



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 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 27 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.
- 2.3 Acting Director Planning Services, Mr Petar Mrdja due to personal commitments.

(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
Rick Lotznicker	Director Technical Services
Jacinta Anthony	Acting Director Community Services
Bee Choo Tan	Acting Director Corporate Services
Rasihah Rasaratnam	Acting Director Planning Services
Joshua O'Keefe	Acting Manager Strategic Planning, Sustainability & Heritage Services (until 8.15pm)
Francois Sauzier	Travelsmart Officer (until 7.40pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until 8.20pm)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – "The Guardian Express" (until 8.15pm)
David Bell	Journalist – "The Perth Voice" (from 6.06pm until 8.00pm)

Approximately 27 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. John Ripp of 1 Minim Close, Mosman Park – Item 9.1.10 stated the following:
 - I speak on behalf of the owners of the development application before you. Our designer Mr Lester Moulder and the owners of the property at 304 Fitzgerald Street, have worked with the City of Vincent Design Advisory Committee and the City's Planning Staff to refine our application to a development that is considered by all who now represents a project that meets the City's Technical requirements and the future development aspirations for the immediate area in which our project is located.
 - The process has not been without its costs and concerns for the owners but we are very proud of the outcome after some twelve (12) months of working with the staff of the City of Vincent. The site is a particularly difficult site to develop in a manner that will provide an economic return for the investment required. Despite this constraint there are a number of features that have been able to incorporate such as an internal light well to the office levels, end of trip facilities, renewable energy for commons power and a garden scape frontage.
 - With the input of the Design Advisory Committee we produced a building that would contribute to the amenity of the area and is a good fit with the City's vision and development scheme for the area. We respectfully request your approval to proceed with our development.
2. Melissa McPhee of 398 Walcott Street, Mount Lawley – Item 10.1 stated the following:
 - I have done a few murals for the City of Vincent and I thank you all very much for the opportunity. Wall murals are a fantastic way of creating vibrancy, colour and interest in blank walls and forgotten spaces. It brings a community together and gives them a sense of place and ownership of the area. Also this project aims to bring local artists, residents and landowners together to create something positive and something creative.
 - This is a project that I have put together because I have been listening to landowners. I have recently done a mural in a Grosvenor Road laneway, I had many landowners come up to me, they wanted me to paint their walls, they could see the positive aspects of actually painting walls to deter graffiti and antisocial behaviour and also to bring people together to create a place for people to visit. We want to ask landowners for their permission, get them involved in the creative process and also to get local kids love creating murals and being part of that process. Also employing some of WA most amazing street artists, such as Stormy Mills, Mockland, Yocknchurro and Fieldy, they are all on board a 100% and really interested in getting this project going.
 - We want it to be a community run project, to be funded and to be championed by the community, were looking at joint funding with community on maybe a one to one basis in regards to cost and also getting other networks to help. So we believe it is a unique project and we would love the City of Vincent to help make it happen.
3. Carlo Famiano of ADM Design and Drafting – Item 14.2 stated the following:
 - I am representing the applicant. As Council is aware that application was refused at a meeting on 25 February 2014, the grounds of refusal were that the parking landscaping and setbacks were unacceptable.
 - Since that refusal notice being issued, the matter has gone to SAT for further consideration and through the mediation process. The designer working with the staff of the City of Vincent, have managed to amend the plans and address the issues that were raised by Council at that meeting, so we have managed to move forward working closely with the City staff.

- The application has merit, it represents affordable housing and high quality housing, within close proximity to a major activity corridor, educational establishments as well as the Leederville Town Centre. It is in accordance with the State Government Policies of trying to get higher density, higher living or more residential living and affordable housing close to major nodes.
 - Once again I would just like to plea to Council that a number of amendments have been made, they have been made in conjunction with the City staff and my client has been patient and has worked quite freely with the staff.
 - We request that Council reconsiders the application and approves it.
4. Marie Slyth of 89 Carr Street, West Perth – Items 9.1.2 & 9.1.3 stated the following:
- Our precinct group would like to congratulate the Council and the Staff for the way they have worked so carefully and satisfactorily to resolve the heritage areas, because now it's much fairer and people won't feel threatened when they come to looking at the character, streetscapes and retaining character in the areas. Very important I think for everybody so it much fairer, so thank you all and congratulations on that one.
 - The other items is 9.1.2 the amendment to the MHI category B, this is dealing with the heritage shops No 452-458 Newcastle Street, Perth. The matter of nomination of this historically, socially and culturally important buildings to our City and Vincent and to the State of Western Australia, these 1894 heritage buildings which members of the public believe would automatically have been included in the Councils MHI. This expectation had been because the Council buildings on either side, the Methodist church on 1890 and 1896 and Charles Street and the Newcastle Street Government School in 1890 were it seemed all part of that MHI area without question. It was a shock to learn that it had not been nominated by the community in order to put this on the MHI.
 - Our former Mayor Hon. Alannah MacTiernan was stunned when she found that it was not on the MHI. She found it hard to believe the case and wondered why Council had not acted to do this much earlier, she said that all of the 19th century buildings in the City of Vincent in a reasonable condition should be on the MHI. For years this building has stood as a centrepiece for entering into the City of Vincent when heading west to Leederville.
 - The early shops have so much history, but were actually a shopping hub for the people between the 1920's right up to the 1950's and later the tram used to stop outside the shops and is historically terribly important.
5. Chris Harman of TPG – 182 St George's Terrace, Perth – Item 9.1.13 stated the following:
- I was here two weeks ago and don't want to repeat myself, but I will just take this opportunity to speak on some of the comments that were made during the discussion at the last meeting.
 - I just want to point out that the owner of the cafe with the significant fit out in terms of standard living measures going into it. I have a business lined up that is going in there and will be personally investing in his capital and the other investors capital into the fit out and the establishment of the business and that simply to ensure that the vision is realising that the cafe is established and ongoing as is being proposed.
 - In regards to the front portion, it has come before that it would like to stay as a retail use and the owner is working towards securing the Town that is currently in there on a long term basis. The only technical item that has been added to this is waste management but I do believe that we have sorted that out through working with the Council offices over the last few days. I will simply take this opportunity to reiterate the positives of the development, being that it will provide significant activation to the Mary Street Piazza that was approved at one of the recent Council meetings. Refusal of the proposed eating house will simply mean that you will have a piazza facing the back end of an empty warehouse.

6. Garry Ronan of 16B Burgess Street, Leederville – Item 14.2 stated the following:
 - I was here on the 25 February when the Council made its decision and voted (7-0) against and I would just like to add that the residents that I have spoken to in Burgess Street Leederville are certainly not against multiple dwellings but what they are after is common sense and balance.
 - The area of land proposed for these seven dwellings is only 715 sq metres and now when you consider Burgess Street is only two hours parking and no verge parking and the considerable amount of traffic, visitors etc. It just does not suit the amenity of the area, it does not suit the street, I think that the maximum amount of units that probably should be built there are probably three (3) and there are some perfect examples in Bourke Street and Richmond Street where the same area of land has three (3) very well designed with off street parking, great landscaping and setbacks etc.
 - So I just ask the Council to consider the fact that we are not against multiple dwellings, but we are certainly after some common sense and balance.
7. Ken Sealey of 5 Turner Street, Highgate – Item 9.1.12 Stated the following:
 - I am a local resident and I am trying to get a change of use on part of my property, I have bought my wife and kids along so you can see who will be helping me run the hotel.
 - My wife and I were both born in Mount Lawley we met in Mount Lawley, our children have gone to Sacred Heart High School and we have been living in the street for twelve (12) years we are very much apart of what goes on in the City of Vincent. We are not a developer I am just trying to prepare my impending old age.
 - There were a few mistakes in the officers report, I did send a few emails to point out what I thought were errors.
 - Basically the property is going to remain for the most part our residence, it will be less than half of it will be assigned to the hotel use. It is a large property, the property that the gentleman was just speaking about in Burgess Street, that were looking to put several multiple dwellings on it, is about 30 square metres bigger than mine. I just have one house and six single bed short term accommodations so as far as utilisation of the site goes, I am not making the best use of it financially and I am making the best use of it for our lifestyle. I could sell it or develop it but all of those options would mean I have to leave and I don't want to leave Vincent.
8. Anthony Magri of 4A Salisbury Street, Leederville – Item 9.1.11 stated the following:
 - I speak on behalf of Mr and Mrs Giglia of 41 Cowle Street, West Perth. As my grandfather would probably joke they are probably the last dinosaurs left on Cowle Street, in West Perth, they have no objection to infill they are quite open to the development of the properties along their street. They know that they are not going to be here forever and would like people to enjoy that section of West Perth.
 - However in relation to lot 39 with a proposed ten (10) unit development on the multi level site, there are significant breaches of height, street setback, lot boundary setback, visual privacy, which are significantly detrimental in its entire development that boxes in the current residence, where two elderly people currently live. So we request that the Council refuses much like the recommendation of the staff to the actual proposal.
9. Annie O'Callaghan of 160 Scarborough Beach Road – Item 9.1.7 stated the following:
 - I note that it says in the report that under the environmental section, the proposal has a lower impact than compared to the existing building, I struggle to see how that can be at the moment it is an art studio, that is not open very many hours of the week, as the small bar and eatery. I have questions about the opening hours versus the hours of operation.

- I raised a problem of the acoustics, I describe the complex as a sink it is a concrete structure with a bitumen floor. It has undercroft parking, it acts as a natural amphitheatre, the acoustics are amazing, when I bring my children back to my house, I warn them that they not allowed to talk in that car park area as their voices verberate. I expect other residents to do the same, sometimes they don't but generally people are very aware of the noise. There are intimacy issues if you choose to be intimate with your partner you need to be aware that people next door can hear and if you make much noise people two and three units over are aware of your activities.
 - So putting a small eatery or bar into that area is going to be a bit of a problem, as there will be noise of up to seventy two (72) customers at a time, you will also have staff on top of that. This brings me back to access, it is a secure car parking, at the moment there are three bays associated with units 5 & 6 and one of them is a single and the other one is a tandem, that raises concerns of staff coming and going, the proposal is that staff will have access to the roller door and if you have tandem parking, they will need to be moving cars as they come and go at different times.
10. Michael of 160 Scarborough Beach Road – Item 9.1.7 stated the following:
- I have owned an apartment in the complex for about six (6) years and my bedroom will be directly above the proposed bar, the ceiling of the bar is the floor to my bedroom. I share two cavity walls with that bar, if it is does go ahead, this building is approximately thirteen years old, it was built before consideration of double glazed glassing, sound insulated walls to reiterate what was just stated before from my bedroom. I can hear the light switch in the next door apartment being switched, it is that bad. I can hear the door from two apartments away, the squeaky door being closed and I have the same problem with hearing people intimate night time activities as well.
 - It was never built to host a bar, nor will it be able to withstand it. I understand its zoning allows a bar there, but just because the zoning allows the bar to be there does not mean we should approve a bar at the disbenefit of the people that have brought there in good faith or signed leases in good faith. My other problem is that they have a discount on the parking bays, because a lot of people are going to anticipate using public transport or taxis.
11. Ben Doyle of Planning Solutions – 296 Fitzgerald Street, Perth – Item 9.1.11 stated the following:
- Thank you Councillors and Mayor that have taken the time to review my briefing note and discuss this with me, we are disappointed in the way this has been handled up to now.
 - This proposal was presented to the DAC on the three (3) occasions at the first meeting the DAC made recommendations for a number of modifications and we made those changes.
 - The second DAC meeting the DAC made a recommendation only requiring additional detail to be shown on the plans no further changes were required. The DAC specifically said that this proposal should be presented to a third (3) meeting without attendance being required by the applicant. The third meeting the DAC saw a number of changes, which had not been raised in previous DAC meetings. Two of the four members present had not been at the previous DAC meeting and one of those two had not been present at either of the DAC meetings. It is probably not surprising that the recommendations of the DAC were inconsistent.
 - We were satisfied the requirements of the DAC at the second meeting, this is critical for the consideration of the proposal by Council. The Officers report fails to provide any detail in this regard, the City's Manager Planning and Building Services confirmed that the proposal would most likely have been supported by the City's officer, if it had been formally endorsed by the DAC.
 - We have been advised by the City's officers that they are consistent in their approach if the DAC supports it so do they and if the DAC does not support it neither to do the City's Officers, seems there is three problems.

- The DAC is providing inconsistent advice, the Officer reports are being selective in the information provided and the DAC is being handed defacto decision making power. In addition to these the report to Council contains a number of errors, visual privacy assessment is incorrect, clothes drying areas assessment is incorrect, parking and bicycle parking assessment is incorrect. The street setbacks were agreed with the City's officers prior to lodgement.
12. Chris of 74 Bassingham Road, Balcatta – Item 9.1.7 stated the following:
- I am reading a letter on behalf of Charlie who is currently detained in Sri Lanka in hospital. The letter reads I am deeply troubled with the proposed changes to the current gallery to an eating house and small bar in fact it is a great concern to himself and other residents of the building.
 - Our civil rights the quiet enjoyment of our residents and the surrounding common areas will be vastly diminished, common sense tells that ongoing noise from this type of establishment or any type of establishment, has an effect on myself and other residents. Numerous studies have been conducted to support this line of thought, not to mention that noise pollution between neighbours can be a criminal offence and a matter than can be dealt with by the Courts of the land. The social behaviour effects of ongoing noise exposure are very well documented, this would most likely include changes to our every day behaviour, something as simple as having to close my windows and doors to eliminate or reduce the outside noise, also possible changes in social behaviours, things as aggressiveness, unfriendliness, non participation and disengagement must be taken into consideration.
 - Changes in social indicators, such as residential mobility, hospital admissions, drug consumption and accident rates and changes in moods with a marked increase in reports of depression.
13. Kim Frankovich of 36 Matlock Street, Mount Hawthorn – Item 9.2.4 stated the following:
- I am just addressing a few issues. What I would like to query there is a high consulting report open for discussion, a group of people within the Vincent community are querying our recycling programme, in particular the word recycling which is not fully reflecting what the Council is doing.
 - We found out that glass recycling is actually not happening as we are crushing our glass component and using them as road base. Various other items, our bins as being part of the Mindarie Regional Council our green bin and not the recycling bin is sent to facility for further processing forty thousand (40,000) tonnes of that waste that is converted up there is turned into compost
 - We are querying is not a compost quality with an unknown component of toxins, which unfortunately enter the waste stream.
 - We are also querying the local business input into the recycling efforts to the Council. Small businesses are apparently still land filling and not recycling their waste as well as they could. Just general questions if waste recycling in the Council could truly be improved and better clarification on how we actually, what we produce in a resource recycling and what is done with it, perhaps getting public involvement or opportunity for the public to participate in the waste practices of the Council will be welcome.

14. Debbie Saunders of 150 Oxford Street, Leederville stated the following:
- Firstly I would just like to offer my support to the people that live in the apartments in Mount Hawthorn. I too think that is just a ridiculous place to have a small bar and that building is just a big piece of concrete that will reverberate.
 - I would like to ask a question of Council in regards to the Community Consultation, after sending some emails today, I got the answer that businesses were consulted by putting letters into PO Boxes, "*does the Council think that all businesses in Leederville have a PO Box in Leederville and what are they basing that on and why weren't they delivered like the residents were*"?

The Presiding Member advised Ms Saunders that he will take the question on Notice.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Peart requested leave of absence from 4 August 2014 to 27 August 2014 (inclusive), due to personal commitments.

Moved Cr McDonald, Seconded Cr Pintabona

That Cr Peart's request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Emma Chester of 31 Dee Court, North Perth along with 95 signatures we the undersigned support:

1. Bringing in line with the most of City of Vincent dog parks including Britannia Road Reserve, Forrest Park and Les Lilleyman Reserve, the designation of the whole of Charles Veryard Reserve not including a playground to be accessible for dog off leash and importantly dog owner exercise. That is dogs are only allowed of the leash in these areas if the reserve is not being used for approved activity.
2. The permanent dog exercise designated area to be expanded North to include the dog water bowl and a dog waste bin currently outside the designated permanent dog exercise area.

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

Moved Cr Harley, Seconded Cr McDonald

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 13 May 2014

Moved Cr Peart, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held on 13 May 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 LIBERALISATION OF THE ALFRESCO POLICY AND CREATION OF ENTERTAINER STREET ZONES

These are both really great examples of our new Place Managers doing their work and looking at ways in which Council can be seen as a facilitator and not a regulator and I think that is critical that as an innovative and dynamic Local Government that we look at ways at how we make things happen in terms of our Town Centre's and not look to how we create hurdles and say no to great ideas.

So the street entertainer's zone, I think is a great example of where we are trying to do something with less regulation and allow more flexibility by allowing people to perform in our Town Centres without having to pay fees and fill out paperwork. The liberalisation of the Alfresco is about not charging per chair but designated a particular area and saying go for it.

We also have other measures coming in very soon, that the Place Managers are developing, but I think this is how Local Government should act and should be. I also just want to note the number of Communities, that I attended in the last two weeks that really show how things are going well in Vincent, we had North Perth local met, I met them to discuss our plans for Public Art, for more trees for seating and for their festival. We had the AGM of the Mens Shed, which had sixty (60) people come along, which is an incredible local community group, which is bringing people together in very interesting ways.

We had the Mount Hawthorn local engagement plan, which is about like the Beaufort Street Action Plan. We know have Mount Hawthorn businesses and residents coming together to develop an action plan for the street. So I am really proud to see these groups all strongly supported by the City of Vincent and by our Place Managers making things happen in those Town Centres. Again it is really positive good energy focused on getting things done for our Community and I really think that is the way we should go as a Council.

7.2 WITHDRAWAL OF ITEM 9.1.5

It is announced that Item 9.1.5 on tonight's Agenda relating to Appointment of Town Planning Consultant for proposed Multiple Dwellings Policy and associated Scheme Amendment to the City's Town Planning Scheme No. 1 and Initiation of Local Planning Policy relating to Design Guidelines for Multiple Dwellings in areas zoned R30 and R30/40 in Mount Hawthorn, Leederville and North Perth has been withdrawn from the Agenda by the A/Chief Executive Officer, due to the WAPC proposing amendments to the R Codes, to deal with multiple dwellings. This information was only received early this week and will be the subject of a Council Forum.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Cole declared an Impartiality interest in Item 9.1.7 – No. 5/160 (Lot: 5 D/P 43015) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use). The extent of her interest being that there is a possible perception of impartiality interest relating to my employment at the Drug and Alcohol Office. I will consider this matter on the basis of merit and impartial manner, further I do not work within the area of the DA responsible for the provision of advice on liquor licensing matters.
- 8.2 Cr Peart declared an Impartiality interest in Item 9.1.9 – No. 43 (Lots: 82 & 303) Bondi Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Two-Storey Single House including Three-Storey Addition. The extent of his interest being that the applicant is a long term friend and he declares that he will leave the Chamber and not participate in this item.
- 8.3 Cr Peart declared an Proximity interest in Item 14.2 – CONFIDENTIAL ITEM: No. 18 (Lots 23 and 24; D/P 956) Burgess Street, Leederville – Proposed Demolition of Existing Single House and Construction of Two-Storey Residential Development Comprising Seven (7) Multiple Dwellings and Associated Ground Floor Parking – Review (Appeal) under Section 31 of the State Administrative Tribunal (SAT) Act – DR 87 of 2014. The extent of his interest being that he lives on Burgess Street approximately a hundred metres from the subject property and he requests Council grant him approval to participate in the debate and vote.

Cr Peart departed the Chamber 6.45pm.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Cole

That Cr Peart be allowed to participate in the debate and vote on Confidential Item 14.2.

PROCEDURAL MOTION PUT AND CARRIED (5-2)

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

Against: Cr Buckels and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

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

Cr Peart returned to the Chamber at 6.46pm.

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

Nil.

10. REPORTS

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

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

Items 9.1.2, 9.1.3, 9.1.7, 9.1.10, 9.1.11, 9.1.12, 9.1.13, 9.2.1, 10.1 & 14.2

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 9.1.4, 9.1.5 and 9.5.1

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

Item 14.2

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	Nil
Cr Buckels	Nil
Cr Cole	9.1.9, 9.2.4
Cr Harley (Deputy Mayor)	Nil
Cr McDonald	Nil
Cr Peart	Nil
Cr Pintabona	Nil
Cr Topelberg	9.1.3, 9.1.6, 9.1.8, 9.2.3 & 9.4.1
Cr Wilcox	On Approved Annual Leave

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

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

Items 9.1.1, 9.2.2, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.3 & 9.5.2

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

Items 14.1, 14.2 & 14.3

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.2.2, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.3 & 9.5.2

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

Items 9.1.2, 9.1.3, 9.1.7, 9.1.10, 9.1.11, 9.1.12, 9.1.13, 9.2.1, 10.1 & 14.2

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

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

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

The Presiding Member, Mayor John Carey ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.

ITEMS APPROVED "*EN BLOC*":

The following Items were approved unopposed and without discussion "*En Bloc*", as recommended:

Moved Cr Cole, Seconded Cr Pintabona

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

Items 9.1.1, 9.2.2, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.3 & 9.5.2

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

9.1.1 Amendment No. 126 to Planning and Policy Policies – New Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Stores

Ward:	Both Wards	Date:	16 May 2014
Precinct:	All Precincts	File Ref:	PLA0278
Attachments:	001 – Draft Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Stores		
Tabled Items:	Nil		
Reporting Officer:	M Tarca, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Acting Chief Executive Officer to advertise the proposed new Draft Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Store, as shown in Appendix 1, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the new Draft Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Stores having regard to any submissions received; and
 - 2.2 **DETERMINES** the new Draft Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Stores having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Cole, Seconded Cr Pintabona

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 for the Council to endorse for advertising a draft Planning and Building Policy No. 7.5.9 which relates to the assessment, approval and management of Home Businesses, Home Occupations, Home Offices and Home Stores in the City of Vincent.

BACKGROUND:

This Policy is required in order to be consistent with new definitions which appear in the City’s Draft Town Planning Scheme No. 2 (TPS2). Under the guidance of the provisions of the Model Scheme Text, the City’s Draft TPS2 contains definitions of four different types of home based business operations including:

- Home Business;
- Home Occupation;
- Home Office; and
- Home Store.

The inclusion of these definitions was included in the Schedule of Modification required to be undertaken by the Department of Planning in 2013 prior to the new Scheme being advertised.

This represents a change to how the City's current Town Planning Scheme No. 1 defines home based business operations which only defines 'Home Occupations'. Furthermore, these operations are currently exempt from requiring planning approval under the City's Minor Nature Development Policy No. 7.5.1.

With the completion of advertising of TPS2 due to occur on 27 June 2014, it is pertinent that the City prepare a local planning policy in anticipation of the new provisions contained in TPS2 coming into effect following its Gazettal in 2015.

DETAILS:

A key strategy of the City's Draft Local Planning Strategy is to *Promote and diversify economic development in the City...* To support this, one of the 'actions' is to *allow for further opportunity to work from home through policy provisions to support sustainable work practices.*

On this basis, and in conjunction with the proposed new provisions contained within Draft TPS2, a draft planning and building policy has been prepared in order to provide more clarity to those who wish to operate business operations from home, while aiming to protect the amenity of the surround area. The draft policy clearly identifies procedural issues, such as approvals required and fees whilst also containing the provisions of draft TPS2 in such a way that applicants can identify which 'type' of business they are and which provisions relate to their operations.

Definitions of each as it appears in Draft TPS2 are provided as follows:

Home business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

Home occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;

- (f) *in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (g) *does not involve the use of an essential service of greater capacity than normally required in the zone;*

Home office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- (a) *entail clients or customers travelling to and from the dwelling;*
- (b) *involve any advertising signs on the premises; or*
- (c) *require any external change to the appearance of the dwelling.*

Home store means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling.

The following table summarises the processes and provisions which apply each of the 4 home business categories:

	Planning Approval Required	Advertising to Neighbours	Car Parking	Employees	Customers	External Signage	Floor Area
Home Business	Yes	2 weeks	2 parking bays provided on-site	No more than 2 external staff	No more than 2 at any one time	Not to exceed 0.5m ²	Not to exceed 50m ²
Home Occupation	No	No	No	No	No customers allowed to attend property	Not to exceed 0.2m ²	Not to exceed 20m ²
Home Office	No	No	No	No	No customers allowed to attend property	No	None specified
Home Store	Yes	2 weeks	2 parking bays provided on-site	No more than 2 external staff	No more than 2 at any one time	Not to exceed 0.5m ²	Not to exceed 100m ²

The requirements for each of the above 'types' of home based businesses has largely been driven by the definitions which can be found in the City's Draft TPS2 and guided by the Model Scheme Text.

The Draft Policy however, also contain other general provisions which apply to each of the four categories, including the right for the City to advertise the operations of those normally exempt in the case of receiving complaints from neighbours or where the amenity of the locality is deemed to be compromised. Experience from other local governments has been also utilised when drafting this policy, particularly as it relates to parking provisions, customer attraction rates, signage and employment of persons that are not a resident of the dwelling.

These additional provisions have been included to help manage the different types of operations depending on their intensity. Should an operation be defined as a 'Home Store' then greater restrictions do apply to that of a 'Home Office' or 'Home Occupation' as they are considered to have a lower impact on the surrounding community.

It is noted that Clause 2.17 in the City's Policy No. 7.5.1 relating to Minor Nature Development excludes 'home occupations' from requiring a planning approval, subject to compliance with the policy. Given the proposed draft Policy identifies different types of home based business operations within the City, the provisions within the Minor Nature Development Policy are required to be deleted. Following advertising of this Draft Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Sores City Officers will request the Council consider deleting the relevant Clauses so as to not to conflict with the draft policy should it proceed.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy will be advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: Four consecutive weeks

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

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; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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 Policy Amendment has no direct sustainability implications relating to the City's Sustainable Environment Strategy 2011-2016.

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

ENVIRONMENTAL
Nil.

SOCIAL
This Policy will provide a clear framework for considering applications for Home Business, Home Occupation and Home Office which will give appropriate notification to the neighbouring properties when these applications are considered.

ECONOMIC
This Policy will provide a clear framework for those who wish to conduct business at home and ensure that the process for preparing an application, if needed, is more efficient.

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: \$64,401
Balance: \$11,599

COMMENTS & CONCLUSION:

The intent of this policy is not to create un-necessary restrictions or additional red-tape but to provide clarity and guidance for residents who wish to contribute to the diversity of the economic landscape within the City. Another important objective of this policy is to protect the amenity of residential neighbourhoods.

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

9.2.2 Traffic Related Matters - Hobart Street, North Perth - Proposed Additional Raised Plateau progress Report No. 2

Ward:	North	Date:	16 May 2014
Precinct:	North Perth (8)	File Ref:	TES0196
Attachments:	001 – Proposed Plan No. 3136-CP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the installation of a raised plateau on the section of Hobart Street adjacent to the Eton Street intersection, as shown on the attached Plan No. 3136-CP-01 estimated to cost \$15,000; and
2. **ADVISES** the respondents of its decision;

COUNCIL DECISION ITEM 9.2.2

Moved Cr Cole, Seconded Cr Pintabona

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 the report is to advise the Council of the outcome of the consultation regarding a proposal to install an additional raised plateau on Hobart Street, North Perth.

BACKGROUND:

At its Ordinary Meeting held on 8 April 2014 the Council considered a report on Traffic Related Matters Considered by the City’s Integrated Transport Advisory Group (ITAG) - March 2014 where the following decision was made (in part):

That the Council;

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);*
 - 2.2 *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:

Community Consultation:

In late April 2014 53 letters were sent out to which the City received seven (7) responses by the close of the consultation period on 6 May 2014.

Related Comments *In Favour* of the Proposal (4):

- 2 x in favour no comments
- ...the first one (plateau) that was installed at the cafe has been excellent in slowing down traffic and possibly reducing the number of vehicle movements...
- The City did a great job of the one on Hobart St out front of the deli... It has slowed traffic and having one at Eton St will make the section in between a lot safer for all....

Related Comments *Against* the Proposal (3):

- ...people slow down when they get to Eton Street they need to slow down as there are cars parked both sides and sometimes 2 cars cannot pass through. I believe it should be placed at Sydney Street. The other reason is people think it's a crosswalk and do not wait for drivers as it happened to me...
- I would prefer the installation of a round-a-bout. This would serve a dual purpose, slow down the speedsters ... and deter the many cars that ignore the 'STOP' signs at this busy intersection.
- ..traffic has already diminished in the street...I believe it would be better on the eastern side of Eton Street to provide a slow down before crossing Eton St from westbound traffic as the existing facility has already slowed down the eastbound traffic.

•
Related Comments *Neither in Support nor Objecting*:

- Nil

Officers Comments:

Of the 53 letters sent out only seven (7) responded. While a small majority supported the proposal the ones not supporting the proposal as presented either had issues with the proposed location i.e. placed at Sydney Street or east side of Eton Street or suggested an alternative devise i.e. a Round a bout. Therefore there was no overwhelming negative response and the location proposed is considered the most suitable to achieve the desired outcome.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Community 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.

1.1.4 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:

It is recommended that the traffic measure be funded from the 2013/2014 Miscellaneous Traffic management Budget allocation at an estimated cost of \$15,000. There is \$18,000 remaining in this budget allocation.

COMMENTS:

It is recommended that the Council approve the installation of the raised plateau on Hobart Street, North Perth as shown on attached Plan No. 3136-CP-01.

