

Media departed the Meeting.

**PRESENT:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	Acting Director Planning Services
Gabrielle Pieraccini	Director Special Projects
Bee Choo Tan	Acting Director Corporate Services

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

**14.1 CONFIDENTIAL ITEM: Disposal of the Property at No. 291 and 295 Vincent Street, Leederville – Major Land Transaction**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO0527 & PRO0631
<b>Attachments:</b>	001 – Confidential Major Land Transaction Business Plan 002 – Carr Place Precinct – Design Guidelines 003 – Aerial Photograph of existing laneway		
<b>Tabled Items:</b>	001 - Confidential Valuation Report		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, A/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 disposal of the Property at No. 291 and 295 Vincent Street, Leederville – Major Land Transaction as this matter contains information concerning:
  - (e) a matter that, if disclosed, would reveal;
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person; and
2. **AUTHORISES** the A/Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

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

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**DETAILS:**

The A/Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (e) a matter that, if disclosed, would reveal;
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person.

**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 A/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 9.00pm **Moved Cr Cole, Seconded Cr Pintabona**

That the Council resume an "open meeting".

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

(Cr Wilcox was on approved leave of absence.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.00pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	Acting Director Planning Services
Gabrielle Pieraccini	Director Special Projects
Bee Choo Tan	Acting Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 May 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.