9.3.1 Investment Report as at 30 April 2014

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	B C Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 30 April 2014 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Cole, Seconded Cr Pintabona

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 April 2014 were \$14,311,000 compared with \$16,811,000 at 31 March 2014. At 30 April 2013, \$13,011,000 was invested.

Investment comparison table:

	2012-2013	2013-2014
July	\$18,211,000	\$9,611,000
August	\$30,511,000	\$21,411,000
September	\$28,511,000	\$20,411,000
October	\$26,711,000	\$20,411,000
November	\$24,711,000	\$19,811,000
December	\$20,711,000	\$17,811,000
January	\$20,711,000	\$17,811,000
February	\$18,711,000	\$17,811,000
March	\$17,111,000	\$16,811,000
April	\$13,011,000	\$14,311,000

Total accrued interest earned on Investments as at 30 April 2014:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$281,340	\$257,766	\$260,538	92.61
Reserve	\$386,610	\$326,147	\$299,200	77.39

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

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

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

The funds invested have decreased from previous period due to payment to creditors.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 – 30 April 2014

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Wong, A/Manager Financial Services		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 April – 30 April 2014 and the list of payments;
2. direct lodgement of payroll payments to the personal bank account of employees;
3. direct lodgement of PAYG taxes to the Australian Taxation Office;
4. direct lodgement of Child Support to the Australian Taxation Office;
5. direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Cole, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 April – 30 April 2014.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	75963 - 761942	\$304,881.50
Transfer of Creditors by EFT Batch	1654, 1656 – 1659, 1662 - 1664	\$3,263,876.54
Transfer of PAYG Tax by EFT	April 2014	\$278,120.90
Transfer of GST by EFT	April 2014	
Transfer of Child Support by EFT	April 2014	\$1,826.70
Transfer of Superannuation by EFT:		
• City of Perth	April 2014	\$25,481.90
• Local Government	April 2014	\$115,469.26
Total		\$3,989,656.80
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$14,230.62
Lease Fees		\$106,994.09
Corporate MasterCards		\$10,868.85
Loan Repayment		\$162,968.63
Rejection fees		\$95.00
Total Bank Charges & Other Direct Debits		\$294,975.19
Less GST effect on Advance Account		0.00
Total Payments		\$4,284,631.99

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2017:

- “4.1 Provide good strategic decision-making, governance, leadership and professional management:*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.3 Financial Statements as at 30 April 2014

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B Wong, Acting Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	B C Tan, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 April 2014 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Cole, Seconded Cr Pintabona

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 present the Financial Statements for the period ended 30 April 2014.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 April 2014:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature and Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-55
12.	Monthly Financial Positions Graph	56-58

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$20,417,140
YTD Revised Budget	\$23,635,732
YTD Variance	(\$3,218,592)
Full Year Budget	\$28,176,497

Summary Comments:

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

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

- General Purpose Funding – 7% over budget;
- Governance – 251% over budget;
- Law, Order, Public Safety – 30% under budget;
- Health – 1% over budget;
- Education and Welfare – 40% under budget;
- Community Amenities – 3% over budget;
- Transport – 21% under budget;
- Economic Services – 4% over budget;
- Other Property and Services – 61% under budget; and
- General Administration (Allocated) – 137% over budget.

Operating Expenditure

YTD Actual	\$41,554,590
YTD Revised Budget	\$40,089,244
YTD Variance	\$1,465,346
Full Year Budget	\$48,927,550

Summary Comments:

The total operating expenditure is currently 104% of the year to date Budget estimate.

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

- General Purpose Funding – 1% over budget;
- Governance – 6% over budget;
- Law and Order – 1% under budget;
- Health – 6% under budget;
- Education and Welfare – 3% under budget;
- Community Amenities – 3% under budget;
- Recreation & Culture – 3% over budget;
- Transport – 7% over budget;
- Economic Services – 6% under budget;
- Other Property & Services – 33% over budget; and
- General Administration (Allocated) – 244% over budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$20,502,440
YTD Revised Budget	\$23,087,432
Variance	(\$2,584,992)
Full Year Budget	\$29,136,897

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$15,893,458 and non-current assets of \$204,967,126 for total assets of \$220,860,584.

The current liabilities amount to \$5,850,717 and non-current liabilities of \$19,400,907 for the total liabilities of \$25,251,624.

The net asset of the City or Equity is \$195,608,960.

7. Net Current Funding Position

	30 April 2014 YTD Actual \$
Current Assets	
Cash at Bank	3,280,954
Cash Restricted	9,166,405
Receivables – Rates and Waste	250,447
Receivables – Others	2,986,685
Inventories	197,967
	15,882,458
Less: Current Liabilities	
Trade and Other Payables	(2,920,719)
Provisions	(2,790,994)
	(5,711,713)
Less: Restricted Cash Reserves	(9,166,405)
Net Current Funding Position	1,004,340

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$201,750	\$190,250	\$62,063	33%
Plant & Equipment	\$3,269,666	\$2,827,996	\$821,102	29%
Land & Building	\$1,229,000	\$949,000	\$503,208	53%
Infrastructure	\$12,198,585	\$10,568,953	\$3,842,202	36%
Total	\$16,899,001	\$14,536,199	\$5,228,575	36%

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

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

9. Restricted Cash Reserves

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

The balance as at 30 April 2014 is \$9.1m. The balance as at 30 April 2013 was \$9.2m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$608,646 is outstanding at the end of April 2014.

Out of the total debt, \$333,237 (61.1%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 30 April 2014 including deferred rates was \$332,070 which represents 1.28% of the outstanding collectable income compared to 1.36% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 30 April 2014 the operating deficit for the Centre was \$389,679 in comparison to the year to date revised budgeted surplus of \$337,536.

The cash position showed a current cash surplus of \$248,024 in comparison year to date revised budget estimate of a cash surplus of \$820,896. The cash position is calculated by adding back depreciation to the operating position.

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

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 East Perth Football Club and Subiaco Football Club – Lease of Premises at 246 Vincent Street – Request for additional lease space

Ward:	South	Date:	23 May 2014
Precinct:	Oxford Centre (4)	File Ref:	PRO1726
Attachments:	001 – Plan of current leased areas for East Perth Football Club and Subiaco Football Club 002 – East Perth Football Club – Plans for additional space		
Tabled Items:	Nil		
Reporting Officer:	J Lennox-Bradley, Acting Executive Secretary Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

1. That the Council **APPROVES** the request for the lease of additional space of the common area being granted to the East Perth Football Club (EPFC) and Subiaco Football Club (SFC), as per Attachment 001 area marked red as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years plus five (5) year option
1.2	Rent:	\$1,000 per annum plus GST indexed to CPI for each club
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Recreation

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

COUNCIL DECISION ITEM 9.3.4

Moved Cr Cole, Seconded Cr Pintabona

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 Council with details of the request received from East Perth Football Club and Subiaco Football Club for additional lease space in the “common area section”.

BACKGROUND:

The East Perth Football Club and Subiaco Football Club currently have leases with the City until October 2025, for the portions of the ground floor and first floor of the building erected on Leederville Oval, located in Vincent Street Leederville, being those parts of Lot 10926 on Deposited Plan 216914 (refer attachment 001). The current lease does not cover the use of the Oval and common area section.

DETAILS:

The City has received a request from the East Perth Football Club (EPFC) and Subiaco Football Club (SFC) to lease additional space in the “common area section” (refer attachment 001) for area marked in red to be used by the Clubs.

The EPFC has submitted plans to refurbish this area to leased additional floor space. (refer attachment 002). The plans that will improve the area to improve ambience of the area to make it attractive for functions and catering for their Members.

The current common area; was previously leased to the ground caterers Spices Catering but they surrendered the lease to this area, as it was not commercially viable for their operations in 2009. Since that time the common area has been managed by the City on a casual hire basis. However it has not attracted any significant usage due to the unattractive nature of the area and difficulties of accessibility and catering for users outside of the Clubs. The area is currently used on match days for both clubs to cater for overflow numbers in their own areas.

If approved the existing lease will be varied by separate Deeds of Variation for both Clubs.

CONSULTATION/ADVERTISING:

N/A

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 Both the Lessees are long established Football Clubs that play in the West Australian Football League (WAFL). East Perth Football Club a recent alignment to the West Coast Eagles will improve its financial position in the short to medium term. Subiaco Football Club is in a strong financial position due to the revenue it receives from Patersons Stadium.

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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The East Perth Football Club and Subiaco Football Club currently pay \$7,698 and \$7,228 respectively per annum for their current leased areas and contributes \$20,350 each per annum towards the maintenance of the oval; together with payment for the use of Beatty Park Reserve and Les Lilleyman Reserve for their Colts teams training.

COMMENTS:

The lease of the 'common area' to both of the clubs will ensure that there is an active and consistent use of this area. Both clubs intend to use their own funds to improve this area to use for their members and to make available to the Vincent community when required.

The Administration therefore support this recommendation.

9.4.2 Outdoor Eating Areas Policy No. 3.8.1 – Draft Amendment

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	LEG0025
Attachments:	001 – Draft Amended – Outdoor Eating Areas Policy No. 3.8.1 002 – Revised Outdoor Eating Area Application Form		
Tabled Items:	Nil		
Reporting Officers:	D Doy, Place Manager C Wilson, Manager Asset & Design Services W Pearce, Manager Health & Compliance Services A Birch, A/Manager Community Development		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the adoption of Amended Policy No. 3.8.1 – Outdoor Eating Areas, as shown in Appendix 9.4.2A and changes the associated fee structure as noted in the Officer’s report; and
2. **Subject to clause 1 above being approved;**
 - 2.1 **ADVERTISES** the Amended Policy for a period of twenty-one (21) days, seeking public comment; and
 - 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. 3.8.1 – Outdoor Eating Areas, having regard to any written submissions;
 - 2.2.2 **determine to proceed with, or not to proceed with, the Draft Amended version of Policy No. 3.8.1 – Outdoor Eating Areas; and**
 - 2.2.3 **include the above Policy in the City’s Policy Manual if no submissions are received from the public.**

COUNCIL DECISION ITEM 9.4.2

Moved Cr Cole, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To amend the current Policy No. 3.8.1 – Outdoor Eating Areas to improve the clarity and useability for local businesses.

BACKGROUND:

- 28 September 2010 The Council at its Ordinary Meeting endorsed the Reviewed Outdoor Eating Areas Policy. The Council determined that the Policy should be again reviewed in September 2015.
- 26 March 2013 Following representation made to Council at Public Question Time, a request was made to review Policy No. 3.8.1 – Outdoor Eating Areas, particularly in relation to Pedestrian Access Ways and access widths.
- 28 May 2013 The Council at its Ordinary Meeting endorsed the Reviewed Policy No. 3.8.1 – Outdoor Eating Areas.

DETAILS:

Following local business feedback it has become apparent that some select clauses in Policy No. 3.8.1 – Outdoor Eating Areas and procedural aspects could be altered to improve the useability of this Policy.

Changes to these select clauses, as outlined below, will not change the intent of the Policy or substantially alter the way in which applications are assessed. They will, however, improve the legibility of the Policy for the general public and encourage a level of self-governance into the management of alfresco areas.

As a basis for comparison, the City of Perth's Alfresco Dining Local-Law 2000 and the City of Fremantle's Draft Alfresco Dining Local Law 2014 were reviewed and referenced in detail.

Pedestrian Management Plan

Currently clause 2 (vi) of the Outdoor Eating Areas Policy states:

"An applicant is to provide all relevant information as requested, including, but not limited to:

- (vi) *a Pedestrian Management Plan to identify how potential congestion caused by the outdoor eating area encroaching into the footpath, will be managed."*

The term 'Management Plan' infers a lengthy and detailed document to be prepared by a consultant. This is a potential deterrent for applicants. In actuality, assessing Officers at the City only require a short written statement outlining how pedestrian access will be maintained. Therefore it is recommended that this clause be reworded as outlined below:

"An applicant is to provide all relevant information as requested, including, but not limited to:

- (vi) *a written statement outlining how potential congestion caused by the outdoor eating area encroaching into the footpath, will be managed."*

Access, Local Distributor and Two (2) Lane District Distributor Roads

Currently clause 3.4.1 of the Outdoor Eating Areas Policy states:

"In locations where the footpath is less than 2900mm wide, it is not possible to accommodate standard seats and tables while maintaining the pedestrian clearance requirements."

Many of the footpaths in the City's Town Centres adjacent to access, local distributor and two (2) lane district distributor roads are less than 2900mm wide but support alfresco dining. The above comment is a deterrent to future alfresco applicants and should be removed.

The basic requirement for the 'Access, Local Distributor and Two (2) Lane District Distributor Roads' is that 2000mm be provided to ensure pedestrian access. With the popular use of stools and small chairs rather than formal tables, it is possible for somebody to have 900mm wide (or significantly less) alfresco area that is comfortable and useable for patrons – thus preserving the 2000mm pedestrian access width. 'Standard seating and tables' are rarely used in alfresco, with stools and small tables often the preferred option in more constrained areas.

Number of Chairs and Tables in an Alfresco Area

Clause 4.6 of the Outdoor Eating Areas Policy states:

“A maximum of one chair (that is, one patron) per square metre may be located in an outdoor eating area, unless more limiting future restrictions imposed by other laws, including the Building Codes of Australia are created.”

This provision currently provides an unnecessary restriction on the number of chairs and therefore patrons that are allowed in an alfresco area. This provision is also difficult to police. Rather than controlling the number of seats allocated, it is recommended that this is left to the applicant to self govern. Many of Vincent’s most vibrant and successful alfresco areas do not comply with this provision, but maintain safe, useable and attractive alfresco areas.

Furthermore, the City of Perth’s Alfresco Dining Local-Law 2000 and the City of Fremantle’s Draft Alfresco Dining Local Law 2014 do not contain a *chair per square* metre provision.

Application Form

Currently clause 2 of the Outdoor Eating Areas Policy outlines the relevant information to be provided as part of an application for an Outdoor Eating Area. This information is critical to ensure applicants submit an assessable and compliant application. It is suggested that this information be replicated in the Application Form in a checklist format to increase the amount of compliant applications and reduce confusion as shown in Appendix 9.4.2B.

CONSULTATION/ADVERTISING:

The proposed Amendments to the City’s Policy No. 3.8.1 – Outdoor Eating Areas will be advertised for a period of twenty-one days as per the City’s Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

Policy No. 3.8.1 – Outdoor Eating Areas.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

Governance and Statutory Compliance

With many new reporting standards and legislation that affect the operation of the City; compliance, transparency and accountability are the key components of the City’s governance.”

SUSTAINABILITY IMPLICATIONS:

There are no sustainability issues associated with this proposal.

FINANCIAL/BUDGET IMPLICATIONS:

Currently applicants are charged an application fee based upon the number of chairs proposed in the outdoor eating area. Applicants are also charged for brass delineation plates which delineate the alfresco area boundary. The fee structure is as follows:

Item	2012/2013	2013/2014	GST
Outdoor Eating Areas (Alfresco Dining)			
Centre Precinct – Liquor Licensed Premises			
Initial Application Fee 6 Chairs or less	\$194	\$210	No
Initial Application Fee More than 6 Chairs	\$391	\$405	No
Annual Renewal Fee and Transfer Fee	\$122	\$130	No
Charge per Chair – First 6 Chairs	\$65	\$70	No
Charge per Chair – all Chairs over 6	\$85	\$90	No
Brass Delineation Plates (per Plate)	\$22	\$25	No

In light of the proposed removal of clause 4.6 of the Outdoor Eating Areas Policy it is proposed that the fee structure be changed as outlined below:

OUTDOOR EATING AREAS (ALFRESCO DINING)		2014/2015	GST
Initial Application		\$210.00	N
Annual Licence Renewal		\$70.00	N
Floor Area Charge	Per square metre	\$85.00	N
Amendment - If less than 25% of current approved Outdoor Eating Area being altered		\$110.00	N
Amendment - If 25% to 100% of current approved Outdoor Eating Area being altered		\$210.00	N
Brass Delineation Plates	Per plate	\$26.00	N

The proposed change if accepted would see fees being based on the floor area instead of the number of chairs. A number of premises are also charged \$40 for screens and umbrellas 'License for Screens for Outdoor Eating' listed under the 'Works Fees and Charges'. It is suggested that these fees be discontinued as of 1 July 2014 in line with fees being calculated by area instead of by individual items.

It is expected that the change to the fee structure will not significantly impact upon the revenue received when compared with the current fee structure.

COMMENTS:

The Outdoor Eating Areas Policy was last reviewed in May 2013. Following local business feedback and a comparison of the City of Perth's Alfresco Dining Local-Law 2000 and the City of Fremantle's Draft Alfresco Dining Local Law 2014 it is clear minor amendments could be made to improve the useability of the policy and the effectiveness of the application form. It is also recommended that the control of table and chair numbers in outdoor eating areas be removed, therefore shifting control to the applicant.

It is therefore, recommended that the Council endorse the Officer Recommendation to advertise the Draft Amended Policy No. 3.8.1 – Outdoor Eating Areas.

9.4.3 FURTHER REPORT: 2015 Hyde Park Community Fair – Funding Consideration

Ward:	South	Date:	16 May 2014
Precinct:	Hyde Park (12)	File Ref:	FIN0207
Attachments:	001 – Hyde Park Community Fair Proposal (Confidential) 002 – Hyde Park Community Fair Financial Report (Confidential) 003 – Letter from Rotary Club of North Perth dated 16 May 2014 (Confidential)		
Tabled Items:	Nil		
Reporting Officer:	Y Coyne, Coordinator Arts and Creativity A Birch, A/Manager of Community Development		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

- 1. RECEIVES the Hyde Park Community Fair Financial Reports from the Rotary Club of North Perth, outlining sponsorship received and donations made; and**
- 2. APPROVES the amount of \$25,000 for the 2015 Hyde Park Community Fair as part of the Festivals Programme for 2014/15.**

COUNCIL DECISION ITEM 9.4.3

Moved Cr Cole, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To seek Council’s approval to fund the 2015 Hyde Park Community Fair up to \$25,000. The Council queried the amount of support provided to the Fair over the past five (5) years and wished to seek clarification on donations the Rotary Club provided from funds raised from the Community Fair.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 April 2014, the Council resolved as follows:

“DEFER consideration of Item 13 for further information and discussions with the Rotary Club of North Perth and the Acting Director Community Services, prior to consideration of the Draft Budget.”

and

- "1. APPROVES the following festival events funding as part of the Festivals Programme for 2014/2015:

	ORGANISATION	EVENT	DATE	AMOUNT SOUGHT	AMOUNT RECOMMENDED
1	Revelation Film Festival	Revelation International Film Festival	3 Jul 2013 - Jul 2014	\$20,000	\$15,000
2	WA Italian Club	Community Open Day and Fair	12 Oct 2014	\$12,850	\$7,500
3	City of Vincent	Multicultural Festival	Oct 2014	\$20,000	\$20,000
4	The North Perth Business and Community Association Inc	Angove Street Festival	26 Oct 2014	\$50,000	Carry forward from 2013/2104 Budget- \$45,000
5	Open House Perth	Open House Perth	1-2 Nov 2014	\$10,000	\$10,000
6	Beaufort Street Network	Beaufort Street Festival 2014	15 Nov 2014	\$82,500	\$75,000
7	Leederville Connect	Light Up Leederville Carnival	7 Dec 2014	\$60,000	55,000
8	RTRFM	Beaufort Street Music Festival	17 Jan 2015	\$11,500	\$5,000
9	City of Vincent	Summer Concerts x 6	Jan-Apr 2015	\$45,000	\$40,000
10	Trickster Productions	Hyde Park Caribbean Party – Summer Concert	Feb 2015	\$7,500	Summer Concert
11	WA Youth Jazz Orchestra	Big Band Festival	Feb 2015	\$7,500	\$0
12	Pride Western Australia	Pride Sponsorship 2014/2015	Various	\$30,000	\$15,000
13	HMS Pop Up Productions	Fete de la Femme	7 Mar	\$30,000	\$0
14	St Patrick's Day WA Inc.	St Patrick's Day Parade and Family Fun Day	15 Mar	\$25,000	\$25,000
15	Mt Hawthorn Hub	Up Late in Mount Hawthorn	Various	\$40,000	\$40,000
16	Perth International Jazz Festival Inc.	Perth International Jazz Festival	8-10 May 2015	\$20,000	\$0
17	City of Vincent Stalls and Floats	St Patrick's Day, Pride and stalls at events	Various	\$10,000	\$10,000
TOTAL				\$511,850	\$362,500

2. *The festival events detailed in clause 1 above shall be subject to the following conditions:*
- 2.1 *the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
 - 2.2 *'event fees' for the festivals shall be waived;*
 - 2.3 *a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;*
 - 2.4 *a suitable traffic, risk management and event site plan shall be submitted to the City at least two (2) months prior to the event at the expense of the organisers;*
 - 2.5 *the event organisers shall comply with the conditions of use and fees imposed, including Environmental Health and other conditions;*
 - 2.6 *the event organisers shall ensure full consultation with businesses and residences within the event parameter and at a minimum of a five hundred (500) metre radius outside of the event parameter to ensure that the festival is representative of and attuned to the local businesses;*
 - 2.7 *the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;*
 - 2.8 *acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report;*
 - 2.9 *the funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and*
 - 2.10 *full compliance with the City's Policy No. 3.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy No. 3.10.8 'Festivals' and Policy No. 3.8.3 'Concerts and Events';*
- to the satisfaction of the Acting Chief Executive Officer; and*
3. *AUTHORISES the Acting Chief Executive Officer to approve any scheduling changes under delegated authority."*

DETAILS:

On 13 January 2014, an advertisement inviting organisations planning major Festivals within the City of Vincent in 2014/2015 to apply for funding appeared in the *Guardian* and *Voice* newspapers, on the City of Vincent website and Facebook page. The Rotary Club of North Perth applied to the City seeking \$30,000 to fund the 2015 Hyde Park Community Fair. \$25,000 was recommended by Officers for consideration; however this was deferred pending a discussion between Mayor John Carey, Acting Director Community Services and Rotary Club of North Perth regarding revenue by the Community Fair and subsequent disbursements of donations.

The Mayor John Carey and Acting Director Community Services met with the Rotary Club of North Perth members on Wednesday, 14 May 2014 to discuss in detail how the City's funding was utilised and how funds raised during the Community Fair were dispersed.

The Rotary Club of North Perth have submitted subsequent correspondence as shown in Appendix 9.4.3C.

The City is satisfied with Rotary's records of disbursement of donations and recommends the Rotary Club of North Perth receive \$25,000 to again hold the Hyde Park Community Fair in March 2015.

CONSULTATION/ADVERTISING:

Consultation and advertising of all Festivals which include advertising in community newspapers, street banners, letter drop to City of Vincent residents, and flyers/posters will be the event management's responsibility.

The use of the City's Logo will be approved and the cross promotion of the events will be advertised on the City's website and social media avenues.

LEGAL/POLICY:

Policy No. 1.1.5 '*Donations, Sponsorship and Waiving of Fees and Charges*';
Policy No. 1.1.8 '*Festivals*'; and
Policy No. 3.8.3 '*Concerts and Events*'.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Recycling is compulsory at all events and this will continue for events held in 2014/2015.

RISK MANAGEMENT IMPLICATIONS:

Low: The North Perth Rotary Club's experience and sound Risk Management Plan have ensured no incidences at the Festivals.

FINANCIAL/BUDGET IMPLICATIONS:

The Rotary Club of North Perth has requested \$30,000 as part of the funding submission.

The amount is listed for consideration on the Draft Budget 2014/2015 as part of the Festivals Programme.

COMMENTS:

The Hyde Park Community Fair is a very popular, annual community event which is well patronised by the City's residents and visitors alike.

The Rotary Club of North Perth raises funds through the various activities at the Hyde Park Fair to provide donations to various causes. In discussions with the Mayor John Carey and Acting Director Community Services, the Club will be directing donations to more localised charitable organisations.

City Officers support the Hyde Park Community Fair and recommend up to \$25,000 funding for 2014/2015.

9.5.2 Information Bulletin

Ward:	-	Date:	16 May 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Mike Rootsey, Acting Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 16 May 2014, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Cole, Seconded Cr Pintabona

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 16 May 2014 are as follows:

ITEM	DESCRIPTION
IB01	State Administrative Tribunal Orders – P Payne v City of Vincent, Matter Number: DR 475 of 2013 – 17 Chatsworth Road, Highgate
IB02	Minutes of the Design Advisory Committee Meeting held on 2 April 2014
IB03	Minutes of the Design Advisory Committee Meeting held on 30 April 2014
IB04	Summary Minutes of the WALGA State Council Meeting held on 9 May 2014
IB05	Minutes of the Children and Young People Advisory Group held on 20 March 2014

9.1.5 Appointment of Town Planning Consultant for proposed Multiple Dwellings Policy and associated Scheme Amendment to the City's Town Planning Scheme No. 1 and Initiation of Local Planning Policy relating to Design Guidelines for Multiple Dwellings in areas zoned R30 and R30/40 in Mount Hawthorn, Leederville and North Perth

ITEM WITHDRAW BY ACTING CHIEF EXECUTIVE OFFICER DUE TO THE WAPC PROPOSING AMENDMENTS TO THE R CODES.

9.1.2 Amendment to the Municipal Heritage Inventory

Ward:	South Ward	Date:	16 May 2014
Precinct:	Leederville Precinct (P3); Oxford Centre (P4)	File Ref:	PLA0260
Attachments:	001 – Draft Heritage Assessment 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Officer's recommendation to not proceed with the nomination to include No. 452-458 (Lots 1-3) Newcastle Street, West Perth onto the City's Municipal Heritage Inventory (MHI) given that consent by the owner was not received; and
2. **NOTES** that:
 - 2.1 the Heritage Assessment undertaken by the City's Officers relating to No. 452-458 (Lots 1-3) Newcastle Street, West Perth identifies the property as having moderate cultural heritage significance; and
 - 2.2 one (1) submission was received prior and three (3) submissions were received during the two (2) week advertising of the proposed amendment to the Municipal Heritage Inventory to include No. 452-458 (Lot 1-3) Newcastle Street, West Perth.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Cole

That the item be DEFERRED to seek further clarification.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

REASONS FOR DEFERRAL:

The Council is seeking further advice from the National Trust regarding the classification of the buildings.

PURPOSE OF REPORT:

The City has received an 'MHI Add Form' in relation to amendments to the City's Municipal Heritage Inventory (MHI). The purpose of this report is to seek the Council's approval to not proceed with the nomination of No. 452-458 (Lots 1-3) Newcastle Street, West Perth onto the City's MHI given that consent by the owner was not received.

BACKGROUND:

Besides the review of the City's Municipal Heritage Inventory undertaken in 2006 and a further review currently being undertaken, all other proposed amendments to the City's Municipal Heritage Inventory are to be considered in accordance with the procedures set out in the City's Policy No. 7.6.5 relating to Heritage Management - Amendments to the Municipal Heritage Inventory (MHI), which provides a mechanism for nominations to be received and considered by the City for inclusion, deletion and amendment to the MHI when required.

On 28 February 2013, the City received a nomination from a member of the community for the addition of No. 452-458 Newcastle Street, West Perth onto the City's MHI.

History:

Date	Comment
28 February 2013	Nomination received for the inclusion of No. 452-458 Newcastle Street, Perth onto the MHI.
January 2014	Draft Heritage Assessment finalised by the City's Officers.
28 January 2014	The CEO authorised to pursue the amendment to the MHI to include No. 452-458 Newcastle Street, West Perth and commence community consultation for a period of two (2) weeks.
1 April 2014	Community consultation commenced from 1 April 2014 – 15 April 2014.

Previous Reports to Council:

This matter has not been previously reported to the Council.

DETAILS:

As per the City's Policy No. 7.6.5 relating to Heritage Management - Amendments to the Municipal Heritage Inventory (MHI), a Heritage Assessment on the nominated property is to be prepared by the City's Officers in accordance with the City's Policy No. 7.6.2 relating to Heritage Management – Assessment. As such, the City's Heritage Services have prepared a Draft Heritage Assessment in January 2014 which is shown in Attachment 001 and summarised as below:

The shops at No. 452-458 Newcastle Street, Perth were constructed in Federation Free Classical style circa 1894-1903. The shop front addressing Newcastle Street has a central pediment with moulded motifs, which reads 'Est. 1894'. The corner pediment fronting Charles Street is in filled with elaborate stucco decoration.

The place has moderate aesthetic value as a good and intact example of a Federation Free Classical style shop constructed circa 1894-1903. The place is an important landmark at the intersection of Newcastle and Charles Streets.

The place has moderate historic value as the activities of the shops reflect the social changes and the development patterns of the suburb during the century of their continued operation. The place is also the only remnant original building on the intersection of Newcastle and Charles Streets, following the construction of the freeway.

As per the City's Policy No. 7.6.2 relating to Heritage Management – Assessment, the place has *moderate cultural value* to warrant entry onto the City's Municipal Heritage Inventory, as a Management Category B – Conservation Recommended.

Notwithstanding the above, a submission was received on 28 February 2014 from the current owner, who has clearly objected to the nomination to include the property at No. 452-458 Newcastle Street, Perth onto the City's MHI. The owner also advised that they recently purchased the property as an investment with the intention of developing in the future and was not made aware by the Council at the time of the possibility of the site being listed on the inventory. The owner expressed concerns that that listing the property on the MHI would reduce the options to develop the site to its full potential in the future and also stated they would not have invested so heavily in the property if they were aware of heritage implications.

In accordance with the City's Policy No. 7.3.2 – Heritage Management- Assessment, which states for places considered to have moderate level of significance to warrant a Management Category B, the City will '*consider for inclusion on the MHI (Heritage List) if owner/applicant consents to inclusion*'.

The City's Officers have considered the above, and given that the owner has clearly objected to the nomination, it is recommended not to include No. 452-458 Newcastle Street, West Perth onto the City's MHI.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Type:	<ul style="list-style-type: none"> Written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission, State Heritage Office and National Trust; Advertisement in the local newspaper; Community Precinct Group Notification; and Notice on the City's Website and copies displayed at the City's Administration Centre 		
Consultation Period:	2 week - 1 April 2014 to 15 April 2014.		

Submissions Received

A submission was received from the owner prior to the formal consultation period, and three (3) submissions were received during the consultation period. A summary of submissions is shown in Attachment 002.

Government Authority Submissions

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

Community Submissions

Position	Number Received	Percentage
Support	2	66.66%
Object	1	33.33%
Not Stated	-	-
Total	3	100%

Total Submissions Received

Position	Number Received	Percentage
Support	3	75%
Object	1	25%
Not Stated	-	-
Total	4	100%

LEGAL/POLICY:

- Town Planning Scheme No. 1;
- Policy No. 7.6.2 Heritage Management – Assessment; and
- Policy No. 7.6.5 Heritage Management – Amendments to the City's Municipal Heritage Inventory.

RISK MANAGEMENT IMPLICATIONS:

Should the Council include Nos. 452-458 Newcastle Street, Perth onto the City's Municipal Heritage Inventory without consent from the owner, the decision will be in conflict to the City's Policy No. 7.6.2 relating to Heritage Management – Assessment.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 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 sustainable Environment Strategy 2001 – 2016 states:

"1.2 The Environmental Sustainability Context

1.2.2 *Support for communities as they adjust to a changing climate and better manage areas of conservation or heritage importance."*

The following tables outline the applicable sustainability issues for Municipal Heritage Inventory Amendments.

ENVIRONMENTAL	
Issue	Comment
Whilst the Officers recommended to not proceed with the nomination at this stage, the Officers encourage the applicant to retain the building when possible; and to reuse and integrate element(s) of the existing building into the new development in the event that partial or full demolition is proposed.	
SOCIAL	
Issue	Comment
The retention, reuse and integration of the element(s) of the existing building into the new development enhance the amenity of local areas.	
ECONOMIC	
Issue	Comment
The retention of the building or any new development proposed in the future will provide short term employment opportunities for conservation or construction works.	

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS & CONCLUSION:

In light of the above, it is recommended that the Council supports the Officer's recommendation to not proceed with the nomination of No. 452-458 (Lots 1-3) Newcastle Street, West Perth onto the City's Municipal Heritage Inventory (MHI) given that consent by the owner was not provided.

Whilst no further action will be taken to include the subject place onto the City's MHI at this time, it is noted that the Heritage Assessment dated January 2014 undertaken by the City's Officers identifies the subject place as having moderate cultural heritage significance. As per the City's Policy No. 7.6.5 relating to Heritage Management - Amendments to the Municipal Heritage Inventory (MHI), the owner and nominator will be advised that should the nomination not be progressed at this stage, a further investigation of the cultural heritage value of the place will be undertaken in the event that a demolition application is received by the City. This is in accordance with Clause 41 of the City's Town Planning Scheme No. 1 relating to the Determination of an Application for Demolition.

9.1.3 Heritage Areas Project Update

Ward:	Both	Date:	16 May 2014
Precinct:	Cleaver Precinct (P5); Hyde Park Precinct (P12)	File Ref:	PLA0263
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	C Smith, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the progress of the Heritage Areas project as outlined in the report;
2. **AUTHORISES** the Acting Chief Executive Officer to schedule a Community Forum to be held at the City of Vincent in July 2014 to brief residents on the project and its potential implications; and
3. **ENDORSES** the change of name of the project to 'Character Retention Areas' and the associated design guidelines to 'Character Retention Guidelines'.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST UNANIMOUSLY (0-8)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.3

ALTERNATIVE RECOMMENDATION:

Moved Cr Topelberg, Seconded Cr Buckels

That the Council;

1. **NOTES** the progress of the Heritage Areas project as outlined in the Details section of this report;
2. **AUTHORISES** the Acting Chief Executive Officer to schedule a community forum to be held at the City of Vincent in July 2014 with residents of the proposed Carr Street, Harley Street, St Albans Avenue, Baker Avenue, Myrtle Street, Lake Street and Janet Street Heritage Protection Areas to brief the residents of the project and its preliminary findings; and
3. **ENDORSES** the change of name of the project to 'Character Retention Areas' and the associated design guidelines to 'Character Retention Guidelines'.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

ADDITIONAL INFORMATION:

This Alternative Recommendation is provided to clarify exactly which residents of the identified 'Heritage Areas' will be consulted. The report makes mention that a community forum will be facilitated; however this alternative recommendation identifies exactly who will be invited as part of the first stage of consultation.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a progress report of the 'Heritage Areas' project.

BACKGROUND:

The 'Heritage Areas' Project originated as a result of the Western Australian Planning Commissions review of State Planning Policy No. 3.1, the Residential Design Codes (R Codes). The revised R Codes were gazetted on 2 August 2013 and came into effect on the same day. One of the major amendments considered to significantly impact on the character of some areas within the City is the introduction of reduced average and minimum site area requirements for Residential R80 zoned areas within the City. This is considered to have a possible detrimental impact on areas within the City that contains significant character.

At its Ordinary Meeting on 27 August 2013, the Council resolved to further investigate the establishment of 'Heritage Areas' in areas zoned Residential R80 in both the Hyde Park and Cleaver Precincts.

As a result, a request for quotation to undertake the works was prepared and sent to twenty-five (25) consultancies. In December 2013, consultants *Now Then Architects*, were appointed as the successful consultants.

History:

Date	Comment
2 June 2013	The WAPC released a media statement stating the R-Codes have been amended and will be gazetted on 2 August 2013.
9 July 2013	A report to the Council outlined the changes to the R-Codes and the possible impacts for the City.
16 July 2013	City Officers presented to a Council Member Forum explaining the proposed changes to the R-Codes.
2 August 2013	The revised R-Codes were gazetted and came into effect.
3 August 2013	The City held a community forum explaining the impacts of the R-Codes changes. The majority of community participants were in favour of pursuing the introduction of 'Heritage Areas' in selected areas across the City.
27 August 2013	The outcomes of the forum were presented to the Council and further investigation of 'Heritage Areas' was endorsed.
4 October 2013	The City's Officers sent out a request for quotation to twenty-five (25) consultancies. The Project brief was placed on the City's website for four (4) weeks.
17 December 2013	Report to the Council recommending <i>Now Then Architects</i> for appointment.
20 December 2013	Consultants <i>Now Then Architects</i> were appointed.
March 2014	A series of community consultation workshops were planned in the proposed 'Heritage Areas'. Due to a lack of response to invitations, the workshops were cancelled until later in the project.
17 March 2014	Consultants delivered draft Heritage Area Eligibility Assessment document
29 April 2014	Consultants delivered draft Design Guidelines document for the first Heritage Area.

Previous Reports to Council:

This matter was previously reported to the Council on 17 December 2013.

The Minutes of Item 9.1.10 from the Ordinary Meeting of Council held on 17 December 2013 relating to this report is available on the City's website at the following link:

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

DETAILS:

As part of the City's original investigations, City Officers shortlisted 20 streets as having potential 'Heritage Area' eligibility. These streets included:

- Baker Avenue, Perth;
- Brisbane Terrace, Perth;
- Bulwer Avenue, Perth;
- Carr Street, West Perth;
- Cavendish Street, Highgate;
- Chatsworth Road, Highgate;
- Dangan Street, Perth;
- Hammond Street, West Perth;
- Harley Street, Highgate;
- Hope Street/Orange Avenue, Perth;
- Janet Street, West Perth;
- Knebworth Avenue, Perth;
- Lake Street, Perth;
- Lane Street, Perth;
- Mrytle Street, Perth;
- Randell Street, Perth;
- Robinson Avenue, Perth;
- Ruth Street, Perth;
- St Albans Avenue, Highgate; and
- Wade Street, Perth.

Following completion of the Eligibility Assessment, Now Then Architects have concluded that Hammond and Ruth Streets are not eligible for inclusion in a 'Heritage Area'. Now Then Architects identified several additional streets (or parts of streets) that were identified as being eligible. These streets have now been included in the 'Heritage Areas' Project study area. They include:

- Bulwer Street;
- Lincoln Street;
- Mary Street;
- Palmerston Street;
- Strathcona Street;
- Stuart Street; and
- William Street.

On this basis, Now Then Architects have grouped the above streets into seven identified 'Heritage Areas'.

As part of this project, City Officers had planned to hold a series of community consultation events during the months of March and April, which would assist in gathering community sentiment regarding the project and begin identifying issues to be included in the future Design Guidelines for each of the seven 'Heritage Areas'. However, after inviting residents from two proposed 'Heritage Areas', a lack of response from the community resulted in these being cancelled.

Notwithstanding this, Now Then Architects are in the process of preparing draft Design Guidelines for all seven 'Heritage Areas'. Once complete the draft Design Guidelines will be presented to City Officers by Now Then Architects at the end of May, for review. City Officers will refine the Design Guidelines to be applicable to only one or two streets from each of the seven proposed 'Heritage Areas'. This will create the framework for expansion of the areas in the future, should this be appropriate and supported by the community.

At this stage, it is proposed that a community forum be scheduled to take place in July, following the completion of the Town Planning Scheme No. 2 consultation. The purpose of this community forum is to ensure all residents and landowners are consulted on the project and its implications. Comments gathered during the community forum will be incorporated into the Design Guidelines and a report to the Council seeking endorsement to advertise will follow.

Project Name Change

Since its inception, this project has been known as 'Heritage Areas'. As the guidelines will be adopted as a Local Planning Policy, it is recommended to amend the terminology used to 'Character Retention Areas' with the guidelines being known as 'Character Retention Guidelines'. This title better reflects the intentions of the project to retain the character and the aesthetics of the area and should lead to less confusion between other heritage projects run by the City, specifically, matters relating to City's Municipal Heritage Inventory.

CONSULTATION/ADVERTISING

Following the completion of the Town Planning Scheme No. 2 community consultation, it is recommended the City facilitate a community information forum within the subject areas to ensure all landowners and residents are consulted on the project as discussed above. Invitations to the community information forum will be accompanied by a project information brochure, to ensure the project intent is clear.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes 2013;
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

High: it is considered that the amendments to the R Codes in relation to the introduction of average and minimum site area provisions for areas zoned R80 is a high risk to the community as there are an additional 578 lots in the City that will be able to be subdivided, where previously they were unable to. These lots are located in areas where it is considered to have high levels of character and streetscape value and these provisions may cause great concern for the community.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment:

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

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.

Leadership, Governance and Management:

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

4.1.4 Plan effectively for the future.

4.1.5 Focus on stakeholder needs, values, engagement and involvement."

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL	
Issue	Comment
The project will assist in preserving character of original dwellings and future subdivision in some cases. As a result, environmental impacts as a result of use intensification, (such as increased hardstand area) will be minimal. Additionally, streetscape character, including landscaping and verge plantings, will be maintained.	

SOCIAL	
Issue	Comment
The Amendment will facilitate the City's intention to protect and promote housing and precinct character, and assist in providing a diverse housing choice within the municipality.	

ECONOMIC	
Issue	Comment
The Amendment may assist in preserving and enhancing property values in the precincts, by promoting the retention of architectural character of properties in the area.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$73,000
Spent to Date: \$ 7,562
Balance: \$65,438

COMMENTS & CONCLUSION:

This report has provided a project update regarding the 'Heritage Areas' Project. On the basis of this report, approval is sought from the Council to facilitate a community forum in July in order to brief the community on the project and its potential outcomes.

Endorsement is also sought to use different terminology; for this project to be now known as 'Character Retention Areas', for the reasons stated in this report.

9.1.7 No. 5/160 (Lot: 5 D/P 43015) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use)

Ward:	North	Date:	16 May 2014
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO6219; 5.2013.491.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by P and J Parin on behalf of the owner Yokine Nominees Pty Ltd for Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (unlisted use), at No. 5 and 6/160 (LOT: 5 D/P: 43015) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 30 October 2013 subject to the following conditions:

1. **Building**
 - 1.1 the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to this street with clear glazing provided;
2. The hours of operation shall be as follows:
 - 2.1 Small Bar (Unlisted Use)
 - 2.1.1 Indoor Areas - Monday to Thursday – 7am – 10pm
 - Friday and Saturday – 7am - Midnight
 - Sunday – 7am – 10pm
 - 2.2 The sale, supply and consumption of alcohol for public holidays are to be in accordance with Section 98 of the Liquor Control Act 1988.
3. **Use of the Premises**
 - 3.1 The maximum patronage for the Small Bar shall be Seventy Two (72) persons;
 - 3.2 Packaged liquor is not to be sold at the premises; and
 - 3.3 Any proposed increase to the number of patrons of the proposed Small Bar will require a further development application;
4. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;

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

5.1 **Refuse Management Plan**

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

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

5.2 **Acoustic Report**

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

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

6.1 **Management Plan**

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

6.2 **Public Interest Assessment**

In accordance with Section 38 of the Liquor Control Act 1988, applicants are required to submit a Public Interest Assessment with their application for a liquor licence. To allow the Local Government and the community to gain an understanding of the impact of the licensed premises, the applicant is required to submit a copy of their Public Interest Assessment with their Development Application. In addition to the matters considered under the Public Interest Assessment, the applicant is required to consider the following matter:

6.2.1 Distribution and mix of land uses, including residential, shops, eating houses, community facilities, public open spaces and other licensed premises, within 400 metres of the premises; and

6.3 **Bicycle Parking Facilities**

Five (5) Class three and Two (2) Class one or two bicycle facilities shall be provided at a location convenient to the entrances of the proposed eating house/small bar. 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;

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

7.1 Cash-in-lieu

7.1.1 pay a cash-in-lieu contribution of \$20,160 for the equivalent value of 4.032 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR

7.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$20,160 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

7.1.2.1 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

7.1.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed with the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development' or

7.1.2.3 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

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

ADVICE NOTES:

1. The applicant/owners are to seek the necessary authority for the approval of the use from the Strata Body, and a copy of the above documents is to be provided to the City for its records;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road or Flinders Street;
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 to and approved by the City prior to the erection of the signage; and
5. Any alfresco area is subject to an Outdoor Eating Area Permit (OEP) from the City's Compliance Services.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Pintabona

That the item be DEFERRED to undertake the community consultation in accordance with the policy and to be subsequently reported to the Ordinary Meeting of Council to be held on 24 June 2014.

PROCEDURAL MOTION PUT AND CARRIED (5-3)

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

Against: Presiding Member Mayor Carey Cr Peart and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The proposal is referred to the Council for determination as the proposal includes an eating house and small bar (unlisted use), which is an unlisted use and has received more than five (5) objections.

BACKGROUND:

The property is currently operating as a showroom/photographic gallery (Red Dust) across units 5 and 6 on the ground floor level.

The current use has been operating since the building was built in about 2002.

The development originally comprised of 6 commercial (retail) units at ground floor level along the south-western elevation (fronting onto Scarborough Beach Road), 2 office units on level three, and 10 residential apartments. In 2002 approval was granted for the change of use of the 2 office units to create 1 additional apartment.

Date	Comment
23 January 2001	The Council at its Ordinary Meeting conditionally approved the demolition of the existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling
13 March 2001	The Council at its Ordinary Meeting conditionally approved a similar application for the demolition of the existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling
13 August 2002	The Council at its Ordinary Meeting conditionally approved an application for the change of use of two (2) office units to one (1) grouped dwelling, within previous mixed use development

DETAILS:

Landowner:	Yokine Nominees Pty Ltd
Applicant:	P and J Parin
Zoning:	District Centre
Existing Land Use:	Photographic Gallery/Showroom
Use Class:	'P' & 'P'
Use Classification:	Eating House and Small Bar (unlisted use)
Lot Area:	1157 square metres
Right of Way:	N/A

The proposal seeks a change of use for the units 5 and 6 currently operating as a photographic gallery/showroom (Red Dust) to a small bar and eating house. The applicant proposes an eating house operating as a cafe for breakfast and lunch and serve food and hot drinks, and then in the early afternoon into the evening, the venue would operate as a small bar (wine bar).

The application site covers all of unit 5 and 6 on the ground floor, with a small mezzanine level in unit 6. The total floor area is 136 square metres (83 square metres for unit 6 plus 30 square metres mezzanine and 53 square metres for unit 5). The total estimated patron numbers is 72 persons.

The proposal provides for 3 car parking bays within the development, 1 of which are allocated to unit 5 and 2 to unit 6 on the strata plan.

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 units 5 and 6, 160 Scarborough Beach Road from showroom (photographic gallery) to eating house and small bar.

The site is located within a District Centre Zone, with acceptable uses as per the District Centre 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, and a bar is an “SA” use. However, on 11 March 2014 (after the application had been submitted and advertised) the City adopted Policy No. 7.5.7 ‘Licensed Premises’ which creates the use class ‘Small Bar’ which in this location is an unlisted use.

Section 15 of TPS No. 1 states that for an “unlisted” use class the Council may:

- (a) determine that the use is consistent with the objectives and purposes of that particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the ‘SA’ procedures of Clause 37 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

For this proposal, the procedure consistent with (b) ‘determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the ‘SA’ procedures of Clause 37 in considering an application for planning approval’ has been followed.

The Mount Hawthorn Centre Precinct Policy states with regards to appropriate uses, that only shops and other uses ‘which require display windows/interactive fronts’ are to have frontage to Scarborough Beach Road at street or pedestrian level. The application proposal broadly complies with these criteria. Any outdoor seating area would be subject to a separate al fresco licence application.

Hours of operation

The applicant proposes the following hours of operation:

- 8am to 12am (midnight) Monday to Sunday (maximum hours, likely to be less)

The Licensed Premises Policy No. 7.5.7 details the acceptable trading hours for a small bar in a District Centre Zone as follows:

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Saturday	7.00am – midnight	7.00am – midnight
Sunday	7.00am – 10.00pm	7.00am – 10.00pm

The application site is located as part of a mixed use development with residential on the upper floors. Noise from any use could cause a disturbance to residential units in such close proximity. The applicant has advised that music would be provided at a low level as background, and they do not propose to host live music.

It is acknowledged that a proposed eating house and small bar use could cause more noise than a traditional retail unit. It is considered that the current gallery/showroom retail use is likely to be considerably quieter even than some retail type uses which would inevitably be noticed by the closest residential properties.

Section 3.3.1 of the Licensed Premises Policy No. 7.5.7 states:

“The City of Vincent may require alternative trading hours that are within the permitted trading hours, and these will be placed as conditions of Planning Approval, and approved by the Council. Trading hours may be restricted in order to protect existing residential amenity particularly in relation to noise”

In this instance, as there have been a number of objections received from surrounding residents, it is considered appropriate to apply reduced hours from Monday to Thursday and Sunday from 7am to 10pm, and 7am to midnight on Friday and Saturday for a trial period of twelve (12) months. Review of these hours would be subject to a new application to be submitted to the City for consideration if the applicant wishes to continue the use after twelve (12) months.

Car Parking

Under the current Car Parking Policy, the parking rate for an eating house and small bar is 1 space per 5 persons. The calculation for the car parking is based on the maximum number of persons can be accommodated by the eating house. In this instance, the applicant has put forward a figure of 72 patrons, therefore parking calculations have been based on this figure.

The development has been strata titled, and a total of three car bays allocated to the two units. The car parking calculation has been based on these figures for the two units.

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

Existing Car Parking (under current Parking and Access Policy)

Car Bays	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Shop (existing) <ul style="list-style-type: none"> ○ (1 space per 20 square metres NLA) ○ 136 square metres NLA Total car bays required: 6.8	7 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.80 (within 400m of a bus stop) • 0.80 (within 200m of a car park with over 50 car bays) • 0.90 (in a town centre) 	(0.576) 4.032 car bays
Minus the car parking provided on site	3
Minus the existing on-site car parking shortfall	N/A
Resultant Shortfall	1.032 car bays

Proposed Car Parking

Car Bays	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Eating House/Small Bar <ul style="list-style-type: none"> ○ (1 space per 5 patrons) ○ 136 square metres NLA ○ 72 patrons Total car bays required: 14.4	14 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.80 (within 400m of a bus stop) • 0.80 (within 200m of a car park with over 50 car bays) • 0.90 (in a town centre) 	(0.576) 8.064 car bays
Minus the car parking provided on site	3
Minus the existing on-site car parking shortfall	1.032
Resultant Shortfall	4.032 car bays

The Parking and Access Policy requires a cash-in-lieu payment if there is a car parking bay shortfall. The current rate is \$5,000 per car parking bay as per the City's 2013/2014 Budget. The proposal requires a cash-in-lieu contribution for 4.032 car parking bays, which equates to \$20,160.

Bicycle Parking

The Parking and Access Policy has a bicycle requirement of 1 bicycle bay per 20 square metres of public floor area for an eating house, and a requirement of 1 bicycle bay per 20 persons for a small bar.

The following calculation is based on the higher calculation being eating house.

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

Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
<ul style="list-style-type: none"> • Eating House <li style="padding-left: 20px;">1 per 20 square metres PFA <li style="padding-left: 20px;">136 square metres Total bicycle bays required: 6.8	7 bicycle bays
65% Class 3	5
35% Class 1 or 2	2
Minus the bicycle bays provided on-site	4
Resultant Shortfall	3 bicycle bays

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period	24 January 2014 – 28 February 2014		
Comments received	five (5) objections, plus one (1) petition and two (2) in support were received		

Summary of Comments Received:	Officers Technical Comments:
<p><u>Noise</u></p> <p>The site is located within a primarily residential complex (eleven of the seventeen units are residential). Noise from the proposed bar would affect adjoining residential units which are not well sound proofed.</p> <p>Patrons would be clustered on the existing 1.5m footpath facing the road below residential windows, with no designated smoking area.</p> <p>The existing commercial units are relatively quiet and operate generally from 9am to 6pm, the bar is proposed to operate both before and after these times adversely impact residential properties.</p> <p>No information has been provided to show what measures, if any, would be implemented to reduce noise spillage to surrounding properties.</p>	<p>Noted. If approval were to be granted, controls would be put in place to ensure minimum disruption and impact to adjacent residential properties as well as the submission by the applicant of further information relating to noise attenuation measures.</p> <p>Opening hours would be in accordance with the Licensed Premises Policy.</p> <p>Any al-fresco area would be subject to a separate application to the City, but any alfresco area on the street would be required to be non-smoking.</p>
<p><u>Alcohol</u></p> <p>There are already a number of licensed venues in the vicinity including the Paddington Ale House, the Oxford Hotel, Cabin Bar, Peasants Table as well as a number of bottle shops and other licensed venues. There is no requirement for additional bars in the area.</p>	<p>Not supported. The application site is located within a District Centre where eating houses and small bars can be considered.</p>

Summary of Comments Received:	Officers Technical Comments:
<p><u>Car Parking</u></p> <p>The parking situation in the area is already stretched with visitors to the building struggling to park. It is unclear where the alleged three allocated bays are located, as if these are within the existing internal car parking area, this would be unsuitable. The Flinders Street car park is already full of patrons using the Paddington Ale House, not sure where additional patrons would park. Most street parking on Flinders Street is already utilised by residents of the area as they don't have their own off street car parking.</p>	<p>Not Supported. It is noted that there is limited car parking provision on site, and that the three (3) bays provided as part of the application are internal to the development, and therefore more appropriate to be used by employees than patrons, therefore any patrons would rely on the existing on-road car parking and off street car parking available in the area. Flinders Street public car park is in close proximity to the site, and there are numerous on street public car parking bays in the vicinity.</p> <p>The car parking shortfall (after taking into account the site's existing shortfall and previously paid cash-in-lieu) is 4.032 car bays. If approval were to be granted a cash-in-lieu payment of \$20,160 would be required. It is also likely that some patrons would walk or cycle to the venue, or travel by bus or taxi.</p>
<p><u>Existing Building</u></p> <p>The existing building was not built to current standards for sound retention. The original use of these units was for retail, and occupiers of the residential units at 160 Scarborough Beach Road purchased or leased the units with a retail zoning below that should not result in undue noise, devaluation in property value, increased crime or general disturbances. A change of use to bar would create all of these. There are only five visitor bays within the development which are already always occupied and would not be appropriate to be used for the proposed use. The commercial units were not designed to accommodate a bar type use.</p>	<p>Noted. If planning approval were to be granted, the relevant approvals from Health and Building with regards to internal fit outs and noise etc would be required. The site is zoned as District Centre therefore applications for uses as per the Zoning Table of the TPS No. 1 can be considered. Perceived devaluation of property value is not a planning consideration.</p>
<p><u>Strata Company</u></p> <p>The Strata Company has not given approval for a bar to open or operate on the premises.</p>	<p>Noted. The applicant would require a separate approval from the Strata Company, therefore a condition is included noting that any approval would be subject to its support of the application.</p>

Summary of Comments Received:	Officers Technical Comments:
<p><u>Location</u></p> <p>The Mount Hawthorn precinct is family orientated with shopping centre, children's play area, cafes and residences. A bar in the middle of the precinct is not appropriate.</p>	<p>Not Supported. The application property is located within a District Centre Zone. An eating house in this location is a "P" use. A small bar is an 'unlisted use'. The Mount Hawthorn Centre Precinct states that only shops and other uses which require display windows or interactive frontages are to have frontage onto Scarborough Beach Road at street or pedestrian level. The proposal would retain the existing display windows and if a future al fresco area was approved would enhance the interactive frontage of the property. 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:

- Not applicable.

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Centre Precinct Policy No. 7.1.2;
- Parking and Access Policy No. 7.7.1;
- Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12;
- Licensed Premises Policy No. 7.5.7.

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 adaptive re-use of this existing space has a lower environmental impact compared to the existing building.

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

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 small bar use will require a public building assessment. 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 bin store details are required. Entry doors are not to open outwards to obstruct the footpath. The alfresco proposal does not form part of this application and requires a separate application.

Planning Services

The application site is located within the District Centre of the Mount Hawthorn Centre Precinct. The proposal for the eating house (cafe) element is in accordance with the Zoning Table of TPS No. 1, as an eating house is a "P" or permitted use in this location. The Small Bar use is an "unlisted" use as per the Licensed Premises Policy No. 7.5.7. It is considered that a Small Bar type use is consistent with the objectives of the District Centre and therefore is considered appropriate in this location.

The small shortfall in car parking is supported in this instance due to the sites close proximity to public transport links and public car parks such as Flinders Street Car Park. The application provides for three (3) car bays that are located within the existing development. However, these would likely not be available to members of the public due to the security access restrictions to the parking area, but would be available to accommodate staff car parking. Given the location of the site, it is considered that a portion of the patrons would travel to the venue by alternative means such as public transport, bicycle or as a pedestrian. Patrons are also likely to travel by taxi if alcohol is consumed.

The concerns from neighbours with regards to noise would require the applicant, if approval was granted, to provide further detail for sound attenuation measures, and for the measures to be implemented prior to the use becoming operational. The hours of operation would also be controlled as per the guidelines for District Centres in the Licensed Premises Policy.

~~It is recommended that the hours of operation be trialled at 7am to 10pm Monday to Thursday and Sundays, and 7am to midnight on Friday and Saturday for a period of 12 months. If no operational complaints regarding noise etc are received during this period, an extension of operational time(s) and use could be considered subject to a further planning application.~~

The proposal requires the applicant to provide 7 bicycle bays. The proposal includes 4 bays at this stage. The provision of the additional 3 bays has been conditioned.

CONCLUSION:

It is considered that the proposed use of an eating house and small bar would be appropriate in this location. In this instance, whilst there is a shortfall of car parking, the proposal could be supported.

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

9.1.10 No. 304 (Lot 6; D/P 2411) Fitzgerald Street, North Perth – Proposed Four Storey Office Building and Associated Car Parking

Ward:	South	Date:	16 May 2014
Precinct:	Hyde Park, P12	File Ref:	PRO4076; 5.2013.520.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification 003 – Comment from Department of Planning		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by J. Ripp on behalf of the owners, Starclone Pty Ltd, for Proposed Construction of Four Storey Commercial Building and Associated Car Parking at No. 304 (Lot 6; D/P 2411) Fitzgerald Street, North Perth and as shown on amended plans stamp-dated 19 February 2014 and amended plans dated 28 April 2014, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 300 & 308-310 Fitzgerald Street, North Perth in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **Street Interaction**

Windows, doors and adjacent areas fronting Fitzgerald Street, North Perth shall maintain an active and interactive relationship with the street;

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

A minimum of thirteen (13) car bays are to be provided for the commercial component of the development;

4. **Car Parking and Accessways**

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

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

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

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

5.1 **Landscape and Reticulation Plan**

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

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

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

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

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

5.2 Acoustic Report

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

5.3 Construction Management Plan

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

5.4 Schedule of External Finishes

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

5.5 Waste Management Plan/Stormwater Management Plan

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

5.6 Awnings

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

5.7 Car Stackers

Car stackers to be provided in accordance with the requirements of the City's Parking and access Policy No. 7.7.1 to the satisfaction of the Director of Technical Services;

5.8 Section 70A Notification under the Transfer of Land Act

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

5.8.1 The proposed development proposes an aisle width of less than 7.0 metres. It is advised that multiple manoeuvres may be required to enter and exit the car stacker bay; and

6. 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:

6.1 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:

6.1.1 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 \$25,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$2,500,000; and

6.2 in conjunction with the above chosen option;

6.2.1 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

6.2.2 Option 2

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

6.3 Cash-in-Lieu

Pay a cash-in-lieu contribution of \$6,400 for the equivalent value of 1.28 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR

lodge an appropriate assurance bond/bank guarantee of a value of \$6,400 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

6.3.1 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

6.3.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

6.3.3 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.

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

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

7.2 Commercial Bicycle Bays

A minimum of four (4) Class 1 or 2 bicycle bays, and seven (7) Class 3 bicycle bays be provided on-site. Class 3 Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8. Department of Planning

8.1 The landowner agrees to remove the temporary structure at the time when the reserved land is required for the upgrading of Fitzgerald Street at their own expense; and

8.2 The land owner agrees that any improvements made to or loss of amenity will not be taken into consideration is determining any land acquisition cost or compensation which may be payable by the Council or the WAPC at such time as the land is required; and

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

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald Street;

2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;

4. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
5. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage;
7. The City is not responsible for the relocation of any services that may be required as a result of the development;
8. It is recommended the applicant conduct a dilapidation report of the adjoining properties;
9. 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.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The proposal is referred to the Council for determination, given the proposal is a four (4) storey commercial development and there is no Officer delegation to determine the proposal under delegated authority.

BACKGROUND:

History:

Date	Comment
9 June 2009	The City at its Ordinary Meeting of Council approved a Three Storey Commercial Development
14 June 2011	The City at its Ordinary Meeting of Council approved a Three Storey Commercial Development

DETAILS:

Landowner:	Starclone Pty Ltd
Applicant:	J. Ripp
Zoning:	Commercial
Existing Land Use:	Vacant Site
Use Class:	Office
Use Classification:	"P"
Lot Area:	496 square metres
Right of Way:	Rear, Eastern, 5.0 metres, sealed, City owned.

The proposal is for the construction of a four (4) storey commercial building comprising three (3) storeys of office tenancies with a ground floor lobby and associated car parking. The permitted number of storeys along this area of Fitzgerald Street, in accordance with the Precinct Policy is four (4) storeys.

ASSESSMENT:

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

Design Element	Complies 'Deemed To Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Plot Ratio	✓		
Streetscape	N/A		
Front Fence	✓		
Street Setback			✓
Building Setbacks	✓		
Boundary Wall	✓		
Building Height			✓
Number of Storeys	✓		
Open Space	N/A		
Bicycles			✓
Car Parking			✓
Ground Floor Frontage			✓
Landscaping			✓
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

Issue/Design Element:	Street Setbacks
Requirement:	Hyde Park Precinct Policy No. 7.1.12 Street Setback - 6.9 metres
Applicants Proposal:	Street Setback - 4.624 metres
Design Principles:	Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.
Applicant justification summary:	<i>"The proposed setback is generally consistent with the previous (now demolished) building.</i> <i>The proposed development is reliant on the approval for the setback to ensure its commercial viability.</i>

Issue/Design Element:	Street Setbacks
	<p><i>The building has been positioned close to the street taking into account potential future road widening. The reduced setback is typical of the intended commercial character for the area, and encourages activation with the street. As typical with commercial office buildings, passing pedestrian traffic represent the primary form of street activation, and the conveniently located awning provides shelter from the elements. This benefit will be reduced if the building were to be setback further.</i></p>
Officer technical comment:	<p>Supported. The proposed building is generally consistent with the street setbacks along this section of Fitzgerald Street. Two properties to the immediate south of the subject site, are located on the street boundary, and on the above basis the building setback is considered not out of alignment with the area. The front of the building allows for good activation to the street and surveillance, which are encouraged in developments of this type.</p> <p>It is also considered that the placement of the parking at the rear of the site is a far better outcome both in terms of access to the site and aesthetically, than the two adjoining properties, which have parking at the front of the property. In addition the proposed street setback is in compliance with the future road widening requirements of the Department of Planning. On this basis the front setback is supported.</p>

Issue/Design Element:	Building Height
Requirement:	<p>Hyde Park Precinct Policy No. 7.1.12 Maximum Height - 15.00 metres</p>
Applicants Proposal:	Maximum Height - 15.350 metres
Design Principles:	<p>P2 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"> • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; • access to views of significance; • buildings present a human scale for pedestrians; • building façades designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.
Applicant justification summary:	<p><i>“There are a number of existing site limitations including:</i></p> <p>(a) <i>The site has an approx fall of 0.75 metres across its width which reduces the potential building height to an effective 14.25 effective maximum height at a higher side.</i></p> <p>(b) <i>There are existing buildings built to the adjacent side boundaries. Their footing level (especially at the higher side to the north) restricts how low the proposed building level can be set at.</i></p>

Issue/Design Element:	Building Height
	<p>(c) <i>There is a minimum 2% grade (up) from Fitzgerald Street kerb to the entire MRS road widening reserve (setback area) which further forces the ground level higher than it would otherwise have been set at.</i></p> <p>(d) <i>The building has been designed with floor, ceiling and roof levels at minimum optimum spacings to ensure commercial viability of the development.</i></p>
	<p>(e) <i>The effective building height to the main (Fitzgerald) street frontage ranges from 14.1 metres to 14.8 metres above natural ground level and so the building does not exceed the 15.0 metre limit when viewed from Fitzgerald Street. The laneway to the rear is where the height proposed variation of 0.35 metres is relevant."</i></p>
Officer technical comment:	Supported. The proposed variation of 0.35 metres is not considered a significant variation to the Hyde Park Precinct height requirement, and the four storey height is the permitted number of storeys along Fitzgerald Street.

Issue/Design Element:	Ground Floor Frontage
Requirement:	<p>Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12 Building frontages with commercial uses at ground floor shall provide clear glazing to ground street level with display windows and/or entrances measuring at least 80 per cent of the width of the street frontage of each individual occupancy used for commercial uses</p>
Applicants Proposal:	75.4 per cent.
Design Principles:	Commercial and Mixed Use developments shall integrate with adjoining streets, laneways, parks and other public spaces; provide building frontages that contribute to the liveliness, interest, comfort and safety of adjacent streets, laneways, parks and other public spaces; and provide for passive surveillance of streets, laneways, parks and other public spaces.
Applicant justification summary:	<p><i>"Effective available frontage has been reduced by requirement to comply with Department of Fire and Emergency Services whereby the fire pump room and fire booster cabinet for this site need to face the street at ground level. The remaining available frontage, highlighting it as a feature, and will include commissioned artwork on 3x walls, further contributing liveliness and interest to the streetscape."</i></p>
Officer technical comment:	Supported. The proposed development is considered to meet the intent of the requirement for developments to integrate well with the street frontage. It is considered the ground floor with the large lobby allows for effective street activation with the openings incorporated into the pump room further enhancing this. The upper floors also have large window openings which allow for further street activation and enhance the overall buildings integration to the existing streetscape.

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12</p> <p>Where the relevant Precinct Policy indicates that a development shall be setback from the primary or secondary street boundary, a minimum of 30 percent of this setback area(s) shall be provided as soft landscaping</p> <ul style="list-style-type: none"> Ten (10%) percent of the site area for non-residential development is to be landscaped. Landscaping is to be designed to reduce the impact on the adjoining residential area
Applicants Proposal:	<p>2.15% (10.7m²) landscaping provided in the street setback area</p> <p>2.15% (10.7m²) landscaping provided over the entire site</p>
Design Principles:	Landscape design shall be integrated into the overall site layout and building design of the development to reduce the urban heat island effect and enhance and improve micro-climate conditions and contribute to local biodiversity.
Applicant justification summary:	None provided.
Officer technical comment:	Supported. The proposed development provides for landscaping to be incorporated into the street setback area, subject to the requirements of Department of Planning and the City of Vincent. These treatments together will soften the building itself and allow for a more attractive street frontage. It is considered the side by side boundary permitted development limits the available area of landscaping to the site, and the treatments proposed at the front of the site are adequate.

Car Parking Calculation	
Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> Office (1 space per 50 square metres of net lettable area 1029.5 square metres = 20.59 car bays – 21 car bays 	21.00 car bays
Apply the adjustment factors.	
<ul style="list-style-type: none"> 0.80 (the proposed development is within 400 metres of a bus route) 0.85 (the proposed development is within 400 metres of an existing off-street public car park with in excess of 75 car parking bays. 	0.68 14.28 car bays
Minus the car parking provided on-site	13.00 car bays
Resultant Shortfall	1.28 car bays

Proposed Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
Office	
<ul style="list-style-type: none"> 1 space per 100 square metres of Net Lettable Area (1029.5 square metres (Total Required – 10.295 bicycle bays. 35% - Class 1 or 2 – 3.6 bicycle bays – 4.0 bicycle bays 65% - Class 3 – 6.69 bicycle bays – 7.00 bicycle bays Required – 0.35 (Class 1 or 2 bicycle bays) = 4.0 bicycle bay – 0.65 (Class 3 bicycle bays) = 7.0 bicycle bays 	= 4 Class 1 or 2 bicycle bays required. 7 Class 3 bicycle bays required.
Minus the bicycle bays provided on-site	8 Class 1 or 2 4 Class 3

Proposed Bicycle Bays	
Resultant Shortfall	= 3 Class 3 bicycle bays required.

Supported in part. The proposed development is considered to comply with the intent of the car parking policy with the car parking located at the rear of the site, with the provision of car stackers. There is public car parking available within 400 metres of the subject site and the provision of two (2) scooter bays/motorcycle bays together with twelve (12) bicycle bays across the site, offsets the 1.28 car bay shortfall. Cash-in-lieu requirement for the shortfall is conditioned accordingly. The bicycle parking requirements are required to comply and are conditioned accordingly.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	1 April 2014 – 26 April 2014
Comments Received:	Three (3) comments received with one (1) objection and two (2) comments of support.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Car Parking</u></p> <ul style="list-style-type: none"> Access to the No. 300 Fitzgerald Street rear car park shall be maintained to the tenants and visitors of the subject property at all times unless written approval has been obtained from the relevant title owners of No. 300 Fitzgerald Street. 	<p>Noted. It is noted the subject application provides car parking at the rear of the property in the form of thirteen (13) car parking bays. It is considered this provision of car parking is adequate to accommodate the users of the premises. In terms of access to No. 300 Fitzgerald Street, the rear right-of-way cannot be blocked during the construction process. Obstruction to the right-of-way is to be referred to the City's Ranger Services for investigation and follow up.</p>
<p>Issue: <u>Construction of Building</u></p> <ul style="list-style-type: none"> A full structural and condition dilapidation report be conducted prior to commencing any construction works onsite. The dilapidation report should be submitted to the title owners of 300 Fitzgerald Street for comment and agreement prior to commencement of works on site. Construction noise should be monitored to ensure that code requirements are not exceeded. 	<p>Noted. The applicant is not obligated to conduct a dilapidation report, however it is recommended by the Council and in the best interests of all parties that one is carried out.</p> <p>Noted. In accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>, construction work may only be undertaken between 7.00am – 7.00pm Monday to Saturday. The equipment used by the builders on-site, must be the quietest reasonably available and all work must be carried out in accordance with the noise control practices described in Section Six (6) of AS2436-1981 "Guide to Noise Control on Construction Maintenance and Demolition Sites.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was referred to DAC on 21 August 2013 and 16 October 2013.

Summary of Design Advisory Committee Comments:

“Discussion:

- *The lightwell introduced on the northern boundary of the building is not big enough. The plan is very deep (36m) and the intention was to greatly improve mid block daylighting. Needs to be enlarged.*
- *The central area is lacking in amenity.*
- *Increasing the lightwell further will create a narrow ‘throat’ in the plan as it would be opposite the service core.*
- *Consider integrating the lightwell into the services core on the southern boundary to potentially bring daylight into the stairwell, circulation corridor and bathrooms as well as the office space.*
- *Explore potential to naturally ventilate bathrooms via the lightwell.*
- *Lightwell should be 4-5 square metres in area.*
- *The small loss in floor area will be worth the improved amenity. Studies have shown that a high level of design quality and amenity in work places provides value for money as it improves staff retention, reduces absences etc. Improves perceptions of company profile/brand etc.*

Recommendation:

Suggested revisions require only minor design changes which were sketched in the meeting. The proposal does not need to be re-presented to the DAC and can be submitted as a reconsideration if desired or Development Application once amendments have been made.

Mandatory:

- *Increase the size of the lightwell. To optimise floor space, integrate the lightwell into the services core on the southern boundary.*
- *Lightwell should be 4-5 square metres in area and of sufficient depth, ideally the same depth as the core, to optimise daylighting.*

Design Considerations:

- *Consider utilising the lightwell to also bring daylight into the stairwell, circulation corridor and bathrooms as well as the office space to improve occupant amenity.*
- *Explore potential to naturally ventilate bathrooms via the lightwell.”*

The applicant has incorporated the following in respect to the DAC comments:

- The lightwell, of an area of 4.5 square metres, has been incorporated into the southern area of the building. It has been located adjacent to the lightwell of the neighbouring building to the north so as to double its effective size;
- Along the northern and southern boundaries fire rated glass blocks have been implemented into the design of the boundary walls, which will assist in the provision of light to the building;

On the above basis it is considered that the applicant has addressed the mandatory requirements of the DAC.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Construction of Four Storey Commercial Development and Associated Car parking at No. 304 Fitzgerald Street, North Perth:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy No. 7.1.12; and
- Commercial and Mixed Use Policy No. 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 adequate light and ventilation.

SOCIAL
The proposal provides for interaction with the street and diversity in tenant options along a major transport corridor.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is considered the proposed development is of an acceptable scale and height of four (4) storeys along this section of Fitzgerald Street and the Hyde Park Precinct itself. Within this area of Fitzgerald Street, there are a number of commercial buildings of a similar height (3 storeys) to the proposed development and the subject building will be incorporated well into it. The proposed development includes good ground floor activation in the form of a lobby with the upper floors including generous sized windows to allow for good street surveillance also. The street elevation includes articulation, feature metal louvers and aesthetically pleasing design. A positive recommendation from the City's Design Advisory Committee has also been provided for the development with the recommendations of the DAC implemented into the design during this phase of the process.

On balance, the proposed variations to the street setbacks, building height, landscaping provided are considered minor and will not detrimentally impact the streetscape or the adjoining residential properties to the rear of the site.

In light of the above the development is recommended for support, subject to the standard conditions.

9.1.11 No. 39 (Lot 2; D/P 9083) Cowle Street, West Perth – Proposed Demolition of Existing Single House and Construction of Four (4) Storey Multiple Dwelling Building Comprising of Ten (10) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	16 May 2014
Precinct:	Hyde Park; P12	File Ref:	PRO3038; 5.2014.78.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification Report 003 – Schedule of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Planning Solutions Pty Ltd on behalf of the owner JVP1 Pty Ltd for Proposed Demolition of Existing Single House and Construction of Four-Storey Multiple Dwelling Building Comprising of Ten (10) Multiple Dwellings and Associated Car parking, at No. 39 (Lot 2; D/P: 9083) Cowle Street, West Perth, and as shown on plans stamp-dated 13 May 2014, for 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 the Council Policy No. 7.1.12, does not respect the orderly and proper planning of the locality, and is not in keeping with the design, scale 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 of WA 2013, with regard to the following Clauses:
 - 2.1 Clause 6.1.1 “Building Size” relating to the plot ratio of the proposed building;
 - 2.2 Clause 6.1.3 “Street Setbacks” relating to the street setback of the proposed building;
 - 2.3 Clause 6.1.4 “Lot Boundary Setbacks” relating to the lot boundary setbacks;
 - 2.4 Clause 6.4.1 “Visual Privacy” relating to the visual privacy requirements; and
3. Non-compliance with Clause 3 of Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations in regard to Essential Criteria and Additional Requirements;
 - 3.1 Clause 3.2 “Requirements for Variations to Number of Storeys”; and
4. The proposed four-storey multiple dwelling will create an undesirable precedent for the development of surrounding lots which is not in the interests of orderly and proper planning for the locality.
5. Consideration of the number of objections received.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Topelberg, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr McDonald

That the item be DEFERRED as there have been inconsistencies raised in the Officers Report and to give all parties time for further consideration.

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, Cr Buckels

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

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

BACKGROUND:

8 February 2005	The Council at its Ordinary Meeting approved an application for Two-Storey Additions and Alterations to the Existing Dwelling.
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DETAILS:

Landowner:	JVP1 Pty Ltd
Applicant:	Planning Solutions Pty Ltd
Zoning:	Residential R80
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	602 square metres
Right of Way:	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
Plot Ratio			✓
Streetscape	✓		
Front Fence	N/A		
Street Setbacks			✓
Lot Boundary Setbacks			✓
Building Height			✓
Number of Storeys			✓
Roof Forms			✓
Open Space	N/A		
Bicycles			✓
Parking	✓		✓
Visual Privacy			✓
Solar Access	✓		
Dwelling Size	✓		
Site Works	✓		
Utilities and Facilities			✓
Surveillance	✓		
Landscaping			✓
Energy Efficiency			✓
Outdoor Living Areas	✓		

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

Issue/Design Element:	Building Size
Requirement:	Residential Design Codes Clause 6.1.1 (P1) R80 Plot Ratio = 1.0 (602 square metres)
Applicants Proposal:	Plot Ratio = 1.04 (628 square metres)
Design Principles:	Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<p><i>The proposed plot ratio is only marginally greater than the deemed-to-comply requirement, representing a variation of 24.08m² additional plot ratio floor area.</i></p> <p><i>The proposal presents good design and a positive commendation from DAC to present a building that respects the future desired built form for the area.</i></p> <p><i>The bulk, scale and height of the development have been addressed through articulated design, staggered setbacks and the use of a variety of building materials. The subject area is characterised by a diverse range of dwelling types, of varying age and quality. It is anticipated that many of the existing buildings will be redeveloped in the short- to medium-term future, in accordance with the strategic planning framework applicable to the locality. The current and future zoning of the site has the clear objective of facilitating infill development of the type proposed. As mentioned previously, draft TPS2 proposes building heights to 4</i></p>

Issue/Design Element:	Building Size
	<i>storeys, and the proposed development is therefore clearly consistent with the desired future character of the area.</i>
	<i>A number of sites in the immediate vicinity have recently been, or are currently, on the market as potential development sites. Advice from the City's officers indicates a number of sites are currently the subject of redevelopment proposals under discussion with the City. In addition to 28-44 Cowle Street, a four storey development to the south of the subject site, fronting 31-33 Carr Street, was approved by the Metro West JDAP in December 2012.</i>
Officer technical comment:	Supported. It is considered the plot ratio variation proposed by the development is relatively minor at 26 square metres and therefore can be supported accordingly. The individual dwellings are of an appropriate size and scale.

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.3 (C3.1) Lower Floor An average of Five (5) Properties Either Side of Subject Lot – 5.85 metres</p> <p>Upper Floors A minimum of two metres behind each portion of the ground floor setback.</p> <ul style="list-style-type: none"> • Upper Floors – 7.85 metres • Balcony – 6.85 metres
Applicants Proposal:	<p>Ground Floor 2.7 – 3.3metres First Floor 1.7 – 2.7 metres Second Floor – 4.0 metres Third Floor – 4.0 metres</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.3 (P3.1) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Issue/Design Element:	Street Setbacks
<p>Applicant justification summary:</p>	<p><i>The dwellings to the east of the subject site feature street setbacks ranging from 1.55 metres to 4.42 metres. The dwellings near the Charles Street intersection feature street setbacks ranging from approximately 1.7 metres to 4.0 metres. Accordingly the proposed building setback for more recent development in the street, and with the setbacks likely to be provided for future redevelopment.</i></p> <p><i>The proposed street setbacks are submitted to be appropriate based on their achievement of both the R Codes and RDE's Policy street setback performance criteria. Notwithstanding, it is considered that the RDE Policy relates primarily to single and grouped dwelling developments, and is of limited utility as a tool for addressing higher density multiple dwellings.</i></p> <p><i>As demonstrated above, the neighbourhood character is inner urban residential, and resultantly offers minimal street setbacks throughout the neighbourhood. The proposed development utilises variation in setbacks and staggering at upper levels to both comply with visual privacy requirements of the Residential Design Codes and achieve an attractive built form that is of appropriate bulk and scale for a inner urban high density residential neighbourhood. Variation in setbacks and building materials also facilitates articulation and interest when viewed from the street front.</i></p> <p><i>Overall the building design uses a range of materials and finishes, and exhibits significant articulation to the street frontages. It is considered these elements mitigate the impact of building bulk, and the proposed development will have significant positive impacts on the streetscape and the amenity of the surrounding properties. The design of the built form, including the street setback, was supported by the DAC at the 16 October meeting.</i></p>
<p>Officer technical comment:</p>	<p>Not supported. Whilst it is considered that the southern side of Cowle Street is in transition with a number of new developments approved with varying front setbacks and the existing housing stock also providing for a variety of setbacks, it is considered in particular the upper floors do not meet the requirements of the RDE's. The first storey in particular presents as a bulky element to the street and detracts from the existing streetscape. Whilst the applicant has provided some landscaping to the front of the site, there is minimal softening of the built form to the street.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4 C4.2 <u>First/Second/Third Floor</u> Western – 3.0 metres Eastern – 3.0 metres</p> <p><u>Boundary Wall</u> Maximum Boundary Wall Height – 7.0 metres Average Boundary Wall Height – 6.0 metres Built to one side Boundary only.</p>
Applicants Proposal:	<p><u>First Floor</u></p> <p>Western 1.7 metres from the portion of wall on the first floor to the west side boundary.</p> <p><u>Second Floor</u></p> <p>Western 1.5-3.1 metres from the portion of wall on the second floor to the west side boundary.</p> <p>1.51 - 3.5 metres from the portion of wall on the second floor to the west side boundary.</p> <p><u>Third Floor</u></p> <p>Western 1.5-3.1 metres from the portion of wall on the third floor to the west side boundary.</p> <p>Eastern 1.51- 3.5 metres from the portion of wall on the third floor to the east side boundary.</p> <p><u>Boundary Wall</u> Walls on Two side boundaries.</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.4 (P4.1) Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property;
	<ul style="list-style-type: none"> • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>The neighbouring dwelling to the west of the subject site comprises a brick parapet wall to the boundary and an iron patio awning that runs the length of the dwelling with no major openings. As such, the western setbacks of the proposed building will not be detrimental to the neighbouring property to the west, in terms of adequate daylight, direct sun or ventilation. There are no major openings to the neighbouring property to the east of the subject site. As such, the eastern proposed setbacks of the upper two storeys will not detrimentally effect the</i></p>

Issue/Design Element:	Lot Boundary Setbacks
	<i>neighbouring property to the east, in terms of adequate daylight, direct sun or ventilation.</i>
	<i>The visual impact of building bulk on the neighbouring properties is moderated through the use of articulation and variance in building materials, colours and textures.</i>
Officer technical comment:	Not supported. It is considered the proposed lot boundary setback variations contribute to building bulk and impact the existing adjoining properties. It is considered on balance the variations to the adjoining eastern property will bring with it significant overshadowing and reduction in amenity to their property.

Issue/Design Element:	Number of Storeys
Requirement:	Policy No. 7.1.12 Hyde Park Precinct and Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings Two (2) Storeys plus loft
Applicants Proposal:	Four (4) Storeys to front (max)
Design Principles:	<p>EC1.1 The variation will not be detrimental to the amenity of the locality, nor will it result in development that would adversely affect the significance of any heritage place or area; and</p> <p>EC 1.2 The Site is zoned Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial. Additional Requirements The development must meet one (1) or more of the following additional requirements:</p> <p>AR1.1 The natural ground level of the site is sloping downwards from the primary street and the proposed development has the appearance of a two storey development from the street; or</p>
	<p>AR 1.2 The proposed development conserves, enhances or adaptive re-uses and existing building worthy of retention, including, but not limited to any place on the City's Municipal Heritage List; or</p> <p>AR1.3 The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee; or</p> <p>AR1.4 The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council.</p>

Issue/Design Element:	Number of Storeys
Applicant justification summary:	<p><i>The proposed building height has been supported by the City's DAC at its meeting of 16 October 2013, subject to minor modifications that were incorporated into the lodged plans.</i></p> <p><i>The current zoning of the locality is intended to provide for higher density infill development. It is important to note that draft Town Planning Scheme No 2, currently being advertised for public comment, proposes to retain the same density code and to increase maximum building heights to 4 storeys in this area. The proposed built form is therefore entirely consistent with the desired future character of the locality.</i></p> <p><i>The design is of a high quality, contemporary style, and is comparable to the recently-approved similar development on 28-44 Cowle Street (opposite).</i></p>
Officer technical comment:	<p>Not supported. It is noted that whilst the proposed area surrounding the subject site is currently in a transitional state with a number of three storey developments approved along the street, which are of a similar scale to the subject development, the proposed number of storeys does not comply with the City's Policy. It is noted the applicant has not been provided with Design Excellence from the DAC, who also note the front of the building which incorporates the additional level is bulky to the street. This bulk provides excessive scale to the adjoining properties. It is considered on this basis that the proposed number of storeys is not supported.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings Total Landscaping – 30% or 180.6m²</p> <p>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 (30.1m²).</p>
Applicants Proposal:	<p>Total Landscaping – 13.3% or 74.35m²</p> <p>0.06 (4.06m²) percent of the total site area, is provided as soft landscaping within the private outdoor living areas of the dwellings.</p>
Design Principles:	<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</p> <p>The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <p>Meets the projected needs of the residents;</p> <p>Enhances security and safety for residents; and</p> <p>Contributes to streetscape.</p>
Applicant justification summary:	<p>Nil</p>

Issue/Design Element:	Landscaping
Officer technical comment:	Not supported. In the event of approval the applicant would be required to provide sufficient landscaping on-site. It is noted that grass crete is not supported by the City in the driveway area and it cannot be included in the total landscaping calculation.

Issue/Design Element:	Visual Privacy
Requirement:	Residential Design Codes Clause 6.4.1 C1.1 Balcony – 6.0 metres
Applicants Proposal:	Eastern Unit 2 – (Balcony) – 2.8 metres Unit 3 – (Balcony) – 3.13 metres Unit 6 – (Balcony) – 2.8 metres Unit 7 – (Balcony) – 3.13 metres
Design Principles:	Residential Design Codes Clause P1.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	Nil
Officer technical comment:	Not supported. In the event of an approval the applicant is required to screen the applicable balconies accordingly in accordance with the Residential Design Codes of WA 2013.

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

Issue/Design Element:	Roof Forms
Applicant justification summary:	Nil
Officer technical comment:	Supported. The proposed roof form is considered to reduce the maximum height that could be proposed by the development given the 15.0 metre pitched roof height permitted under the Residential Design Codes.

Issue/Design Element:	Utilities and Facilities
Requirement:	Residential Design Codes Clause 6.4.6 C6.1 and C6.3 and Multiple Dwellings Policy No. 3.4.8 Clause 5.2 A7.3 Developments are provided with: <ul style="list-style-type: none"> • An adequate communal area set aside for clothes drying, screened from the primary or secondary street; or • Clothes drying facilities excluding electric clothes dryers screened, from public view, provided for each multiple dwelling. <p>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.</p>
Applicants Proposal:	Residential Design Codes Clause 6.4.6 P6 No clothes-drying area/facilities provided.
Design Principles:	Provision made for external storage, rubbish collection/storage areas and clothes drying areas that are: <ul style="list-style-type: none"> • Adequate for the needs of residents; and Without detriment to the amenity of the locality.
Applicant justification summary:	Nil
Officer technical comment:	Not Supported. In the event of an approval the applicant would be required to provide clothesline/clothes drying facilities within each dwelling in accordance with the standard requirements.

Issue/Design Element:	Energy Efficiency
Requirement:	Multiple Dwellings Policy No. 7.4.8 Clause 5.1 Energy Efficient Design Multiple Dwelling developments are required to be designed so that the dwellings within the development maximise northern sunlight to living areas and provide natural daylight to all dwellings. Multiple Dwellings developments are required to be designed so that the dwellings within the development maximise cross ventilation and provide natural ventilation to all dwellings.
Applicants Proposal:	Living areas facing east (Units 3,4,5,7,8 & 9)
Design Principles:	Not Applicable
Applicant justification summary:	Nil
Officer technical comment:	Supported. It is considered that all units are provided with sufficient light and cross ventilation.

Residential Car Parking	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) (0.75 spaces per dwelling) 10 dwellings = 7.5 car bays – 8 Car bays Total car bays required = 8 car bays • Visitors 0.25 spaces per dwelling 10 dwellings = 2.5 or 3 car bays Total car bays required = 8 car bays + 3 car bays (Total 11 car bays) 	13 car bays
Resultant Surplus	2 car bays

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

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	25 March 2014 – 15 April 2014
Comments Received:	Two (2) comments received with One (1) objection and One (1) comment of concern.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Street Setbacks</u></p> <p>Concern in relation to proposed street setback of 2.7-3.3 metres in lieu of 5.85 metres. The variation is considered excessive and will result in adverse impact on the Cowle Street streetscape. The setback will not be consistent with other setbacks along the street.</p>	<p>Supported. It is considered the proposed setbacks presented particularly on the first floor and to a lesser extent the second and third floor, present as a bulky element to the street and detract from the Cowle Street appearance.</p>
<p><u>Issue: Bulk and Scale</u></p> <p>Concern in relation to plot ratio as the bulk and scale of the development is out of context with the existing built form along Cowle Street. It is considered the floor area will not meet the visual privacy requirements, impact to light and ventilation on any adjoining properties and the streetscape.</p> <p>Overall note the development is an overdevelopment of the land and in doing so will impact the adjoining landowners.</p>	<p>Supported. It is considered that whilst the overall plot ratio proposed by the development is not excessive, the cumulative nature of the built form presented will have a detrimental impact on the amenity of the adjoining properties. Any privacy impacts will be required to be compliant with the Residential Design Codes of WA 2013, in the event of an approval.</p> <p>Supported. See Above.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Lot Boundary Setbacks</u></p> <p>Concern in relation to building setbacks for the new development as the side setbacks are likely to have impact to the adjoining property in terms of bulk and scale, noise, access to ventilation, impact to outdoor living areas of adjoining properties and insufficient fire separation.</p>	<p>Supported. It is considered on balance the proposed variations to the setbacks, particularly on the eastern elevation will reduce the amenity of the adjoining properties and provide for impacts to solar access and ventilation.</p>
<p><u>Issue: Car Parking</u></p> <p>Concern in relation to design of car parking spaces in relation to the stackable car bays, promoting traffic congestion, non-compliance with the Australian Standards, convenient methods of access to the site, security will be compromised through the common access for occupants. It also will possibly result in the banking up of cars along Cowle Street. It is therefore contended that these issues do not comply with the design principles.</p>	<p>Not supported. The proposed car parking is compliant with the requirements of the Residential Design Codes of WA 2013.</p>
<p><u>Issue: Building Height</u></p> <p>Concern in relation to building height providing for issues with regard to amenity of the streetscape in terms of bulk and scale, the amenity of the adjoining dwellings, out of character with the street, and compromise views.</p>	<p>Supported. It is considered the building height at 4 storeys or 11.7 metres is an overdevelopment of the site in terms of the height of the building and out of scale with the fabric of the existing streetscape.</p>
<p><u>Issue: Visual Privacy</u></p> <p>Concern in relation to visual privacy and the impact to adjoining properties and their habitable rooms. Request that all major windows/balconies comply with the requirements.</p>	<p>Supported. The applicant has amended the habitable rooms with obscure screening to comply with the provisions of the Residential Design Codes of WA 2013. In the event of approval the non-compliant privacy setbacks to the balconies will be required to comply with the Residential Design Codes.</p>
<p><u>Issue: Retaining and Building on the Boundary</u></p> <p>Concern in relation to retaining and building on the boundary and highlight that the proposed plans do not adequately show the full story in relation to the extent of fill/retaining and maximum wall height. The level of retaining and fill is excessive and likely to have an adverse impact on the adjoining dwellings. The extent of the retaining wall and maximum building height along the western side boundary is likely to have an adverse impact to ventilation of the adjoining property.</p>	<p>Supported. It is considered the scale of the building is an overdevelopment of the site and reduces the amenity of the adjoining properties.</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 18 September 2013, 16 October 2013 and 4 December 2013. The following comments are from the meeting of 4 December 2013.

Summary of Design Advisory Committee Comments:

“Discussion:

- *Height to Cowle Street remains an issue. Upper level needs to be set back further, approximately another 4 metres.*
- *Either reduce the size of the top floor apartments or reduce apartment number.*
- *Remove or reduce the heavy fascia element that provides a boxed edge to the setback element as it adds to the appearance of bulk.*
- *The DAC had previously advised the applicant to remove the entire of the first projected side element, at the front of the site where the site contours result in the building being four storeys. This is required to reduce the height and mass of the development at the front of the site.*
- *Cross ventilation requires further attention. Cooling breezes come from the south west, not the south east as indicated in the ventilation diagrams.*
- *Only half of the apartments achieve cross ventilation. This percentage needs to be improved.*

Recommendation:

- *This proposal requires Design Excellence to gain support for an extra floor. Due to the site contours, with the land sloping steeply up into the block, the development appears at its highest at the street and care is required to ensure this does not impact negatively on neighbours or the public domain. The current design does not meet the necessary criteria to receive the extra level concession.*

Mandatory:

- *Height to Cowle Street remains an issue. Set back the upper level approximately another 4 metres. To achieve this, either reduce the size of the top floor apartments or reduce apartment numbers.*
- *Remove or reduce the heavy fascia element that provides a boxed edge to the setback element as it adds to the appearance of bulk.*
- *As previously advised, remove the entire of the first projected side element, at the front of the site where the site contours result in the building being four storeys. This is required to reduce the height and mass of the development at this front corner of the site.*
- *Cross ventilation requires further attention. Cooling breezes come from the south west, not the south east as indicated in the diagrams. Increase the percentage of apartments that achieve good cross ventilation. “*

Based on the above comments from DAC, the applicant has amended the proposed plans to incorporate the following:

- DAC Mandatory Items
 - Inclusion of colour to front and side façades to add to grey/brown finish;
 - Inclusion of windows to articulated sections of the western façade (stairways) to allow for improved inclusion of sunlight and ventilation;

The height and setbacks of the upper floor remain the same, in addition to the fascia element which provides a boxed edge.

The applicant has however noted that from the three submissions to DAC, the applicant did not wish for the item to be re-presented to another meeting of DAC to achieve Design Excellence for the additional number of storeys proposed. The applicant believed that they had adequately satisfied the mandatory item presented at the DAC meeting on 16 October 2013 and felt that the further meeting on 4 December 2013 has presented new obstacles for them.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Existing Building and Construction of Four-Storey Multiple Dwelling Comprising of Ten (10) Multiple Dwellings and Associated Car parking at No. 39 Cowle Street, West Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Development Guidelines for Multiple Dwellings Policy No. 7.4.8;
- Hyde Park Precinct Policy No. 7.1.12; 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 at SAT in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Heritage Services

The subject place at No. 39 Cowle Street, West Perth is an example of the Federation Bungalow style of architectural constructed circa 1907.

It is noted that the place was included in the City's Interim Heritage Data Base in 1999. However, the place was not included in the City's Draft Municipal Heritage Inventory and District Survey as part of the City's Municipal Heritage Inventory Review in 2006. Currently, the place is not included on the City's Municipal Heritage Inventory or the Municipal Heritage Inventory Review 2014.

The dwelling has a symmetrical front presentation. The main entrance of the house is flanked by two sets of double hung sash windows on either side. There are two horizontal rendered bands that run the length of the façade at sill height and head height.

A preliminary Heritage Assessment undertaken in March 2013 indicated that whilst the place has some aesthetic value as a Federation Bungalow, the place has little historic, scientific or social heritage significance.

A further assessment indicates that the place has some aesthetic, however it has little 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 Services

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. It is not considered to comply with the Design Principles/Design Solutions of the City's Policy No. 7.2.1 relating to Residential Design Elements Policy, the Residential Design Codes of WA 2013, Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations and Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings.

The applicant has not been awarded with design excellence from the City's Design Advisory Committee (DAC) for the additional two storeys proposed within the Hyde Park Precinct and whilst the emerging nature of Cowle Street is three storeys, the additional storeys, including the fourth storey, is not supported.

Conclusion

On balance the proposed four-storey development can be considered to be of a detrimental impact to the adjoining properties in terms of bulk and scale. In addition, the proposed height and number of storeys is not in keeping with the existing and desired streetscape along Cowle Street and would set a negative precedent.

In light of the above, it is recommended that the Council refuse the application, subject to reasoning provided above.

9.1.12 No. 5 (Lot 30; D/P 1879) Turner Street, Highgate - Proposed Change of Use from Single House to Two-Storey Mixed Use Development Comprising of Residential and Hotel Use

Ward:	South	Date:	16 May 2014
Precinct:	Forrest, P14	File Ref:	PRO3475; 5.2013.406.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission 003 – Applicant Justification		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by KG Sealey, for Proposed Change of Use from Single House to Two-Storey Mixed Use Development Comprising of Residential and Hotel Use at No. 5 (Lot 30; D/P: 1879) Turner Street, Highgate and as shown on plans stamp-dated 12 September 2013, for 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 the Forrest Precinct Council Policy No. 7.1.14, does not respect the orderly and proper planning of the locality, and is not in keeping with the existing land uses and relationship to existing buildings, surroundings or structures;
2. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1 to:
 - 2.1 Protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 2.2 Ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and the need for localities within the scheme zone area; and
 - 2.3 The proposed Hotel use will create an undesirable precedent for the development of surrounding lots which is not in the interests of orderly and proper planning for the locality.
3. The support of the proposed Hotel use would set an undesirable precedent for the area and is not supported; and
4. Consideration of the twenty-six (26) objections received.

COUNCIL DECISION ITEM 9.1.12

Moved Cr Buckels, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Cole

That the item be DEFERRED to clarify lodging house and hotel classifications.

MOTION PUT AND CARRIED (6-2)

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

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The report is referred to a meeting of the Council as the proposed use is a 'SA' use and more than five (5) objections have been received.

BACKGROUND:

History:

A development application for Two- Storey Additions to the existing house, incorporating two (2) Multiple Dwellings, was approved by the City under Delegated Authority on 8 August 2013.

DETAILS:

Landowner:	KG Sealey
Applicant:	As above
Zoning:	Residential R80
Existing Land Use:	Residential
Use Class:	Multiple Dwellings and Hotel
Use Classification:	"P" and "SA"
Lot Area:	673 square metres
Right of Way:	N/A

The proposal is for a two-storey addition to the existing single storey residential house. The two-storey addition comprising two (2) multiple dwellings was previously approved under delegated authority by the City on 8 August 2013, but has not been acted upon. The proposal is for the two (2) multiple dwellings to be split into six units to be utilised as a "Hotel" use.

The hotel use is proposed to be operating 24 hours per day/7 days per week with the owners of the premises to live on-site (ground floor) and operate the premises. The maximum of number of guests at the premises is twelve (12).

The applicant has noted the following in relation to the use of the premises:

"The boutique hotel will offer a high standard of amenity with each room having its own bathroom, laundry and kitchen. It will be considerably more expensive than Backpacker accommodation that generally offers shared amenities. It is important that guests do not disturb other guests. As my family and I will be living onsite we will be the first to be affected by any unnecessary disturbances and will deal with them immediately.

It should be noted that the hotel use is a "SA" use and not permitted unless the Council has exercised its discretion and considered the proposal in the context of the location.

ASSESSMENT:

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

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

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

Residential Car Parking	
Existing Dwelling – 1 car bay (Location A)	1 car bay
Car Bays On-site	3 car bays
Proposed Surplus	2 car bays

The existing house is located at the rear of the subject site. The property is located within 250 metres of a high frequency bus route and 800 metres of a train station or high frequency rail route. The surplus of two (2) car parking bays are allocated for the Hotel use of the site.

Proposed Commercial Car Parking Use requirement	
<ul style="list-style-type: none"> Hotel use (1 space per 4 rooms provided) – 6 rooms provided – 1.5 car bays Total car bays required: 2.0 car bays	= 2.00 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.80 (the proposed development is within 400 metres of a bus route) 0.80 (the proposed development is within 400 metres of a Rail Station) 0.80 (the proposed development provides for a mix of residential and commercial uses provided at least 50% of the total plot ratio is residential) 	0.512 1.024 car bays
Minus the car parking provided on-site	2.00 car bays
Resultant surplus	0.976 car bays

Proposed Bicycle Bays	
Bicycle bay requirement (nearest whole number) <ul style="list-style-type: none"> 1 space per 4 rooms (6 Rooms) 6/4 = 1.5 bicycle bays = 2 bicycle bays Required – 0.35 (Class 1 or 2 bicycle bays) = 0.7 bicycle bay – 1.0 bicycle bay – 0.65 (Class 3 bicycle bays) = 1.3 bicycle bays – 1.0 (Only 2.0 bicycle bays required) 	= 2 bicycle bays required.
Minus the bicycle bays provided on-site	Nil
Resultant Shortfall	= 1 Class 1 or 2 bicycle bay 1 Class 3

Not supported. In the event of approval, the applicant would be required to provide one (1) bicycle bay internally and one (1) external bike rack.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	28 March 2014 – 27 April 2014
Comments Received:	Thirty-Two (32) submissions, with twenty-six (26) objections (including one (1) late objection), three (3) comments of support and three (3) comments of concern.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> Concern in relation to off street car parking, which may be over utilised by this use. Concern that car parking is already an issue in the area. Believe that the three (3) parking bays are inadequate for the use. Any residential or visitors should not be permitted parking permits. Note that Turner Street is very minimal in width and any further car parking would put an impact on the street further. Any public transport should not be considered as an offset to the required car parking onsite. This is due to the fact it is unlikely to be utilised by any users of the premises. 	<p>Supported. Whilst the proposed car parking is compliant with the use proposed on-site, the impact of the transient nature of the occupants of the Hotel will create an ongoing car parking situation on site. The use is within a residential street and is likely to generate significant car parking numbers, resulting in undue impact to the other residential properties.</p> <p>Noted. The City's Parking and Access Policy allows for any commercial use to utilise as adjustment factors the provision of public transport within 400 metres – 800 metres of the subject site.</p>
<p>Issue: Social Issues</p> <ul style="list-style-type: none"> Concern the building will permit the operation of the home based business 24/7 which will impact the quiet amenity of the nearby residents. 	<p>Supported. It is considered the transient nature of the use will increase noise, parking and amenity issues to the adjoining landowners. In the event of approval the applicant would be required to submit a Management Plan that would have due regard to noise and solutions to any noise issues that may result.</p>
<p>Issue: Nature of Use</p> <ul style="list-style-type: none"> Wish for further clarification about the nature of the hotel use and whether it is merely in function as a transient use rather than specific hotel use with associated alcohol/restaurant serving. A hotel use would set a precedent for others within the area. Concern in relation to the commercialisation of a minimal residential street. Inappropriate site for Hotel use, given the block abuts park and pre-school. In addition to the mainly residential use of the area. Concerns it will become a backpackers establishment and the associated impact of noise etc. 	<p>Noted. The use of the property for a portion of its area as a hotel use is transient in nature, with a short stay accommodation type proposed. No additional Hotel type functions including provision of restaurant or sale of alcohol is proposed. The ground floor includes the premises and living area of the keeper or owner of the property.</p> <p>Supported. See Below.</p> <p>Supported. It is noted the existing residents of Turner Street would be significantly impacted in their enjoyment of the residential area by the proposed use.</p> <p>Supported. It is considered the use of the premises for short stay accommodation is inappropriate in this location due to the numbers of persons that could be accommodated together with its transient nature.</p>

Summary of Comments Received:	Officers Technical Comment:
Issue: Bicycle Parking • Any bicycle parking shall be accommodated adequately on-site.	Supported. In the event of approval, the applicant would be required to comply with this requirement.

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to Proposed Change of Use from Single House to Two Storey Mixed Use Development Comprising of Residential and Hotel Use at No. 5 (Lot 30; D/P: 1879) Turner Street, Highgate:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 7.1.14; and
- Temporary Accommodation Policy No. 7.4.5.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposal maintains an existing building.	The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.

SOCIAL	
Issue	Comment
The application provides for temporary accommodation within the locality; however the proposed location, use and scale of the development will have a negative impact on the amenity of the adjoining residential properties.	

ECONOMIC	
Issue	Comment
The proposed land use provides minimal employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Technical Services

The site plan is required to be revised to provide for a maximum of three (3) car parking bays with the revised plan to include the verge tree, footpath and approved crossover location.

Building Services

An occupancy permit is required for a change of class from Class 1 to Class 3. A Building Permit is required for additions and alterations to Class 3 to standard BCA requirements. Private Certification would be required. One of the car parking bay is required to be a disabled car bay.

Health Services

It is advised the City's Health Services do not support the application as the proposal does not comply with the minimum requirements for a Lodging House in accordance with the *City of Vincent Health Local Law 2004*.

The current proposal would be considered a Lodging House in accordance with the *Health Act 1911 (as amended)* which defines a Lodging House as follows:

lodging-house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include —

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the *Licensing Act 1911 2*;
- (b) residential accommodation for students in a non-government school within the meaning of the *School Education Act 1999*; or
- (c) any building comprising residential flats;

It is advised that the proposal would require significant revision in order to comply with the relevant legislation regarding sanitary facilities, laundries, kitchens, minimum floor space and structural requirements.

A summary of the primary non-compliances, still are indicated below. Upon submission of revised plans the City's Health Services would need to conduct a further assessment of the proposal prior to supporting the application.

"City of Vincent Health Local Law 2004"	Non-compliance	Comments/further information and revised plans required
<i>Laundry Provisions, Division 2, Clause 133</i>	- <i>Inadequate laundries facilities provided</i>	- <i>'Laundry unit' to be provided in each Suite, if they are to be self contained (refer to Local Law for definition of 'laundry unit'); otherwise, communal laundry facilities to be provided as per Clause 133, (1).</i>
<i>Kitchen Facilities, Division 2, Clause 134 and 135</i>	- <i>Insufficient facilities provided</i>	- <i>Facilities to be provided in each Suite, to comply with Clause 134 and 135;</i> <ul style="list-style-type: none"> • <i>Hand wash basin and double bowl sink required;</i> • <i>Minimum 1, four (4) burner stove and 1 oven;</i> • <i>Minimum 16m² available floor space required for combined kitchen/dining;</i> • <i>Fitout to comply with Australia New Zealand Food Standards Code and AS 4674-2004.</i>
<i>Lounge, Division 2, Clause 137</i>	- <i>Insufficient space provided</i>	- <i>Minimum 13m² available floor space to be provided as designated 'lounge room'.</i>
<i>Sleeping Apartment/Room, Division 2, Clause 141</i>	- <i>Insufficient space provided</i> - <i>Inadequately illuminated and ventilated</i>	- <i>Minimum 5.5m² meters of clear space to be provided per each lodger. Suites 1, 3 – 6 are non-compliant (assuming 2 persons in each room);</i> - <i>Applicant to indicate storage facilities within the rooms as these facilities will impact upon calculations for the clear floor space and may further reduce the estimated accommodation numbers.</i> - <i>Sleeping apartments must be naturally illuminated by windows, which have an area of not less than 10% of the floor area of the room. Suites 3 – 6 non-compliant;</i> - <i>Sleeping apartments must have an unobstructed ventilating area, which is not less than 5% of the floor area of the room (to confirm ventilation provisions for each room); (ventilation and lighting to comply with the appropriate section of the BCA/NCC and applicable Australian Standards)."</i>

Planning Services

The proposed change of use of the single house for the purpose of a hotel is not considered an appropriate use within the locality and zoning. The context of the development provides additional burden to the adjoining residential properties within the street in terms of street car parking, noise and the transient nature of the use will reduce the amenity of the residents.

Conclusion

Overall it is considered that the applicant has not fully considered the negative impact the proposal will have on the amenity of the area and residents. The proposed use is more suited with the Town Centre or other commercially zoned areas within the City and given the Hotel Use is an 'SA' use and requires the discretion of the Council, the proposed use is not supported.

In view of the above, it is considered that the proposed hotel use is not supportable. Accordingly, it is recommended the application ~~be approved subject to standard and appropriate conditions~~, refused subject to the reasons outlined above.

9.1.13 LATE ITEM: No. 497 (LOT 37; D/P 672) Beaufort Street, Highgate – Proposed Change of Use from Showroom and Warehouse to Showroom and Eating House

Ward:	South	Date:	23 May 2014
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2340; 5.2014.74.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by TPG Planning, Urban Design and Heritage on behalf of the owner New Look Enterprises Pty Ltd for Proposed Change of Use from Showroom and Warehouse to Showroom 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 13.64 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.

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-5)

For: Cr Cole, Cr Pintabona and Cr Topelberg

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

(Cr Wilcox was on approved leave of absence.)

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

The Council believes that this is an appropriate use for this Town Centre.

COUNCIL DECISION ITEM 9.1.13

ALTERNATIVE RECOMMENDATION:

Moved Cr Harley, Seconded Cr McDonald

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 stamped 12 February 2014, 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; and
- 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, collection frequency, vehicle access and collection methodology. The minimum bin capacity requirement is 480 litres of general waste and 420 litres of recycling per daily operation which is equivalent to 12 x 240 general waste bins and 7 x 360 litre recycling bins collected weekly in accordance with the City's adopted waste generation rates.

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; and

3.2 Prior to the first occupation of the development, five (5) class three bicycle bays shall be provided, at the applicant/owners expense, in the immediate vicinity in association with the development of the proposed Mary Street Piazza, in a location to be agreed with the City's Technical Services Officers;

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 \$68,200 for the equivalent value of 13.64 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 \$68,200 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. 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;
7. Bicycle parking requirement of two (2) Class one or two (2) Class two bicycle facilities has not been imposed as a condition as there is insufficient area for their installation; and
8. 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.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

"That the term Ancillary Cafe be removed as they don't exist.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

ALTERNATIVE MOTION AS AMENDED PUT AND CARRIED (5-3)

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

Against: Cr Cole, Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

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, and a warehouse in the rear section. The uses are linked with access to the rear section through the warehouse off Beaufort Street.

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.

A search of the City's archive records for this property has not provided any evidence of any health or building approvals for the property.

However given that the building has not been an eating house or public building previously there would not have been the requirement for any health approvals.

With regards to building approvals, the Building Code of Australia only introduced the requirement for an occupancy permit for a change of use/change of class in 2011. Therefore prior to this, under the 1989 regulations, there would not necessarily have been any requirement for an application to be submitted to the City.

A change of use between shop to showroom/warehouse in 1999 would therefore not have required an occupancy permit. With no evidence to prove otherwise, it is reasonable to consider that given the most recent occupancy of the Allure showroom, that this application was implemented, and it is on this basis that the existing use has been considered.

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 but never implemented

DETAILS:

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

The proposal seeks a change of use for the rear portion of the building currently a showroom/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 would take access from Mary Street.

An alfresco area has been indicated on the plans but would be subject to a separate outdoor eating area licence from the City, and is therefore not the subject of this application.

The proposal is for approximately 121 square metres of eating house (public area), with 194 square metres of showroom to remain in the front section of the building. All patron numbers have been based on a calculation of 1 person per 1 square metre.

The existing building on the site covers almost the entire lot. The proposed change of use cannot accommodate any car parking within the lot boundary. The applicant had previously 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 showroom/warehouse to an eating house. The front section of the property would remain as a showroom.

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 calculations have been based on the 1999 planning approval having been implemented, and the existing site falling into the showroom/warehouse category.

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

Existing Car Bays	
Car parking requirement (nearest whole number) • Warehouse & Showroom (existing) 1 space per 100 square metres NLA 380 square metres NLA Total car bays required: 3.8 TOTAL = 3.8	4
Adjustment factors • 0.80 (within 400m of bus route) • 0.85 (within 400m of existing off street carpark with >75 car bays – Barlee St & Chelmsford Rd) • 0.90 (located in Town Centre)	(0.612) 2.3256
Minus the car parking provided on-site	NIL
Minus the previously approved on-site car parking shortfall	N/A
Resultant Shortfall	2.3256

Proposed Car Bays	
Car parking requirement (nearest whole number) • Showroom (existing) 1 space per 100 square metres NLA 194.36 square metres NLA Total car bays required: 1.94 • Eating House (proposed) 121 persons (1 per 5 persons) 121 square metres PFA Total car bays required: 24.2 • TOTAL car bays required = 26.14	26 car bays
Adjustment factors • 0.80 (the development is within 400m of bus route) • 0.85 (the development is within 400m of existing off street carpark with more than 75 car bays – Barlee St & Chelmsford Rd) • 0.90 (the development is located in a Town Centre)	(0.612) 15.997 car bays
Minus the car parking provided on-site	Nil
Minus the existing on-site car parking shortfall	2.3256
Resultant Shortfall	13.64

Bicycle Parking

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

Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
<ul style="list-style-type: none"> • Eating House 1 per 20 square metres PFA 121 square metres = 6.05 • Showroom 1 per 200 square metres NLA 194.36 square metres = 0.9718 • TOTAL = 7.0218 	7
• 65% Class 3 = 4.56	5
• 35% Class 1 or 2 = 2.45	2
Minus the bicycle bays provided on-site	NIL
Resultant Shortfall	7

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		

Summary of Comments Received:	Officers Technical Comment:
<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:

- No objection

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:

ENVIRONMENTAL
The adaptive re-use of this existing space has a lower environmental impact compared to the existing building.
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:

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.

Building Services have confirmed that no building permit or occupancy permit was ever applied for or approved for an eating house (ancillary) on the site.

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.

Health Services have confirmed that no approval was applied for or given for an eating house (ancillary) on the site.

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.

The amended plan submitted in relation to the bin store does not meet the requirements of Technical Services as detailed below:

- Technical Services have advised that if the City's waste and recycling services are to be used, based on the restaurant floor area they would require:
 - 14 (240 litre) waste bins (weekly collection); and
 - 16 (360 litre) recycling bins (fortnightly collection).
- At an additional cost, the City could provide a twice weekly waste collection and a once weekly recycling collection, with a requirement of:
 - 7 (240 litre) waste bins (twice weekly); and
 - 8 (360 litre) recycling bins (once weekly)
- The floor area requirement to accommodate the bins would be approximately 9.45 square metres (excluding passage/accessway), the amended plan proposes only 3 square metres.
- The bin store would also be required to have provision to wash down the bins (which may result in a separate issue with Health and the proximity of the dry and cool stores)
- If the applicant wishes to proceed based on the amended plan (ie max 4 bins), their Waste Management Plan would need to specify a private contractor for both waste and recycling collection of a sufficient frequency (>4 times a week) to ensure that bins are not overflowing.

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.

It is also noted that the plans indicate a proposed alfresco area which would be subject to a separate outdoor eating area licence but if approved, would be likely to increase the number of patrons, and subsequently car parking requirements for the eating house. This potential increase in number of patrons has not been factored into the car parking calculations as it does not constitute part of this application.

The car parking shortfall is 13.64 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 had previously advised that they did not consider a cash-in-lieu payment reasonable and had previously requested any amount be waived. It is noted that the applicant has since advised that they are willing to pay the required cash in lieu for the car parking shortfall.~~ Cash in lieu is calculated at a rate of \$5000 per bay, which gives a total for this development of \$68,200. 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 proposal requires seven (7) bicycle 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 for the reasons above, even subject to the payment of a cash in lieu payment of \$68,200. There is also a shortfall of bicycle parking, end of trip facilities, and outstanding issues with regards to the ability to provide adequate bin storage areas to the requirements of Health and Building Services.

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

9.2.1 Review of Waste Management Practices in the City of Vincent – Progress Report No. 5

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	ENS0083
Attachments:	Nil		
Tabled Items:	001 - Review of Waste Practices Report 002 – Three (3) Bin Implementation Considerations Report 003 - Review of Waste Practices Report Presentation from Councillor Forum 10 December 2013		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that;
 - 1.1 the Hyder Consulting report on the *Review of Waste Practices* and the proposed *Three (3) Bin Implementation Considerations*, as attached and laid on the table; and
 - 1.2 the City has achieved the Waste Authority’s 2015 target of 50% waste diversion rate from landfill but as a further enhancement;

2. **ENDORSES** the permanent collection/recycling of mattresses as part of the City’s annual bulk verge collection service;

4. **APPROVES IN PRINCIPLE** the implementation of an on-demand mattress collection and recycling service in the 2014/2015 financial year for a subsidised fee of \$10 per mattress at an annual estimated cost of \$5,000, to be funded from the Collection/Disposal Contract Expenditure budget to be reviewed after twelve (12) months;

5. **DEFERS** making a decision on the introduction of a separate waste charge in 2015/2016 until the issue of Local Government Amalgamations has been resolved;

6. **LISTS** the following for Considerations in the 2014/2015 Draft Budget;
 - 6.1 increase in the Recycling Display and Promotion budget from \$55,000 to \$75,000 to better advertise the City’s recycling services and encourage greater community participation; and
 - 6.2 an additional amount of \$80,000 per annum in the Recycling Collection Budget for expanded plastics recycling to include coded plastics Nos. 4, 6 and 7;

7. **CONTINUES** to work with the Mindarie Regional Council to develop regional strategies and adopt best practices in Waste Management;

8. **DOES NOT** submit an application to the Waste Authority to participate in the Better Bins Trail program, for the reasons outlined in the report; and

9. **RECEIVES** further progress reports on a number of the above matters as they are progressed.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to formally present the *Review of Waste Practices* report, as prepared by Hyder Consulting Pty Ltd, and provide the Council with information on strategic direction, implementation and proposed improvements for the City's Waste and Recycling Collection Services as an outcome of the review.

BACKGROUND:

The collection, recycling and disposal of waste in an environmentally and economically sustainable way is rapidly becoming one of the major issues facing the greater Perth metropolitan area and in particular Local Governments who are vested with the task.

The State Waste Authority's Strategy paper published in 2012, *'Creating the Right Environment'*, sets out some immediate and longer term targets for waste diversion from landfill, a 50% diversion by 2015 and 65% diversion by 2020.

The City of Vincent is currently achieving a 51% diversion rate which places the City in the top 25% of Metropolitan Local Governments. This is largely as a result of the City's putrescibles waste (household garbage) being processed at the Mindarie Regional Council's (MRC) Neerabup Resource Recovery Facility (RRF), including the City's recycling service and the mulching/reuse of parks pruning's* and the bi-annual green waste collections.

Note*: The majority of the City's tree pruning's are shredded and mulched and either re-used throughout the City parks and reserves or offered to residents free of charge. These tonnages are also included in the City's diversion rate calculation.

In addition to the recommendations contained within the City's Waste Management Practices Review there are a number of Waste Management changes that are occurring, or are being considered, at both a Local, Regional and State levels. These changes have the potential to have a significant impact upon the City's waste management services over and above the report recommendations and may in some instances supersede the recommendations.

The Waste Management Practices Review, whilst a detailed document, is a strategic review of where the City is now and where we want to go.

That said the Council has expressed a desire to further improve the City's recycling and diversion rates as quickly as possible. As a result several new initiatives are being proposed or introduced, as discussed in the report, such as a expanding the plastic recycling to cover all the coded plastics including shopping bags and mattress recycling.

Further, the State Waste Authority has called for submissions from Local Government to participate in the Better Bins (3 bin) System trial while the MRC Technical Working Group is looking into alternative bulk rubbish collection, recycling and diversion practices.

With respect to the City's *Review of Waste Management Practices* the following is the sequence of reports culminating in the Hyder Consulting reports currently before Council.

Ordinary Meeting of Council 4 December 2012:

The Council received Progress Report No. 1 on a review of the City's waste management practices, where the following decision was made (in part);

"That the Council;

4. *AUTHORISES the Chief Executive Officer to;*
 - 4.1 *revise the current Policy No. 2.2.11 "Waste Management", to incorporate the principles discussed in the report in relation to Waste generation rates and the design of Multi-Unit and Commercial Development to facilitate improved waste storage/collection etc;*
 - 4.2 *incorporate the provision of 360 ltr Recycling MGBs in lieu of 240 ltr Recycling MGBs to all 'new Multi-Unit developments;*
 - 4.3 *investigates the benefits/cost implications of providing of an additional MGB for "green waste and food scraps only", as per the City of Cambridge Trial, as discussed in the report;*
 - 4.4 *further investigate the benefits/cost implications of providing a 'pre booked' general junk collection service for multi unit developments based on the City of Sydney model as discussed in the report;*
 - 4.5 *further investigate alternatives to the provision of MGBs for the collection of waste from mixed use and larger scale multiple dwellings developments; and..."*

Ordinary Meeting of Council 12 February 2013 - Progress Report No. 2:

The following decision was made (in part);

"That the Council;

2. *APPROVES BY AN ABSOLUTE MAJORITY to authorise the Chief Executive Officer to engage a suitably qualified Waste Management Consultant from a funding source to be determined, to provide advice about waste management generally and to work with the City's officers to progress and finalise the review of current Policy No. 2.2.11 "Waste Management", due to the lack of available "in-house" resources and the current heavy workload; and..."*

Ordinary Meeting of Council 14 May 2013 - Progress Report No. 3:

The following decision was made (in full);

"That the Council;

1. *INVITES the following companies be invited to submit a 'Request for Tender' (RFT) for a Review of Waste Management Practices in the City of Vincent:*

No:	Company	Address
1.1	A. Prince Consulting Pty Ltd (APC)	TH4/28 West Street North Sydney
1.2	BCH Engineering Consultants Pty Ltd (Hyder)	Suite 1, Level 2 675 Murray Street, West Perth WA
1.3	Bowman & Associates Pty Ltd	Suite 8, 640 Beeliar Drive, Success, Western Australia
1.4	EC Sustainable Environment Consultants	Suites 701-703, 107 Walker Street, North Sydney
1.5	Environmental and Licensing Professionals Pty Ltd (ELP)	Edward Street, Queensland
1.6	GHD Pty Ltd	239 Adelaide Terrace, Perth
1.7	SLR Global Environmental Solutions	2 Lincoln Street, Lane cove NSW
1.8	Talis Consultants	Level 1, 330 Churchill Avenue, Subiaco WA

2. *APPROVES the Request for Tender (RFT) to include the following;*
 - 2.1 *The detailed specifications of the goods and services required shall be as specified in Appendix 9.2.4 (attachment 001);*
 - 2.2 *The Criteria for deciding which tender may be accepted to be in accordance with Appendix 9.2.4 (attachment 002);*
3. *APPROVES BY AN ABSOLUTE MAJORITY to reallocate appropriate funds to enable the consultancy to be carried out from a funding source to be determined by the Chief Executive Officer and reported to the Council for final approval; and*
4. *NOTES that a further report will be submitted to the Council in June 2013 once the Request for Tender has closed."*

Ordinary Meeting of Council 25 June 2013 - Progress Report No. 4:

The following decision was made (in part);

"That the Council;

1. *AWARDS the Tender for the 'Review Waste Management Practices in the City of Vincent' to BCH (Hyder) Engineering Consultants P/L at a cost of \$54,930 (including GST);..."*

Councillor Forum 10 December 2013;

Hyder Consulting Pty Ltd gave a presentation (Appendix 9.2.1 - Attachment 003) to the Council on the 'final draft' report on the *Review of Waste Management Practices* within the City of Vincent. At the conclusion of the presentation Councillors took the opportunity to ask questions of the consultant and indicated a board level of support for the direction of the report's recommendations.

DETAILS:

Since the Councillor Forum on 10 December 2013 there have been a number of developments in both the City's waste management practices and at the State level through a new initiative announced by the State Waste Authority as follows:

- State Waste Authority's offer (of limited) funding for Local Governments to trial the 'Better Bin Kerbside Collection (or 3 bin) system (general, recycling and green waste).
- Successful introduction of mattress recycling as part of the City's bulk verge collection.
- Proposed expansion of the City's recycling service to include all plastics.
- Proposal to introduce an on demand (for a subsidised fee) mattress recycling service; and
- Continuing to engage in discussion with the other members of the Mindarie Regional Council to achieve on-going process improvements in respect of waste collection, recycling rates, diversion and disposal.

Waste Management Review:

Hyder Consulting were engaged by the City to undertake a review of the City's Waste Management Practices on the understanding that the report was to be completed by November 2013. In July and August 2013 Hyder held a series of meetings with the relevant officers, with both direct and in-direct responsibility for waste management, including putrescible and recyclable waste, so as to benchmark the City's current practices and controls.

The primary objective of the review was to undertake an investigation of current waste management practices and to consider alternative arrangements for waste storage and collection from multi-unit dwellings (MUDs) and commercial developments, in order to provide advice on better practice waste management within the City.

Hyder Consulting submitted the 'preliminary draft' report for discussion in early November 2013 after which a series of meetings were held with the aforementioned officers before the 'final draft' report was submitted to the City in mid November 2013.

Scope/Outcomes:

The review considered the following:

<i>Scope</i>	<i>Officers Comments</i>
<p><i>Visual assessments of five (5) sites to determine 'Waste Generation Rates' to enable the City to amend its policy on the number of MGBs and MRBs required based on litres/unit/week.</i></p>	<p><i>Section 2.1.1. The Consultants undertook a visual assessment of the contents of sixty (60) general waste and thirty three (33) recycling bins at eight (8) sites nominated by the City.</i></p> <p><i>The consultants noted that '...the majority of bins were used correctly'</i></p>
<p><i>Consideration of options to incorporate shared 360L MRBs in lieu of individual 240L MRBs to all new Multi-unit Dwellings (MUDs).</i></p>	<p><i>Section 2.2.1. The report discusses cost and space implications with the primary conclusion being:</i></p> <p><i>'...in practical terms, there is a threshold at which the introduction of 360L bins instead of 240L bins saves both space and money (as, for instance, 2x 360L bins are required to provide equivalent or more bin capacity than 2x 240L bins; providing no cost or space savings). This is demonstrated by Table 2-4, which shows that at least 9 dwellings are required in the development for the introduction of 360L MRBs to provide both space and cost savings.'</i></p> <p><i>This criteria now being applied to Development Applications for MUD's 9 units and above.</i></p>

<p><i>Consideration of whether the provision of bins larger than 360L (up to 1,100L) for commercial and large unit developments should be undertaken by the City or developed as private sector services.</i></p>	<p><i>Section 2.2.2. While the City's rear loading rubbish trucks can (with some modifications) empty 660ltr bins it places considerable strain on the existing infrastructure and would require an additional truck and crew to maintain the current level of service. The City's fleet cannot empty 1,100ltr bins so if introduced would have to be outsourced. The Consultant concluded that:</i></p> <p><i>'...It is apparent that while these larger bins will produce footprint savings, especially as the quantity of bins required increases, the costs compared to the 240L bin are significantly greater.'</i></p>
<p><i>Revision of the City's Waste Management Policy No. 2.2.11, incorporating revised waste generation rates and the design of MUDs and commercial developments to facilitate improved waste storage/collection.</i></p>	<p><i>The revised waste generation rates, as per Councils Decision at its Ordinary Meeting of 4 December 2012 are now applied to MUD's development applications, with the option of 360L MRBs being offered to MUD's of nine (9) units and above.</i></p>
<p><i>Investigation of the benefits and cost implications of providing of an additional MGB for food and garden organics (FOGO), as per the City of Cambridge Trial.</i></p>	<p><i>Section 2.3 of report and as expanded upon in Hyder's supplementary 3 Bin Implementation Considerations report as attached. The supplementary report was commissioned as a result of the State Waste Authority's announcing the Better Bins Kerbside Collection Pilot Program in January 2014 and as discussed in the body of the report.</i></p>
<p><i>Investigation of the benefits and cost implications of providing a 'pre booked' bulk waste collection service for MUDs, based on the City of Sydney model.</i></p>	<p><i>Section 2.4 As discussed in the body of the report the Mindarie Regional Council's Technical Working Group is currently reviewing bulk waste collection services with the aim of introducing a standardised system across the region and therefore it is recommended that the City continue to work with the MRC going forward.</i></p>
<p><i>Investigation of alternatives to the provision of MGBs and MRBs for the collection of waste from mixed use and larger scale MUDs.</i></p>	<p><i>Section 3.7. Alternate systems such as manual 'rubbish chutes' are cost effective and therefore likely to be adopted by developers. However, they are dependent upon large capacity bins (660 and 1100ltr), which the City does not currently offer and therefore it would have to be collected by a commercial contractor.</i></p>

<p><i>Provision of a detailed assessment of the implementation of a separate waste charge and the potential impact on future annual budgets.</i></p>	<p>Section 2.5.1. The consultant's report discusses the implications of introducing a separate waste charge in detail and as is discussed in the body of the report.</p>
<p><i>Consideration of the possibility of financial incentives to residents to reduce consumption.</i></p>	<p>Section 2.5.2. the consultants key conclusion is:</p> <p><i>'...to incentivise reduced consumption (and therefore reduced waste generation) is to provide differential costing for smaller waste bins, and ensure there is a legitimate gap between the cost for a waste service and the cost for a recycling service. This can only be achieved if the City introduces a separate waste charge as outlined in the section above, and breaks down the separate waste charge into waste and recycling service charge components.'</i> Further, in respect of single residential properties <i>'...reduce the cost of</i></p> <p><i>140L waste service (available on request) as compared to a standard 240L service...'</i></p>
<p><i>Development of requirements for a vacuum chute system in developments over three levels.</i></p>	<p>Section 3.7 and 4.1. As discussed at the Councillor Forum held 10 December 2013 stand alone 'vacuum' systems are impractical in small scale developments which lack the critical mass to make the system economically viable.</p>
<p><i>Consideration of the possibility of developing a vacuum chute system as part of the redevelopment of the Leederville Town Centre.</i></p>	<p>Section 4. As discussed at the Councillor Forum held 10 December 2013 the 'vacuum' system is best suited to 'green field' sites rather than 'retro fitting' in existing Town centres. It would require a large scale development, such as the now deferred Water Corporation redevelopment, to act as a catalyst to make a vacuum system economically viable. The consultant found that: <i>'...One commercial vacuum supplier advises that the minimum system size which is economically feasible is 1,000 dwellings, and that density should be above 50 dwellings per hectare'</i>. A desk top exercise in 2013 estimated the cost to install a vacuum system within Leederville, and not extending beyond the immediate Town Centre (Oxford Street from Vincent Street to Leederville Parade and Newcastle Street, from Oxford Street to Carr Place) was in excess of \$4 million excluding land costs for a transfer station.</p>

<p><i>Investigation into the availability of grants to improve systems and potentially implement a vacuum chute system.</i></p>	<p><i>While the State Waste Authority offers grants for various waste management and minimisation programs currently there are no grants on offer specific to 'vacuum chute' systems.</i></p>
<p><i>Discussion of alternative sites for the City to dispose of its putrescible waste.</i></p>	<p><i>Section 5. The Mindarie Regional Council's Strategic Plan and Strategic Working Group recognise the need to identify and develop alternate landfill disposal sites, and potential transfer stations, within the constraints of the relevant environmental legislation and therefore it is recommended that the City continue to work with the MRC going forward. The consultants key recommendation is that: '...recommended that the City continues to dispose of waste at the MRC facilities at this point in time, while maintaining a watching brief on alternative facilities and technologies.'</i></p>

Separate Waste Charge:

One of the primary or fundamental topics considered in the review is the question of a separate waste charge. Hyder were asked to assess the implications and practicality of introducing a separate waste charge rather than have it incorporated in the general rates as is the current practice.

Hyder concluded that:

"It is clear that there is a direct cost associated with providing waste and recycling management services to the City's residents. This cost is currently 'hidden' in the general rate charge applied to all rateable properties.

In order to provide a more transparent and equitable cost structure to the City's residents, Hyder recommends a separate waste charge be introduced, following a bin reconciliation audit. The introduction of the separate waste charge should be preceded by a clear and concise education campaign that introduces ratepayers to the concept that this is an itemisation of an existing built in cost, not a new or additional cost."

Further:

"Hyder recommends that prior to the implementation of a separate waste management charge, the City undertakes a robust bin audit and reconciliation process to accurately determine the number of waste and recycling services per property. This will provide an accurate baseline to commence applying the waste management charge, and also act as a truthing exercise for payments made to the contractor under the current recycling contract."

The two (2) major issues facing the City in respect of introducing a separate waste are the need to undertake a bin audit and the fate of Local Government Amalgamations.

The majority of the existing stock of 240 ltr residential general waste bins originated from the then City of Perth, pre 1994, and for which there were no accurate records as to how many bins were issued. At the time it could only be assumed that each residential property had one (1) 240 ltr bin, which remains the case today. In respect of commercial premises the City has over the past several years regularly audited commercial bins and has an accurate register of bin allocations.

Hyder are recommending that prior to the City introducing a separate waste charge a full bin audit and reconciliation be undertaken to determine exactly how many bins are in service. They also discussed 'micro chipping' individual bins so that they can be 'tied' to a specific property enabling the frequency and location of collections to be electronically recorded.

Given that the estimated cost of a bin audit is in the order of \$60,000 it was intended to list it for consideration in the 2014/2015 'draft'. Micro-chipping is considerably more expensive as aside from the cost of the 'chip' and the software, the older bins (which is still the majority) do not have the 'port' in which the microchip is inserted (as is standard in the new bins), and therefore far more labour intensive (as the chip would have to be glued to each bin).

Therefore if an audit is undertaken in 2014/2015 then a separate waste charge could not be implemented until 2015/2016.

However as the City of Vincent will likely cease to exist as of 2015/2016 and will potentially be absorbed into the City of Perth, or split between the City's of Perth, Stirling and Bayswater (Banks Precinct) any separate waste charge introduced by the City will immediately become redundant and the system/charge in place will apply.

Officers Comments:

It could be argued that for the City to implement a separate waste charge in 2015/2016 only to have it superseded by the local authority's system into which a property falls will create confusion and uncertainty for the residents concerned and therefore it would be best to wait until the question of Local Government Amalgamations is resolved.

At the Councillor Forum 10 December 2013 Hyder gave a presentation on the 'final draft' report on the *Review of Waste Management Practices* within the City of Vincent. While the review is a strategic document the Council expressed a desire to lift the City's recycling and diversion waste rates as soon as possible by implementing practical and achievable measures with the following having been introduced or proposed to commence at the start of the new financial year.

Plastics Recycling:

Recyclables consist of paper and cardboard, newspapers and magazines, glass jars and bottles, aluminium and steel cans, milk and juice cartons and plastic bottles and containers coded 1, 2, 3 and 5.

In respect of plastics there are seven (7) different codes used for recycling purposes denoting the chemical composition of the plastic by which it can be identified. For example, the common or well known abbreviation of Polyethylene terephthalate is 'PET', code No. 1, typically carbonated soft drink bottles.

Note: Of the seven (7) plastics the City currently recycles only Numbers 1, 2, 3 and 5.

However despite education campaigns most people either do not refer to the City's recycling guide or do not understand that not all plastics are currently recycled.

In 2012/2013 the City's recycling contractor collected a total of 3,834 tonnes of materials.

Using June 2013 as an example of the 291.18 tonnes that were collected, 249.31 tonnes or 85.6% was recycled. The remaining 41.87 tonnes or 14.4% was sent to landfill as (non-recyclable) residual waste. This consisted of a combination of contaminants including putrescible waste (food scraps, organic matter etc. that should have been in general waste bin) and other plastic such as LDPE (Low density polyethylene, code 4) shopping bags and wraps, PS (Polystyrene) packaging, code 6 and the various resin and multi-materials plastics collectively called 'others' code 7. Extrapolated over a twelve (12) month period it is in excess of 500 tonnes.

Unfortunately the 'waste' tonnage is not further broken down into the percentage (%) of non-recyclable plastics versus other contaminants other than to say the plastics are a significant portion. Therefore assuming at best (the currently) non-recycled plastics make up 50% of the waste that equates to approximately 250 tonnes going to landfill.

Therefore while putrescibles waste contamination will continue to be a problem the City can further reduce the waste component by expanding the plastics recycling to include codes 4, 6 and 7. This will eliminate any doubts about plastic recycling making it an easier 'message' to sell to the community. Further it will increase the percentage of the collected materials recycled from 85% to about 92%.

Officers Comments:

This comes at a cost, which is in order of \$80,000 per year, and has been included in the 2014/2015 'draft' Recycling Collection budget in anticipation of Councils approval.

Mattress Recycling Bulk Rubbish Collection:

In Western Australia some 170,000 mattresses are discarded and sent to landfill annually equating to 85,000 cubic metres of air space.

As of this year the City started a trial of collecting/recycling mattresses as part of the General Junk Bulk Verge Collection resulting 617 mattresses being diverted from landfill at a cost of approximately \$11,000 (*funded from the Bulk Verge Collections budget*). However some of this cost, in the order of \$2,500, was off-set in savings on 'tipping fees'.

All mattresses from the verge collection were collected by the bulk verge contractor, and delivered to Garbologie, a Perth based company that recycles mattresses.

At Garbologie the mattresses are taken apart manually with the steel springs sold for scrap metal and foam recycled into carpet underlay. For ensemble bases the waste timber is on-sold (where possible) or mulched. All wadding and coir (coconut fibre) is stockpiled for a possible future market.

While other member Councils of the MRC have started introducing mattress collection on demand services, as proposed for the City in this report, the City of Vincent is the first MRC Council to formally trial mattress recycling as part of the Bulk Verge Collection Service.

The number of mattresses collected exceeded the officer's expectations and indicates a pent-up demand for the service, which while at a cost, has and will in the future divert a significant quantity of waste from landfill as well as improving the City's recycling rate.

Note: The City also collects and recycles significant quantities of 'E waste' and scrap metal as part of its bulk verge collection service.

On Demand Mattress Collection Service:

Discarded mattresses are a common sight in inner City areas of higher density dwellings. They are both unsightly and potentially hazardous (health, fire risk, anti-social behaviour) to the general community.

Some of the MRC member Councils have, or are considering, introducing an on-demand mattress collection service at a subsidised cost to their residents.

The cost to collect and recycle a mattress is in the order of \$20 per unit, based upon figures supplied by the two (2) contractors currently engaged in mattress recycling. Using the number of discarded mattresses collected during the bulk verge collection as a basis it is estimated that some five hundred (500) mattresses per year could be collected at a cost of \$10,000.

This in-turn should lead to a reduction in the number of mattresses collected during the general bulk waste collection (estimated 100-200) rather than six hundred plus (600+) resulting in a more efficient service and a corresponding reduction in cost. As with the mattresses recycling introduced as part of the 2014 bulk rubbish verge collection service it is envisaged that the 'on demand' services would be funded from the existing budget allocation.

In respect of a subsidised versus a free service it is a question other local governments are grappling with. People who tend 'to do the right thing' will not dump their mattresses illegally and will save them until the annual collection.

However as mattresses are bulky items it is usually inconvenient to store for an extended period of time and it is believed that most people would be happy to pay a fee if it required no action on their part other than a phone call and placing the mattress(es) on the verge for collection.

A \$10 fee, or 50% subsidy, would halve the City's estimate cost to provide the service to the order of \$5,000 per annum.

Officers Comments:

There is potential to introduce the service with minimal impact upon the City's resources, in both financial and staff terms. It would be seen as a positive initiative to provide an enhanced service for residents, to reduce both unsightly illegal dumping and further improve waste diversion and recycling rates at relatively small cost to the City.

Note: The City would continue to collect illegally dumped mattresses and bulk rubbish as is the current system.

Greater Promotion of the City's Recycling Services:

In addition to the above there is an opportunity to 'better' promote the City's recycling and waste disposal services across the whole range of the City's activities albeit household and commercial collections, events, street litter bins or green waste recycling from the Parks and Reserves.

The current operating budget is \$55,000 per annum and it is proposed to increase it by \$20,000 to \$75,000 in 2014/2015.

Bulk Verge Collections, General Rubbish and Green Waste:

The WA Local Government Association (WALGA) has received funding from the Waste Authority to develop better practice guidelines for verge collections. These guidelines are intended to assist Local Governments to improve the verge collection processes in order to maximise waste avoidance and resource recovery and to encourage greater community engagement.

WALGA recently held a workshop where attendees heard from a range of speakers. Based on the information gathered at the workshop and research of state, national and international practices, draft Better Practice Guidelines have been developed. The Draft Guidelines were released 1 May 2014 for comment.

The City currently provides one (1) bulk rubbish collection per calendar year and two (2) green waste collections (commencing April and October).

To date the City's bulk waste contractor Steann Pty Ltd has provided an excellent service (with another year to run on the current contract) with the collections running very smoothly and with minimal complaints from residents. This is in contrast with some of our neighbouring Council's where the bulk verge collection has been an issue and taken far longer than scheduled and at considerably greater cost.

Further, the MRC has established a Technical Working Group which, amongst other subjects, is looking at alternatives to Bulk Rubbish Collection Services in-light of the major issue some of the larger Local Governments are experiencing.

In respect of the bi-annual 'green waste' collections the City collects on average 500+ tonnes per annum.

Currently this material is mulched at the Jim McGeough Resource Recovery Facility (JFR) at Brockway Road in Shenton Park at an approximate cost of \$15,000 per collection. The mulch is then on-sold to commercial operators.

Better Bins or Three (3) Bin System:

As indicated previously the Waste Authority has set a target of a 50% diversion by 2015 and 65% diversion by 2020.

In January 2014 the Minister for Environment, Hon Albert Jacob MLA, launched the (State) Waste Authority Better Bins Kerbside Collection pilot program as a means of increasing the recovery rates for municipal solid waste.

Essentially it is a three (3) bin system into which the household waste is separated into general waste, co-mingled recycling and green waste. So as to conform to nationally adopted standards of uniformity general waste bins are to have a 'red' lid, recycling bins 'yellow' and green waste bins a 'green' lid.

The Waste Authority is offering a total of \$7.5million across all WA Local Governments to participate in pilot or trial of the system with applications closing 30 June 2014. Obviously size of any grant will depend upon the number of successful applications announced.

Hyder Consulting Report '3-bin Implementation discussion':

The City re-engaged Hyder to prepare a discussion paper on the implications of the City of Vincent participating in the program.

While the report (discussion paper) is attached Hyder has estimated that the establishment cost of a 'Three (3) Bin System' across the entire City would be in the order of \$1.4m at an annual running cost of about \$0.5m per annum.

- This does not include purchase and running costs of the additional trucks and crew if the service were to be provided 'in house'. For the City to establish and operate the service it would be in the order of an additional \$1,000,000 initially and \$300,000 per annum taking the total costs to \$2.38million and \$760,000 respectively.
- Informal discussions with suitably qualified contractors suggest the Hyder's cost estimates are on the 'light side' in respect of establishment and annual running costs but this cannot be confirmed until the City has tested the market.

Implications for the MRC and the Neerabup RFF:

There is also some conjecture as the benefit of the system to the MRC member Council's collectively. The RRF process is reliant upon a high percentage of organic waste to be able to produce commercial grade compost and/or soil conditioner. The MRC has a contractual obligation to provide a 100,000 tonnes (per annum) of feedstock to the RRF from which the operator processes the waste and extracts the compost/soil improver for sale. Currently approximately 50% of the processed waste is recycled in this manner with the remaining 50% residual waste sent to land fill.

When the MRC first proposed the RRF the anticipated recovery rate was in the order of 70%.

The concern is that if the MRC member Councils introduce the three (3) bin system across the board the percentage of organic material being delivered to the RRF will drop significantly resulting in not only reduction in recovery rates but also has contractual implications for both MRC and RRF operator.

The other issue that is yet to be satisfactorily resolved in respect of the three (3) bin system is what happens to the end product, the dried mulch? Currently for those Local Governments who have introduced a green waste bin the mulch is ultimately 'wind rowed' on vacant agricultural land and is yet to be shown that it is of any significant benefit. Further, the land upon which the 'mulch' is wind-rowed a considerable distance from the metropolitan area raising its own environmental concerns.

Therefore, there is a case that it is a better outcome to continue to transport the general rubbish, incorporating the 'green' waste component, to the RRF.

Note: the majority of the City's tree pruning's are shredded and mulched and either re-used throughout the City parks and reserves or offered to residents free of charge. These tonnages are also included in the City's diversion rate calculation.

Funding Criteria:

Essentially Local Government's need to demonstrate that it is committed to the trial and meet are a number of criteria, a combination of mandatory and desirable, in order to qualify for funding. As total funding pool is \$7.5million the level of funding will be determined by the number of successful applications.

Further, and as an aside issue, but as an indication of the likely level of competition (for funding), the City of Stirling, as has been widely reported, is not currently recycling the vast majority of its waste due to the closure of the Atlas Plant. It has also been reported that Stirling are considering introducing the Three (3) Bin System. Therefore, it would be expected that if the City's establishment cost are in the order of \$2.40million the City's of Stirling's will be substantially more. As there are thirty (30) Metropolitan Councils, and even excluding those who already offer a three (3) bin service, the funding pool (if Local Government size is a determining factor) will limit the funds available.

Not everyone wants to use three (3) bins:

Immediately following the Minister's announcement the City's Technical Services received a number of phone calls from residents objecting to a third bin. The basis of these objections that space was already at a premium and that they did not have room for a third 240ltr bin. Obviously this does not necessarily hold true of the Mount Hawthorn and North Perth areas but more for the high density inner areas where it can be an issue. Further, the majority of the callers indicated that they either put the occasional clippings/pruning into their general waste bin or waited until the bi-annual green waste collection before pruning their garden.

However the Waste Authority's preference is a:

- *Full scale roll-out within the Local Government as opposed to an opt-in service or a service provided to only part of the local government area.*

Officers Comments:

In light of the unresolved issues such as the impact upon the RRF, the unproven benefits of the third bin, the level funding on offer (as opposed the establishment costs), the local government reform process and that the system does not appeal to all residents the City may be better served by not diverting resources to a three (3) Bin System at this time.

CONSULTATION/ADVERTISING:

The measures recommended in the report with financial implications will be advertised as part of the budget process.

LEGAL/POLICY:

Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR).

RISK MANAGEMENT IMPLICATIONS:

High: Reducing the quantity of waste to landfill is of paramount importance. In addition providing an improved Waste and recycling provision/collection service will improve the amenity for the City's 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.

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

SUSTAINABILITY IMPLICATIONS:

The proposal is to provide a more sustainable service which will take into account and try to address the many issues associated with waste generation/collection/disposal.

FINANCIAL/BUDGET IMPLICATIONS:

The measures outlined in the report will cost in the order of \$145,000 and have either been listed for inclusion in the 2014/2015 'draft' budget as a new item or incorporated into existing budgets.

- The \$80,000 for the expanded plastics recycling has been included in proposed 2014/15 Recycling Collection Budget;
- The \$5,000 for the 'on demand' mattress collection service will be included the fortnightly dumped bulk waste collection service funded from the Collection/Disposal Contract Expenditure budget; while; and
- The operating budget for Recycling Promotion and Displays is proposed to be increased from \$55,000 to \$75,000.

COMMENTS:

As can be seen from the report the City is doing well and has met the Waste Authority's 2015 waste diversion target and is on track to meet its 2020 target of 65%. However to achieve this it requires a continuous improvement process and the measures outlined in the report should lead to the City's further improving its waste diversion rate over the next twelve (12) months.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

To bring this Item forward and discuss as they were still Members of the Public in the Gallery waiting for the outcome.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

9.1.9 No. 43 (Lots: 82 & 303) Bondi Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Two-Storey Single House including Three-Storey Addition

Ward:	North	Date:	16 May 2014
Precinct:	Mount Hawthorn; P1	File Ref:	PRO6263; 5.2013.593.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission dated 3 December 2013 003 – Applicant Justification dated 24 March 2014		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by NL Munoz on behalf of the owners, S Broughton & N Tetlaw, for Proposed Alterations and Additions to Existing Two-Storey Single House including Three-Storey Addition at No. 43 (Lots: 82 & 303) Bondi Street, Mount Hawthorn as shown on plans stamp dated 13 December 2013 and amended plans dated 16 May 2014, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 39 Bondi Street, Mount Hawthorn, 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 Amalgamation

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

2.2 Privacy Screening

The following shall be screened to the requirements of the Residential Design Codes 2013 as follows:

The window to bed 2 on the west elevation, the window to the living area on the west elevation, and balcony on the ground floor plan on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 4.5 metres, 6.0 metres and 7.5 metres respectively from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013;

All screens provided shall comply with the definition of the Residential Design Codes 2013; and

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

ADVICE NOTES:

1. With regard to condition No. 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
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 Bondi Street;
3. Any new street/front wall, fence and gate within the Bondi Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

Cr Peart departed the Chamber at 7.40pm.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Cole, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 7.40pm.

Debate ensued.

Cr Buckels returned to the Chamber at 7.41pm.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Wilcox was on approved leave of absence.)

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

Cr Peart returned to the Chamber at 7.42pm.

PURPOSE OF REPORT:

The application is referred to the Council, as Officer's do not have delegation to determine a three (3) storey height single house.

DETAILS:

Landowner:	S Broughton & N Tetlaw
Applicant:	N L Munoz
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	245 square metres
Right of Way:	N/A

The application proposes a three (3) storey addition to the existing single house at No. 43 Bondi Street, Mount Hawthorn. The lot itself is a steep site, with a 3.5 metre fall to the south or rear of the block, resulting in a three-storey house being proposed.

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	✓		
Front Fence	✓		
Front Setback	✓		
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys			✓
Roof forms			✓
Open Space	✓		
Bicycles	N/A		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>Ground floor</u> West – 3.5 metres East – 1.0 metres</p> <p><u>Boundary Wall</u> Maximum height – 3.5 metres Average height – 3.0 metres To one (1) side boundary only</p>

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
Applicants Proposal:	<p><u>Ground floor</u> West – Nil to 1.079 metres East – Nil</p>
	<p><u>Boundary Wall</u> Maximum height – 3.7 metres Average height – 2.858 metres Built to two (2) sides – East and West</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1) P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Applicant justification summary:	<p><i>“In accordance to R-Codes Figure Series 5 – Lot Boundary Wall – specifically Figure 5c- sloped site – the proposed boundary wall height is 3502.67 (average of 3000, 4792 & 2716). The deemed to comply maximum height is 3500. Therefore the proposed east boundary wall of the requirements of the R-Codes.”</i></p> <p><i>All the views are in the direction of due south. The proposed boundary wall is located adjacent to the existing dwelling. Therefore the proposed east boundary wall does not obstruct any views.</i></p>
	<p><i>Currently the existing carport comprises of a flat roof with fibroceement posts which does not contribute in maintaining the characters of the streetscape whilst the proposed garage with a pitch roof that matches the dwelling’s detail contributes to, enhances and is constituent with the established streetscape of Bondi Street.</i></p> <p><i>There is no requirement for a retaining wall along the east boundary. The proposed boundary wall will be built on the existing ground levels and with the existing surface (concrete) being retained. Any proposed new retaining wall will be located along the garden/landscaping area as required.</i></p> <p><i>Access into the rear of the property will be as it is now – through the garage. The rear section of the garage will be kept open (i.e. no wall).</i></p> <p><i>The property is orientated with North directly at the front – therefore all overshadowing are directed towards the rear section of the property”.</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria as:</p> <ul style="list-style-type: none"> • The proposed setback variations to the ground floor level plans are minor. These variations will not pose significant detriment to the provision of light and ventilation to the adjoining properties. The western elevation is well articulated to break up its appearance.

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
	<ul style="list-style-type: none"> • The proposed parapet wall on the eastern boundary will permit the use of the site more effectively. The boundary wall will be located adjacent to the dwelling at No. 39 Bondi Street, limiting any undue impact on the availability of sun and ventilation into that property and its associated outdoor living areas. The parapet wall on the western elevation is existing. • In addition, the orientation and layout of the development considers the living environment for adjoining landowners in terms of overshadowing and visual intrusiveness.

Issue/Design Element:	Building Height/Number of Storeys
Requirement:	Residential Design Elements Policy BDADC 5 Top of External Wall (roof above) – 6 metres
Applicants Proposal:	Top of External Wall (roof above) – 7.25 metres (max at rear)
Performance Criteria:	Residential Design Elements Policy BDPC 3 BDPC 5 Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p><i>“The natural ground level slopes dramatically in the North/South direction (front to rear).</i></p> <p><i>From Bondi Street – the building bulk of the proposed complete dwelling will have little significance to the impact of the overall streetscape – the building height complies with the requirements of the R-Codes. In addition the existing ground levels at the ground boundary have an average level of 1m higher than the existing house floor level.</i></p> <p><i>At the rear of the property – the existing basement comprises a Laundry, Storage and a new Powder Room – therefore the basement is not considered as a storey.</i></p> <p><i>The overall building height of the proposed dwelling has no adverse impact to the amenity of the adjoining properties or streetscape”.</i></p>
Officer technical comment:	The proposed development is considered to comply with the performance criteria as; <ul style="list-style-type: none"> • The fall of the lot from the road level to the rear makes it difficult to site an appropriate dwelling on site whilst still achieving a well articulated two storey design to the Bondi Street frontage. • The appearance of the dwelling at a two storey height from the street frontage together with a well stepped design reduces the impact of a third storey height and bulk to both the eastern and western adjoining properties. • The maximum proposed height of 7.25 metres (top of external wall) is well within the permitted height of 9.0 metres for a two-storey pitched roof design.

Issue/Design Element:	Roof forms
Requirement:	Residential Design Elements Policy BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	25 degrees
Performance Criteria:	Residential Design Elements Policy BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	None provided.
Officer technical comment:	The proposed development is considered to comply with the performance criteria as the reduced roof pitch will not unduly increase the bulk of the building and will maintain the existing streetscape character.

Issue/Design Element:	Visual Privacy
Requirement:	Residential Design Codes Clause 5.4.1 C1.1 Major openings and active habitable spaces to be setback or screened to 1.6 metres above finished floor level, any point within the cone of vision less than the following setbacks from a neighbouring boundary: Bedroom – 4.5 metres Living – 6.0 metres Balconies – 7.5 metres
Applicants Proposal:	Bedroom 2 –West - 2.8 metres Living – West – 3.989 metres Balcony – West – 6.1 metres
Performance Criteria:	Residential Design Codes Clause 5.4.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices.
Applicant justification summary:	<i>“The areas of encroachment listed above are of minimal significance. In comparison the current situation (extent of balcony) - the proposed is much better solution in minimizing the overlooking into the adjoining property.</i> <i>Bedroom 2 and Living window overlooks onto a solid wall and obscured windows at the adjoining property.</i> <i>The encroaching areas are not directly over the adjoining properties outdoor living areas and does not overlook onto any habitable space”.</i>
Officer technical comment:	The proposed development does not comply with the requirements of the Residential Design Codes 2013. <ul style="list-style-type: none"> • Screening would be required on any opening that has views within the required cone of vision setback, in the event of planning approval therefore making this compliant.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	12 February 2014 to 26 February 2014.		
Comments Received:	One (1) support, One (1) objection and one (1) general concern.		

Summary of Comments Received:	Officers Technical Comment:
Issue: The proposed boundary wall is too high and would obstruct views creating an 'eye saw' which would lead to the value of our property being devalued.	Supported. Following the Community Consultation process the applicant submitted amended plans substantially reducing the maximum height of the parapet wall and achieving an average height less than permitted. Due to the slope of the site ranging from 44.00 (at Bondi Street) to 40.00 (at the rear), the variation to the maximum height of the wall is required to ensure that the site can be used effectively. In addition, the roof design was modified to a hip roof which better reflects the current streetscape appearance of the existing property. Comments relating to devaluation of a property are considered as non-planning related.
Issue: What type of retaining is proposed on the east side? How is access to the rear of the property maintained? The proposed pitched roof will affect the amount of solar access for the adjoining property.	Not Supported. There is no retaining wall necessary for the Eastern Boundary as the proposal follows the natural ground level of the site. Access to the rear of the property will be maintained as it currently exists. Not Supported. The proposal satisfies clause 5.4.2 of the Residential Design Codes <i>Solar Access for Adjoining Sites</i> . The reduced pitched roof will aid in the minimisation of building bulk and access to winter sun and ventilation.

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
	The design of the dwelling allows for adequate natural light and cross ventilation.

SOCIAL	
Issue	Comment
	Nil.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Planning Services

The subject planning application, particularly the design has given particular attention to the natural topography of the site. The stepping of the building towards the rear will maintain the streetscape appearance and minimise any impacts on the adjoining properties. The proposal is not considered to have an undue adverse impact on the amenity of the locality as it complies with the Design Principles of the City's Policy No. 7.2.1 relating to Residential Design Elements Policy and the Residential Design Codes of WA 2013. The dwelling when viewed from Bondi Street is two-storey, with the third storey towards the rear of the property.

The amalgamation condition is to be imposed on a Planning Approval where any proposed development straddles a lot boundary as required by the City's Policy No. 7.5.19 *Amalgamation Condition on Planning Approvals*.

CONCLUSION:

It is considered that the proposed building height, street setbacks and scale of the proposed dwelling would not adversely impact the existing streetscape, given the layout of the land of the property. The three-storey appearance is well within the maximum permitted height if the development, were of a pitched roof design (9.0 metres) and is only considered three storeys given the significant fall of the block from the street towards the rear of the lot.

On the above basis, the proposed construction of the three (3) storey building is supportable in this instance. It is recommended that the proposal be approved subject to relevant conditions and advice notes.

PROCEDURAL MOTION

Moved Cr Cole, Seconded Cr Buckels

To bring this Item forward and discuss.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

9.2.4 LATE ITEM: Vincent Bike Network Plan 2013 – Progress Report No. 5

Ward:	Both	Date:	23 May 2014
Precinct:	All	File Ref:	TES0172; TES0600; FIN0131
Attachments:	001 – Oxford Street Option A 002 – Oxford Street Option B 003 – Scarborough Beach Road Option A		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services F Sauzier, Travel Smart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council;

1. **NOTES that;**
 - 1.1 a report on the community consultation of Phase 1 of the Vincent Bike Network Plan will be presented to the Ordinary Meeting of Council to be held on 10 June 2014;
 - 1.2 the City is yet to be formally advised on the outcome of the PBN Funding Grants 2014-2015; and
 - 1.3 an amount of \$1,515,000 for Phase 2 project has been listed in the 2014/2015 Draft budget;
2. **APPROVES IN PRINCIPLE the following proposed Phase 2 Vincent Bike Network proposals, estimated to cost \$1,515,000;**
 - 2.1 **OPTION A: Oxford Street Vincent Bike Network proposal as shown on attached Plan Nos 3149-CP-01A and 3149-CP-02A;**
 - 2.2 **OPTION B: Oxford Street bike Lanes proposal Option B as shown on attached Plan Nos 3149-CP-01B and 3149-CP-02B and**
 - 2.3 **Scarborough Beach Road bike lanes proposal as shown on attached Plan No. 3150-CP-01A and 3150-CP-02A.**
3. **CONSULTS with affected residents/businesses regarding the proposed Phase 2 Vincent Bike Network proposals as outlined in clause 2 above; and**
4. **RECEIVES a further report on the preferred option for the implementation of the Oxford Bike Network proposal/s including the implementation of the Scarborough Beach Road Bike Network proposal at the conclusion of the community consultation period.**

COUNCIL DECISION ITEM 9.2.4

Moved Cr Topelberg, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of progress to date on the Vincent Bike Network Plan Implementation – Oxford Street and Scarborough Beach Road.

BACKGROUND:

Ordinary Meeting of Council held on 17 December 2013:

The Vincent Bike Network Plan 2013 Progress Report No.2 was reported to the above Council meeting where the following decision was made:

“That the Council;

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

Ordinary Meeting of Council held on 25 February 2014:

A further progress report (No. 3) was presented to this meeting where the following decision was made (in part)

“That the Council;

1. *NOTES the;*
 - 1.2 *Strategic Routes have been split into the following, based on the above advice;*
 - 1.2.1 *Phase 1, comprising all works relating to the delivery of Vincent and Bulwer Street bike lane to Palmerston Street as shown on attached Plan No.s 3095-CP-01, 3107-CP-01 and 3104-CP-05B estimated to cost \$740,000; and*
 - 1.2.2 *Phase 2, comprising all works relating to the delivery of bike lanes on Oxford Street and Scarborough Beach Road as shown on attached concept Plan No 3104-CP-05B and 3127-CP-01 estimated to cost \$1,515,000;*
 - 1.4 *2013/2014 Budget includes \$639,500 for Bicycle Network Implementation and Improvements; and*
 - 1.5 *decision of the PBN Funding Grants 2014-15 has been delayed;*
2. *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$100,500 from the Capital Reserve Fund;*
3. *APPROVES IN PRINCIPLE the proposed Phase 2 projects currently estimated to cost \$1,515,000 to be implemented in 2014/2015, as outlined in clause 1.2.2;*
4. *LIST and amount of \$ 1,515,000 for consideration in the 2014/2015 Draft Budget;*
5. *CONSULTS with affected residents/businesses regarding the Phase 1 project and advertises the plan to the wider community; and*
6. *RECEIVES a further report on the implementation of Phase 1 of the Vincent Bike Network Plan at the conclusion of the community consultation.*

Ordinary Meeting of Council held on 11 March 2014:

The following decision was made at this meeting regarding progress report No. 4.

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

DETAILS:

PHASE 1 – Vincent and Bulwer Streets Bike Lanes:

The Council at its Ordinary Meeting held on 25 February 2014 authorised the officers to consult with affected residents/businesses regarding the Phase 1 project and advertises the plan to the wider community; and that a further report on the implementation of Phase 1 of the Vincent Bike Network Plan be received at the conclusion of the community consultation.

Note: At the time of writing this report the consultation period has not closed. A report on the matter will be presented to the Ordinary Meeting of Council to be held on 10 June 2014.

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

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

As previously reported to the Council this will comprise 3,000 metres of 1.7 metre wide on-road bike lanes on both sides of Oxford Street, achieved by embaying parking.

Presentation to Council Members 20 May 2014

Three (3) options regarding the Oxford Street proposal were discussed during the presentation.

- Option A: Embaying the parking with the potential loss of twenty four (24) verge trees and the potential loss of twenty four (24) on road car parking spaces;
- Option B: Embaying the parking with no loss of verge trees and the potential loss of fifty two (52) on road parking bays; and
- Option C: Removal of the central median island between Bourke Street roundabout and the Anzac Road roundabout, no overall loss of parking and the loss of seven (7) median island trees;

Officers Comments:

While considerable discussion on the advantages and disadvantages of each option took place with the final consensus being that a plan be developed based on Option A i.e. maximising the planting of additional trees (as part of the greening plan) and compromising on the loss of some verge trees, it was considered that two (2) Options (A and B) be presented to the community as outlined below.

Oxford Street Option A:

Plan Nos 3149-CP-01A and 3149-CP-02A has been developed which comprises the following:

- Embaying the parking
- Potential loss of twenty four (24) trees
- Potential loss of twenty four (24) car bays
- The planting of 53 additional trees in the median Islands (spotted gums)
- The planting of 23 additional trees along the verges (paperbarks)

Officers Comments:

This option attempts to minimise the loss of kerb side parking however to achieve this, the compromise is that a number of existing established verge trees (24) would need to be removed. However with the proposed planting of additional trees as part of the greening plan the net gain in trees would be 52.

Oxford Street Option B:

Plan Nos 3149-CP-01B and 3149-CP-02B has been developed which comprises the following:

- Embaying the parking
- No potential loss of trees
- Potential loss of fifty two (52) car bays
- The planting of 53 additional trees in the median Islands (spotted gums)
- The planting of 23 additional trees along the verges (paperbarks)

Officers Comments:

This option attempts to minimise the loss of verge trees however to achieve this the compromise is that the number of kerb side parking bays would be reduced by 52. The overall net gain of trees planted in the street (as part of the greening plan) would be 76.

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

As previously advised this proposal comprises 2,600 metres of 1.6 metre wide kerb side on-road bike lanes on both sides of Scarborough Beach Road achieved by reducing the road to two (2) lanes rather than four (4).

The bike lanes will be protected from the traffic lanes by strategically placed vegetated islands and appropriate line markings.

In the order of 40 additional trees (Chinese Tallows) will be planted as part of the greening plan.

It is recommended that **Plan Nos. 3150-CP-01A and 3150-CP-02A** be adopted in principle and form the basis of the consultation with potentially affected residents/businesses

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

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

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

SUSTAINABILITY IMPLICATIONS:

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

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

PHASE 1 (2013/2014)			
Street	Section	Description	Estimated cost
Vincent St.	Oxford to Charles	On-Path cyclelanes	\$85,000
Vincent St.	Charles to Bulwer	On-Road bike lanes	\$5,000
Bulwer St.	Vincent to Palmerston	On-Road bike lanes	\$650,000
		Total	\$740,000

PHASE 2 (2014/2015)			
Street	Section	Description	Estimated cost
Oxford St.	Vincent to Scarb. Bch Rd	On-Road bike lanes	\$1,000,000
Scarb. Bch Rd	Fairfield to Charles	On-Road bike lanes	\$515,000*
		Total	\$1,515,000

Note: The City is still awaiting the result of its application to the Perth Bike Network Grants 2014-15 funding round. The Assessment Panel for these grants is meeting currently, with a decision expected within the next four weeks.

COMMENTS:

Further to the assessment of the ability to install bike lanes in Oxford St as part of the Bike Network Plan and to maximise the potential to achieve the ends of the greening plan, two options (Option A & B) have been developed and are being recommended to be put out for community consultation. A plan for Scarborough Beach Road has also been developed, with separated bike lanes, which is being recommended for community consultation.

9.1.4 Appointment of Town Planning Consultant to undertake a review of the City's Residential Design Elements Policy No. 7.2.1

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	PLA0248
Attachments:	Confidential 001 – Quote Evaluation		
Tabled Items:	Nil		
Reporting Officer:	J O'Keefe, Acting Manager Strategic Planning, Sustainability & Heritage Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the appointment of RPS Australia East Pty Ltd for the purposes of conducting a review of the City's Residential Design Elements Policy for the total cost of \$17,085 (exc GST); and
2. **APPROVES BY AN ABSOLUTE MAJORITY** for the Acting Chief Executive Officer to allocate \$17,085 (exc GST) from a source to be determined to fund the review of the Policy No 7.2.1 Residential Design Elements.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Buckels

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 present the Council with a recommendation to appoint a Town Planning Consultancy to assist with a review of the City's Residential Design Elements Policy following the recent Request for Quote process which was undertaken.

BACKGROUND:

Cr Topelberg at the Ordinary Meeting of Council on 11 March 2014 moved a Notice of Motion which was carried as follows:

"That the Council;

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

Since receiving this mandate from the Council, a Request for Quotation was prepared by City Officers and sent to 12 town planning consultant firms for a response. There has been some delays experienced based on the time it takes to prepare the documentation and allowing consultants adequate time to prepare their submissions however City Officers are now in a position to make a recommendation to the Council for appointment.

History:

Date	Comment
11 March 2014	The Council carried a Notice of Motion by Cr Topelberg that 'quotes be received from consultancies to review the City's Residential Design Elements Policy.

Previous Reports to Council:

This matter was previously reported to the Council on 11 March 2014 as outlined above.

The Minutes from the Ordinary Meeting of Council from 11 March 2014 relating to this report is available on the City's website at the following link:

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

DETAILS:

The City's Residential Design Elements Policy No. 7.2.1 was first adopted by the Council at its Ordinary Meeting on 13 May 2008. The local planning policy, adopted under Clause 47 of the City's Town Planning Scheme No. 1 was adopted with the intent on providing a tool which would assist in protecting the existing character of the of the residential areas while at the same time allowing for new development to occur in a balanced manner.

Following several amendments in the following year, the Council at its Ordinary Meeting on 9 July 2013 made its last amendments to the policy following the release of the revised Residential Design Codes.

Given the increased growth of population, residents and ultimately dwellings within the City of Vincent, and in the context of the City's Draft Town Planning Scheme No. 2 currently being advertised, it is pertinent to undertake a review of this local planning policy to ensure that it is meeting the ongoing pressures placed on both the community and developers as development is becoming increasingly diverse throughout the City.

On this basis and following the Notice of Motion put forward by Cr Topelberg a Request for Quote was prepared and distributed to 12 town planning consultancies who were suitably qualified and well positioned to assist the City in this regard. With submissions closing on the 24 April 2014, the City received 4 submissions from planning firms interested in undertaking the work.

The submissions were each assessed on four criteria, being:

- Fee proposal (20%);
- Understanding of the project and proposed methodology (30%);
- Relevant experience and expertise (30%);
- Available resources (10%); and
- References (10%).

The City's Acting Director Planning Services, Acting Manager Strategic Planning, Sustainability and Heritage Management and Strategic Planning Officer independently assessed each of the quotes received and the results have been combined and tabulated as follows, please note only total percentages have been provided. The full assessment has been circulated as a confidential attachment along with their successful submission:

RPS Australia East Pty Ltd	82%
Rowe Group	79%
Whelans	60.7%
Planning Solutions	57%

On the basis of the above combined assessment of City Officers, it is therefore recommended that RPS be appointed to undertake the work required as part of this Request for Quote.

Whilst several competitive quotes were received to undertake these works on behalf of the City, the submission by RPS provided a clear and comprehensive understanding of the project requirements and recommended approach.

RPS will be briefed by the City on key issues and objectives on the purpose of the review before they commence implementing their recommended methodology which includes a background review and 'gap analysis' of the City's policy framework. Prior to undertaking consultation with the City's technical staff, RPS have proposed a 'review framework' for this project which is a comprehensive table which assesses each Clause of the City's Residential Design Elements against its relationship with other State and Local policies as well as identifying whether it is need of review and if so, commentary justifying it.

RPS has undertaken Urban Design studies and built form guidelines in key projects across the metropolitan area including Stirling Highway Activity Corridor Study, Coolbellup School Site and Waratah Avenue Urban Design Study and Built Form Guidelines and is considered to have the relevant experience necessary to undertake this project with a high degree of credibility. With a fully resourced office based in Subiaco, RPS is also able to provide the necessary, qualified personnel who will be able to work closely with City Officers on this project.

LEGAL/POLICY:

Clause 47 of the City's Town Planning Scheme No. 1 empowers the Council to make or amend a planning policy.

RISK MANAGEMENT IMPLICATIONS:

The appointment of a consultant to assist with the progression of the review of the City's Residential Design Elements Policy will mitigate the requirement to divert any staff resources away from other priority projects including the advertising of the City's Local Planning Strategy and Town Planning Scheme No. 2. A priority itself, this project will be well advanced by consultants within the required timeframe.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"1.1.1 develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision".

FINANCIAL/BUDGET IMPLICATIONS:

The following table summarises the quotes that were received by the City.

RPS	\$17,085
Rowe Group	\$23,835
Whelans	\$24,354
Planning Solutions	\$33,506

COMMENTS & CONCLUSION:

On the basis of the assessment undertaken by City Officers relating to the Request for Quote for the appointment of a Town Planning Consultant to review the City's Residential Design Elements Policy it is recommended to appoint RPS to undertake this work on behalf of the City.

With a set fee proposal of \$17,085 (exc GST) to undertake the works required, this is considered to represent value for money while ensuring the outcomes desired by the City are well understood and will be achieved within the allocated time frame.

Work will commence immediately on the review with the inception meeting to be scheduled immediately following the outcome of the resolution of the Council.

Once the work has been progressed adequately, the Council will then be asked to initiate an Amendment to the City's Residential Design Elements Policy and endorse it to be advertised to the public for comments by August/September 2014. The advertising will be subject to the advertising procedure set out in accordance with the City's Community Consultation Policy. It is anticipated to have another report to an Ordinary Meeting of Council, following its advertising around October 2014 with a summary of submission and request for the Council to adopt the revised policy.

9.1.6 Concrete Batching Plants at No. 71 (Lot 200; D/P: 92012) Edward Street, Perth (Hanson Batching Plant DR 264 of 2011) and No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth (Holcim Batching Plant DR 225 of 2011) – Notice of Motion

Ward:	South	Date:	16 May 2014
Precinct:	Claisebrook Road North-P15	File Ref:	PRO4024; 5.2011.243.1; PRO0733; 5.2011.173.1
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Acting Manager Planning and Building Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the report relating to the **Concrete Batching Plants at No. 71 (Lot 200; D/P: 92012) Edward Street, Perth (Hanson Batching Plant DR 264 of 2011) and No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth (Holcim Batching Plant DR 225 of 2011)**, in particular the representation of the City’s position by their legal representative in the appeal matters.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 7.55pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

**(Cr Harley was absent from the Chamber and did not vote.)
(Cr Wilcox was on approved leave of absence.)**

PURPOSE OF REPORT:

To provide a report to the Council concerning the Hanson and Holcim appeal matters, advising of how the City’s position was represented in the State Administrative Tribunal by the City’s Solicitor.

The City was represented by City’s Solicitors “Mcleods Barristers and Solicitors” and Planning Solutions (Planning Consultant) at the State Administrative Tribunal.

BACKGROUND:

23 July 2013 – Item 10.5	A Notice of Motion was proposed, requesting the following: <i>“That the Council REQUESTS the Chief Executive Officer provide a report to the Council concerning the Hanson and Holcim appeal matters, advising of how the City’s position was represented in the State Administrative Tribunal by the City’s Solicitor.”</i>
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NOTE: The Council considered it appropriate to receive a report advising of how the City’s position was represented in the SAT by the City’s Solicitor, prior to writing to the State Administrative Tribunal.”

Previous Reports to Council:

The minutes of Item 10.5 from the Ordinary Meeting of Council held on 23 July 2013 relating to the report is available on the City's website at the following link:

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

DETAILS:

A Notice of Motion was proposed, on 23 July 2013 advising of "how the City's position was represented in the State Administrative Tribunal by the City's Solicitor", prior to writing to the State Administrative Tribunal.

History:

Date	Comment
11 October 2011	The Council at its Ordinary Meeting considered a CONFIDENTIAL REPORT relating No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth - Additions, Alterations to Existing Concrete Batching plant and the lifting of time limited condition requiring the concrete batching plant to cease operating after 16 October 2012 and extended hours of operation (Holcim Batching Plant). The full resolution is below.
22 November 2011	The Council at its Ordinary Meeting refused the development application relating to the Hanson Concrete Batching Plant at No. 71 (Lot 200; D/P: 92012) Edward Street, Perth. The full resolution is below.
28 February until 2 March 2012	Appeal Hearings held at the State Administrative Tribunal relating to the Hanson and Holcim Concrete Batching Plants.
13 March 2012	The Council at its Ordinary Meeting was advised that the State Administrative Tribunal (SAT) delivered its decision on Friday 2 March 2012 concerning both the development applications submitted by Hanson and Holcim Concrete Batching Plants. Details below.
15 March 2012	The State Administrative Tribunal forwarded its recommendation to the Minister for his consideration and determination, which included both the applications for the Hanson and Holcim Concrete Batching Plants be approved conditionally, for a further period of 5 years.
10 April 2012	The Council at its Ordinary Meeting was advised that the State Administrative Tribunal (SAT) delivered its decisions on Friday 2 March 2012 on both the Hanson and Holcim Concrete Batching Plants appeals, and has forwarded its recommendations on 15 March 2012 to the Minister for his determination.
22 May 2012	Letter received from the Minister for Planning; Culture and Arts; Science and Innovation relating to his decision on 21 May 2012 to conditionally approve the continued operation of both the Hanson and Holcim Concrete Batching Plants for a further 5 years till 16 October 2017.

Previous Reports to Council:

Council Meeting held on 11 October 2011

"COUNCIL DECISION – ITEM 14.1:

1. *NOTES that the matter is listed in the State Administrative Tribunal (SAT) for a final hearing to be held on 2 March 2012, for one (1) day;*
2. *AUTHORISES the Chief Executive Officer to instruct the City's solicitors to:*
 - 2.1 *strongly oppose the application in the State Administrative Tribunal; and*
 - 2.2 *engage witnesses, including Council Members, expert witnesses and Community Members to appear at the SAT hearing on behalf of the City;*

3. *REQUESTS the State Administrative Tribunal to RECOMMEND to the Minister for Planning that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Authority Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Allerding & Associates on behalf of the owner Holcim Australia Pty Ltd for Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition requiring the Concrete Batching Plant to cease Operating after 16 October 2012 and Extended Hours of Operation (Holcim Batching Plant) at No. 120 (Lot 1001; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth, and as shown on plans stamp-dated 6 April 2011, be REFUSED;*
4. *REQUESTS the State Administrative Tribunal that in the event that it does not RECOMMEND REFUSAL of the application as requested in Clause 3 above, that it RECOMMENDS to the Minister for Planning that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Authority Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Allerding & Associates on behalf of the owner Holcim Australia Pty Ltd for Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition requiring the Concrete Batching Plant to cease Operating after 16 October 2012 and Extended Hours of Operation (Holcim Batching Plant) at No. 120 (Lot 1001; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth, and as shown on plans stamp-dated 6 April 2011, be APPROVED subject to the following conditions:*
- 4.1 *Time Period*
- 4.1.1 *This approval is granted for a term expiring on five (5) years from the date of expiry (16 October 2012) of the current development approval;*
- 4.1.2 *This approval authorises concrete batching operations and access to the site by trucks and semi-trailers at any time between Monday and Saturday inclusive; and*
- 4.1.3 *There is to be no access to the site by trucks and semi-trailers on Sundays or public holiday(s);*
- 4.2 *Environmental Management Plan*
- 4.2.1 *Within one calendar month of the issue of the approval, the applicant shall update the Environmental Management Plan East Perth Concrete Batching Plant (Holcim) dated 24 March 2011, or submit a management plan to the City of Vincent which addresses the following matters:*
- (a) *noise management for on-site activities;*
- (b) *dust and cement waste management including regular washing down of trucks before exiting the site, dust control on-site and the regular sweeping and cleaning of materials spilled on surrounding roads;*
- (c) *a Traffic Management Plan for all vehicles entering and exiting the site, including driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;*
- (d) *the implementation of a Complaint Handling System which provides:*

- (i) *A manned 24 hour telephone number, facsimile number and email address to log complaints and enquiries; and*
 - (ii) *A record of complaints and enquiries logged, and the applicant's response, shall be provided on a quarterly basis to the City for its monitoring information; and*
 - (e) *a review of the management plan after the first 12 months from the date of submission or as required by the City; and*
- 4.2.2 *The development must be carried out in accordance with the recommendations made in the Herring Storer Acoustics Noise Management Plan (Ref: 12645-3-10164), or other Noise Management Plan endorsed by the City, including in particular, but without limitation:*
 - (a) *reverse the truck access route, so mixing trucks enter the loading area from the west, travel east through the loading bay building, then move to the night slump stand, located behind the existing delivery shed then following slumping, they turn within the site and exit via Claisebrook Road;*
 - (b) *the installation of an automatic door on the western entry point of the loading area, similar to that which is installed on the eastern side; and*
 - (c) *ensuring that the personnel entry door to the production tower is not left open during the night period, between 7pm and 7am;*
- 4.3 *PRIOR TO THE ISSUE OF A BUILDING LICENCE for this development, the following shall be submitted to and approved by the City:*
 - 4.3.1 *The applicant shall submit an amended plan detailing:*
 - (a) *material, colour and a minimum of two significant design features being incorporated in the proposed sound attenuation wall to reduce the visual impact on the adjoining properties, to the satisfaction of the Chief Executive Officer; and*
 - (b) *relocated footpath, footpath material, separation between proposed crossover and Westrail crossover, type, material and finish of proposed gate, which is to be visually permeable, curved mirror and appropriate internal warning signs;*
 - 4.3.2 *Construction Management Plan*

A Construction Management Plan shall be submitted to and approved by the City, addressing the following issues:

 - (a) *Public safety, amenity and site security;*
 - (b) *Contact details of essential site personnel;*
 - (c) *Construction operating hours;*
 - (d) *Noise control and vibration management;*
 - (e) *Dilapidation Reports of nearby properties;*
 - (f) *Air and dust management;*
 - (g) *Waste management and materials re-use;*
 - (h) *Parking arrangements for contractors and subcontractors;*

- (i) Consultation Plan with nearby properties; and
- (j) Any other matters deemed appropriate by the City; and

4.3.3 Landscaping and Reticulation Plan

A detailed landscape and reticulation 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 reticulation 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 and such method;
- (d) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- (e) separate soft and hard landscaping plans (indicating details of materials to be used); and

4.4 Decommissioning Plan

A Decommissioning Plan shall be submitted to and approved by the City that addresses:

- 4.4.1 The staging and timing of ceasing of operations by the end of the five (5) year term and the complete removal of plant from the site;
- 4.4.2 The remediation of the site; and
- 4.4.3 Plans for development or sale of the site.

COUNCIL DECISION ITEM 14.1

Moved Cr McGrath, Seconded Cr Harvey

That the Consultant recommendation be adopted, together with a new Clause 3 and changes to the new Clause 4.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Hanson and Holcim Development Applications

22 November 2011

"COUNCIL DECISION ITEM 14.4

That the Council:

1. REFUSES the development application relating to the Hanson concrete batching plant for the following reasons:
 - 1.1 the removal of the condition for the expiry of the current approval on 26 June 2012 would potentially result in the plant remaining in its current location for an indefinite period when this would be inconsistent with the future amenity of the locality as it transitions to a predominantly mixed use residential/commercial area;

- 1.2 *the plant poses an impediment to the appropriate and planned regeneration of the locality to a mixed use residential/commercial area; and*
- 1.3 *the noise, dust and traffic impacts caused within the locality by the operations of the plant and the associated movement of trucks to and from the plant have a negative impact on the amenity of the locality which will become increasingly unacceptable as the locality transitions to a predominantly mixed use residential/commercial area;*
2. *At the hearing of this matter, REQUESTS that if the Tribunal proceeds with recommending APPROVAL to the Minister that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Allerding & Associates on behalf of the owner Hanson Construction Materials Pty Ltd for Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition requiring the concrete batching plant to cease operating after 26 June 2012 and extended hours of operation (Hanson Batching Plant) at No. 71 (Lot 200; D/P: 1149) Edward Street, Perth, and as shown on plans stamp-dated 19 May 2011, that the Council STRONGLY REQUESTS that it be subject to the following conditions:*
 - 2.1 *the approval shall be granted for a term not exceeding five (5) years from the date of the Minister's approval; and*
 - 2.2 *any other conditions regulating the operations and monitoring of the Plant as specified by the Council and which will be provided to the Tribunal on or before 3 February 2012.*

Note: The Chief Executive Officer advised that this report (except for the legal advice and its implications) is now released to the public as the Council has determined the matter."

"13 March 2012 The Council was advised as follows:

- "1. *the State Administrative Tribunal (SAT) delivered its decision on Friday 2 March 2012 concerning the applications for:*
 - 1.1 *No. 71 (Lot 200; D/P: 92012) Edward Street, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Hanson Batching Plant) – State Administrative Tribunal DR 264 of 2011; and*
 - 1.2 *No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Holcim Batching Plant) – State Administrative Tribunal DR 225 of 2011;*

and imposed five (5) year time periods WITH CONDITIONS, for the Hanson Batching Plant from 26 June 2012 and Holcim Batching Plant from 16 October 2012,
2. *the SAT will now refer the above 2 review matters to the Minister for Planning for consideration and determination; and*
3. *the SAT Hearing Transcript has not yet been completed and will be reported to the Council once this is received."*

10 April 2012 The Council at its Ordinary Meeting resolved as follows:

“That the Council:

1. *be ADVISED that the State Administrative Tribunal (SAT) delivered its decisions on Friday 2 March 2012 on both the Hanson and Holcim Concrete Batching Plants appeals, and has forwarded its recommendations on 15 March 2012 to the Minister for his determination;*
2. *RESOLVES to advise the Western Australian Planning Commission to not proceed with Scheme Amendment No. 29 to the City’s Town Planning Scheme No. 1 pursuant to regulation 25AA 6 (b) of the Town Planning Regulations 1967, for the following reasons:*
 - 2.1 *the Minister for Planning, in a letter dated 16 March 2012 has refused the Council’s request to extend the statutory forty two (42) days to undertake the modifications to the amendment prior to advertising;*
 - 2.2 *the advertising of Scheme Amendment No. 29 of the City’s Town Planning Scheme No. 1 may prejudice the determination of the Minister for Planning on State Administration Matter No. DR 255 of 2011 and State Administration Matter No. DR 264 of 2011;*
 - 2.3 *to allow for the undertaking of the Community Visioning Workshop for the portion of the area in Scheme Amendment No. 29 bounded by Lord Street, Summers Street and the Graham Farmer Freeway (known as Claisebrook North) scheduled for 14 April 2012;*
 - 2.4 *to allow for the preparation of a Structure Plan for the area bounded by Lord Street, Summers Street and the Graham Farmer Freeway to be completed, prior to the Council endorsing the statutory planning framework and associated policy provisions to guide development within this area; and*
 - 2.5 *to allow for a separate Scheme Amendment No. 32 to the City’s Town Planning Scheme No. 1; and*
3. *NOTES that a report will be presented to the Council at its Ordinary Meeting of Council to be held on 24 April 2012, to allow for a separate Scheme Amendment No. 32 to the City’s Town Planning Scheme No. 1, to advertise as a minor amendment for the area ceded to the City of Vincent from the City of Stirling in July 2007.”*

CONSULTATION/ADVERTISING:

Not required.

Design Advisory Committee:

Referred to Design Advisory Committee: N/A

LEGAL/POLICY:

- East Perth Redevelopment Authority Scheme No. 1;
- Planning and Development Act 2005 which provides the ability for the Minister for Planning to call in a review matter that is being lodged with the State Administrative Tribunal for the Minister’s final determination. In this instance, the Minister has called in both the above applications that were heard at the State Administrative Tribunal;
- State Administrative Tribunal Act 2004 (WA);
- City’s Policy No. 4.1.23 – State Administrative Tribunal Policies and Procedures; and
- City of Vincent Town Planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable, as previously reported to the Council.

COMMENTS:

As per the Council's decisions of 11 October 2011 and 22 November 2011, the primary position of the Council was that SAT should recommend that the Minister refuses the application, but that if SAT recommends approval, then this should be on the basis of the conditions contained in Clause 4 and Condition 2 respectively of the above Council's resolutions.

The effect of the above decision would have required a full hearing of all issues in SAT, and it will require expert evidence on the off-site impact issues, resident evidence about these impacts, planning evidence on the statutory and strategic planning issues and traffic engineering evidence on the issues arising in relation to the crossover issues.

The City's Solicitors had indicated that the legal and other costs of a full hearing involving the above evidence would be significant in the order of \$80,000 - \$100,000. In addition, there will be costs associated with engaging experts in the field of planning, dust and noise related matters.

The previous Mayor, Chief Executive Officer, Director of Developments Services, Director Technical Services, Manager Planning and Building Services and current Coordinator Statutory Planning were at some stage involved in the mediation process, which indicated how the SAT was leaning towards, and also the implications as to why the Hon Minister had called in the appeal applications, to be finally determined by him, and not the State Administrative Tribunal.

There was further concern that if the City went ahead with defending the refusal, that there was a potential to be awarded hundreds of thousands of dollars in cost, should the City/Council fail in the appeal proceedings. There was also a meeting held between the former Mayor, then Chief Executive Officer and the Hon Minister, regarding both concrete batching plants.

The then Chief Executive Officer further discussed the matter with the previous Mayor in relation of the Council Decision of 11 October 2011 to seek endorsement of the Council's and the Officers intentions with respect to the Holcim appeal. It is was later confirmed with the City's Solicitors that the City does not wish to raise all the issues but rather only the duration issue of 5 years, and not the refusal aspect. This will then only involve a one day hearing, as compared to a 3 to 4 day hearing at the SAT. This was also the City's position on the Hanson appeal.

The above direction was taken as it was considered that the City was unlikely to win the appeal, and furthermore the Hon Minister on this rare instance had called in both the appeal applications, rather than the SAT making the final determination.

The City was requesting the SAT to recommend to the Hon Minister to impose a maximum 5 year approval period for the continued operation of both the Hanson and Holcim Concrete Batching plants at the above site. Furthermore, the City was able to limit its legal cost in a responsible manner and also shielding itself from potential cost being awarded against it, if the appeal decision went against the City, if the hearing was at a full scale dealing with the Council resolutions.

The above instructions given to the City's Solicitors were considered consistent with the Council Members view at the Ordinary Meeting held on 11 October 2011 and 22 November 2011.

On the above instruction, the City's Solicitors proceeded to seek a maximum limited period of 5 years for both Holcim and Hanson to continue operating at the respective sites.

9.1.8 Nos. 394-398 (Lot: 90) Newcastle Street, West Perth – Proposed Construction of a Seven Storey Mixed-Use Development Comprising Twenty-Eight (28) One Bedroom Multiple Dwellings, Fifty-One (51) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Basement Car Parking-Extension to the Planning Approval

Ward:	South	Date:	16 May 2014
Precinct:	Beaufort; P13	File Ref:	PRO3657; 5.2014.270.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the applicant, Banham Architects , on behalf of the owner, Vandar Properties, for Proposed Construction of a Seven Storey Mixed-Use Development Comprising Twenty-Eight (28) One Bedroom Multiple Dwellings, Fifty-One (51) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Basement Car Parking-Extension to the Planning Approval at Nos. 394-398 (Lot 90) Newcastle Street, West Perth subject to the following conditions:

1. The Planning Approval issued by the City on 29 May ~~2012~~ 2014 is extended to 29 November 2014;
2. All conditions, requirements and advice notes detailed on the previous approval dated 29 May ~~2012~~ 2014 shall remain; and
3. No further extension of time will be entertained by the Council in this respect should the development not be substantially commenced by 29 November 2014 ~~May 2015~~.

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

COUNCIL DECISION ITEM 9.1.8

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Buckels Seconded Cr

“That a twelve month extension be granted.”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION PUT AND CARRIED (4-3)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald

Against: Cr Peart, Cr Pintabona and Cr Topelberg

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

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The proposal is referred to the Council for determination, given the proposal was approved by the Council previously and there is no Officer delegation to extend the current planning approval.

BACKGROUND:

History:

Date	Comment
27 May 2008	The Council at its Ordinary Meeting conditionally approved the demolition of existing warehouse and construction of five (5) storey office building and associated car parking.
22 July 2008	The Council at its Ordinary Meeting approved the taking of rights of way to facilitate development of Nos. 394-398 Newcastle Street, West Perth.
28 April 2009	The Council at its Ordinary Meeting conditionally approved the demolition of existing warehouse and construction of a five-storey office building and associated 140 car parking bays.
11 October 2011	<p>The Council at its Ordinary Meeting refused an application for construction of an eight (8) storey mixed-use development comprising twenty six (26), one bedroom multiple dwellings, fifty-five (55) multiple dwellings, one (1) Eating House, one (1) Shop and associated car parking, for the following reasons:</p> <ol style="list-style-type: none"> 1. Plot ratio is considered excessive. 2. Height is considered excessive. 3. Consideration of objections received.
24 April 2012	<p>The Council at its Ordinary Meeting resolved to defer reconsideration of a modified proposal under s31 of the State Administrative Tribunal Act, to allow for the following matters to be further considered by the Applicant:</p> <ol style="list-style-type: none"> 1. a reduction in the height of the building; 2. assurances that the following sustainability and environmental matters will be provided: <ol style="list-style-type: none"> 2.1 The roof garden and roof design as shown on the plans dated 11 April 2012 shall be maintained; 2.2 Thermal Efficiency - the proposed building shall be designed and certified to achieve a minimum NatHERS rating of 7.7; 2.3 Electricity Generation - the proposed building shall incorporate photovoltaic panels which will provide sufficient power (electricity) for lighting the building's common areas; 2.4 Rain Water Harvesting - the proposed building shall incorporate a rain water harvesting system and/or greywater system that provides water for irrigation of the communal open space areas; and 2.5 Amended plans and reports detailing and substantiating how these above requirements will be met shall be submitted to and approved by the City prior to the submission of a Building Permit application; and 3. design features in relation to the façade being addressed to ameliorate the bulk and mass of the building and including both the east and west elevations.

Date	Comment
22 May 2012	The Council at its Ordinary Meeting approved an application for construction of a seven storey mixed-use development comprising twenty-eight (28) one bedroom multiple dwellings, fifty-one (51) multiple dwellings, one (1) eating House, one (1) shop and associated car parking under s31 of the State Administrative Tribunal Act.

DETAILS:

Landowner:	Vandar Properties
Applicant:	Banham Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Land
Use Class:	Eating House, Shop and Multiple Dwellings
Use Classification:	"P", "P and "AA"
Lot Area:	3051 square metres
Right of Way:	East side, 3.0 metres wide, Council owned

Previous Report to Council:

This proposal was approved by the Council at its Ordinary Meeting held on 22 May 2012.

The Minutes of Item 14.2 from the Ordinary Meeting of Council held on 22 May 2012, relating to this report are available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

The application is for an extension of the planning approval issued by the City on 29 May 2012.

ASSESSMENT:

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

Given there are no changes to the plans approved by the Council at its Ordinary Meeting held on 22 May 2012 and the application is for extension of planning approval, no further assessment is required in this instance.

CONSULTATION/ADVERTISING:

No advertising was carried out as the application relates only to extension of planning approval. All those who made previous submissions to this proposal have been notified of the matter being considered by the Council in this meeting.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Substantial Commencement of Development Policy No. 7.5.4; and
- Beaufort Precinct Policy No. 3.1.13.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS AND CONCLUSION:

Planning Services

Clause 43-Term of Planning Approval of the City's Town Planning Scheme No. 1 specifies the following:

"(1) *Subject to subclause (2), a planning approval is valid from the date on which the application is approved until-*

(a) *the expiry of the period, if any, imposed by the Council under Clause 44;*

(b) *it is amended; or*

(c) *in the case of planning approval for a home occupation, the specified occupier ceases to be the occupier of the lot in respect of which the approval is granted.*

(2) *A planning approval shall lapse if the development has not been substantially commenced before the expiration of two years, or such period as the Council may determine, from the date on which the application is approved."*

Given the above, the Council has discretion to amend the validity of planning approval or a development is to be substantially commenced before the expiration of two years from the date of issuing the planning approval.

Given that the planning approval has not yet expired (29 May 2014), under Clause 43(b) the Council can consider amending the planning approval validity.

The Planning Approval for the development was issued on 29 May 2012. As per the Planning and Development Act 2005 and above Clause 43, a planning approval is valid for two years from the date of issue of the planning approval, therefore, the Planning Approval for this development is valid up to 29 May 2014.

For a planning approval to be activated the development is to be substantially commenced by the end of two years from the date of issue of planning approval. The City's Policy No. 7.5.4 relating Substantial Commencement of Development provides guidance on what constitutes "Substantial Commencement of Development" for the purpose of determining of whether or not a Planning Approval has been activated within the stipulated approved time frame.

"*Substantial Commencement of Development*" means that work or development the subject of the planning approval has begun by the performance of some substantial part of that work or development, resulting in the planning approval being valid/activated. No substantial work has been carried on the subject site and therefore the applicant has not complied with the City Policy No. 7.5.4 relating to Substantial Commencement of Development. In this instance, the applicant is seeking a variation to the City Policy No. 7.5.4 relating to Substantial Commencement of Development so that the Planning Approval can be extended.

The applicant has provided the following information on the expenses they have endured till now for this proposal as follows:

1. *Due to more stringent rules and regulations in Western Australia, the Bank has been extremely conservative with all loans to the construction industry in the past 3 years.*
2. *In order to submit a Construction loan application, one of the more onerous conditions requested by the Bank is to have more than 50% pre-sales before considering the loan application, making it almost impossible to obtain the funds to even begin any construction work.*
3. *The Global Financial Crisis had a long-term domino effect on most consultants and related investors.*
4. *Strong Australian Dollar has deterred ample opportunities for more overseas funding to occur which stresses the existing investors' pockets with the high exchange rate into Australia.*
5. *Developers have spent over \$3,000,000 on this project and this amount continues to grow. This continual spending shows the developer's utmost commitment to the project and to eventually complete this project. (Please see attached 002).*
6. *The mere act of proceeding with forward works, that is laying down preliminary slabs and proceeding with earthworks, without building immediately will very likely affect the confidence within the market amongst the future potential buyers.*
7. *The founding director suffered from some serious illnesses which had badly affected the initial time line proposed for this project.*

We hereby would like to ask for a one year extension."

Following meetings with the developer and the City's Officer's, it is acknowledged that developer genuinely wanted to proceed and complete the development. It is considered that the proposed development will improve the streetscape and surrounding area. This has been achieved through the redevelopment of a largely underutilised site, providing the catalyst for a regeneration of the area. The proposal is considered an appropriate scale for the site's location, along a high frequency travel node, Newcastle Street. Therefore an extension of the planning approval will ensure that the development will add value to streetscape and contribute to the regeneration of sites along Newcastle Street.

If the extension of time is not granted, the owners of the property will have to lodge a new planning application for the site which will be then determined by the Development Assessment Panel (DAP) as the previous cost stated in the MRS Form 1 was \$18,000,000.

In light of the above, given the amount of expenses have been endured by the applicant till now it is recommended that the extension to the planning approval be granted for six months (29 November 2014) only, so as to ensure that the development will be substantially commenced within a year's time.

9.2.3 LATE ITEM: Proposed Beatty Park Leisure Centre Secure Bicycle Shelter Location – Progress Report No. 2

Ward:	South	Date:	23 May 2014
Precinct:	Smith's Lake (6)	File Ref:	TES0172
Attachments:	001 – Summary of feedback received 002 – Beatty Park Bike Shelter Concept No. 2		
Tabled Items	Nil		
Reporting Officer:	F. Sauzier, TravelSmart Officer		
Responsible Officer:	R. Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the submissions received (attached) in relation to the proposal to install a 'Secure Bicycle Parking Shelter' facility near the front entrance at the Beatty Park Leisure Centre;
2. **APPROVES** the installation of a 'Secure Bicycle Parking Shelter' as shown on the attached Beatty Park Bike Shelter Concept No. 2; and
3. **ADVISES** the respondents and stakeholders of its decision.

Cr Harley returned to the Chamber at 8pm.

Moved Cr Pintabona, Seconded Cr Harley

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

That Clause 2 be amended to read as follows:

2. **APPROVES** the installation of a 'Secure Bicycle Parking Shelter' as shown on the attached Beatty Park Bike Shelter Concept No. 2 in the alternative location as shown on attachments 9.2.3 A and 9.2.3 B; and

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-3)

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

Against: Cr Buckels, Cr Peart and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

1. **CONSIDERS** the submissions received (attached) in relation to the proposal to install a 'Secure Bicycle Parking Shelter' facility near the front entrance at the Beatty Park Leisure Centre;
2. **APPROVES** the installation of a 'Secure Bicycle Parking Shelter' as shown on the attached Beatty Park Bike Shelter Concept No. 2 in the alternative location as shown on attachments 9.2.3 A and 9.2.3 B; and
3. **ADVISES** the respondents and stakeholders of its decision.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to proceed with the installation of a 'Secure Bicycle Parking Shelter' at the Beatty Park Leisure Centre.

BACKGROUND:

Ordinary Meeting of Council 8 February 2011:

As part of the planning approval for the Beatty Park Leisure Centre, a minimum of fifteen (15) class 1 or 2 bicycle parking facilities and a minimum twenty-five (25) class 3 bicycle parking facilities, should be provided at a location convenient to the entrance of the development.

October 2012:

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

May 2013:

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

October 2013:

Quotes from three (3) suppliers were sought based on a 5 metre x 5 metre square design. The Manager Beatty Park Leisure Centre recommended an alternative design based on using the entire space to the south east of the steps (a triangular shape) and a concept was prepared.

December 2013:

At the Ordinary Meeting of Council held on 17 December 2013, the proposed location of the Bike Shelter was approved as the location for a major artwork.

March 2014:

At the Ordinary Meeting of Council held on 25 March 2014, the following was resolved:

"That the Council;

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

DETAILS:

In accordance with the Council's decision of 25 March 2014, consultation with stakeholders and users of Beatty Park was undertaken between 9 – 23 May 2014. A display board and Invitation to Comment was set up in the Beatty Park foyer and emails sent to 2500 members of Beatty Park asking to comment on the proposal. The City received forty one (41) responses, with the results summarised below and the comments received outlined in Attachment 001.

In Favour	37
Against	3
Neither Support nor Object	1
Total Comments Received	<u>41</u>

Officers Comments:

There has been significant support for the installation of a Secure Bike Parking Shelter and the 'concept design' (outlined in Attachment 002) from the users of Beatty Park, with an overwhelming response that the parking would be used and that a location close to the entrance was desirable.

Concerns raised by some include that the shelter should not replace current bike parking but be in addition, and that perhaps a bike repair station could be added. Negative comments included that the money could be better spent elsewhere; the design was ugly; the security system would preclude access to all users; and that this would lead to greater demand for this sort of facility.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: The design will take advantage of passive surveillance techniques and CCTV, and the shelter will be accessed by a swipe/thumbprint system to minimise risk to users.

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Budget Amount:	\$40,000 (inc. \$10,000 2013/2014 PBN Grant)
Expenditure to date:	\$ 0
Balance:	\$40,000

COMMENTS:

After considering the submissions within the consultation period, the users of Beatty Park have provided overwhelming support for the installation of the Secure Bike Parking Shelter, and its location. It is recommended that the installation be progressed.

9.4.1 Review of the Local History and Heritage Advisory Group

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	CMS0126
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	E Scott, Manager Library and Local History Services		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to the review of the Local History and Heritage Advisory Group; and
2. **AUTHORISES** the Acting Chief Executive Officer to;
 - 2.1 **disband** the Local History and Heritage Advisory Group, for the reasons listed in the report; and
 - 2.2 **to create and promote** the Friends of Local History Group.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to disband the Local History and Heritage Advisory Group.

BACKGROUND:

- | | |
|-------------------|---|
| 21 December 2010 | Council adopted the Motion put by Cr Sally Lake and Cr Joshua Topelberg to investigate the formation of a Local History Advisory Group. |
| 8 February 2011 | Council approved the formation of a Local History Advisory Group, and Terms of Reference for the Group. |
| 22 March 2011 | Council appointed members of the Local History Advisory Group. |
| 14 July 2011 | The Local History Advisory Group meeting recognised the change of name to include Heritage, becoming the Local History and Heritage Advisory Group. |
| 12 September 2013 | A questionnaire was provided to all 13 members of the Local History and Heritage Advisory Group with the view to determining the future of the Group. |

- 29 October 2013 Council resolved to defer advertising for Community Representatives for the Local History and Heritage Advisory Group
- 21 November 2013 Community Representatives were advised by mail of Council's decision not to call for new representatives after their appointments expired on 17 December 2013
- 17 December 2013 It was resolved at a meeting between Council Members and the City's Officers that the Local History and Heritage Advisory Group would not be reformed, and instead that a "Friends of Local History" network would be established.

DETAILS

The Local History and Heritage Advisory Group first met on 2 June, 2011 and have subsequently met thirteen (13) times. The last meeting was held on 17 December 2013.

The Local History and Heritage Advisory Group are comprised of the following Council Representatives:

Council Representatives	Member
City of Vincent Councillors (3):	Councillor Joshua Topelberg – Chairperson
	Councillor Julia Wilcox
	Councillor Emma Cole
City of Vincent Officers (5):	Director Community Services
	Manager Library and Local History Services
	Manager Strategic Planning, Sustainability and Heritage Services
	Senior Librarian, Local History
	Library Officer, Local History
Community Representatives (6):	None appointed in the current period

Four Community Representatives were appointed when the Local History and Heritage Advisory Group commenced in 2011. They were: Ms Susanna Iuliano, Ms Anne Mills, Mr Roger Smith and Ms Anne Topelberg OAM. In 2012 the numbers were increased to 6; the following 6 Community Representatives were also appointed in 2013: Ms Helen Griffiths, Ms Susanna Iuliano, Ms Anne mills, Mr Roger Smith, Ms Anne Topelberg OAM; and Ms Marie Slyth. The City would like to take this opportunity to thank them for their contributions and support.

Whilst it is acknowledged that members of the Group recognised and valued the importance of collecting and preserving the City's local history and heritage, it struggled to meet the Objectives identified in the Terms of Reference, as follows:

1. Aims

The Advisory Group will play an important role in encouraging and promoting Local History and Heritage in the City of Vincent so that it is compatible with the City's Vision and Strategic Objectives.

2. Objectives

- 2.1 Encourage and promote local history in the City.
- 2.2 Provide advice, assistance, and make recommendations relating to:
- 2.2.1 The implementation and review of the City's Local History Collection Strategic Plan and associated projects and initiatives;

- 2.2.2 Marketing and promoting the City's Local History Collection and Centre to the community and other potential users;
- 2.2.3 Attracting items from the community to include in the Local History Collection;
- 2.2.4 The use of technology for the maintenance and access to the collection; and
- 2.2.5 The development of interpretive works including but not limited to plaques, signage, publications or artworks.
- 2.3 Provide advice, assistance and make recommendations relating to;
 - 2.3.1 The implementation and review of the City's Heritage Strategic Plan 2007-2012 and associated projects and initiatives;
 - 2.3.2 The administration of the City of Vincent Municipal Heritage Inventory;
 - 2.3.3 Places nominated for entry to the City of Vincent Municipal Heritage Inventory;
 - 2.3.4 Actions to be undertaken to inform, educate and raise awareness in the community in regards to heritage initiatives or events, and
 - 2.3.5 The development of interpretive works including but not limited to plaques, signage, publications or artworks.

At the meeting held on 17 December 2013 meeting, it was noted that community members are generally unqualified to provide objective and experienced advice to Council on Town Planning matters, so that any feedback provided was likely to be subjective.

The Group also acknowledged that the Local History aspect is well catered for by the existing services of the Local History Centre; however, it was agreed that a 'Friends of Local History Group' would be a valuable asset to the staff and community.

Subsequently the Local History staff called for expressions of interest to participate in the new 'Friends of Local History Group' in the Summer (January to March 2014) edition of the *Local History News Quarterly*.

CONSULTATION/ADVERTISING:

Changes to the Local History and Heritage Advisory Group will be advertised on the City's website, in the Library newsletters and by direct mail to former community representatives.

LEGAL/POLICY:

The establishment of Advisory Groups is addressed by the City' Policy No. 4.2.12.

RISK MANAGEMENT IMPLICATIONS:

Low: It is believed that the Local History and Heritage Advisory Group do not have the potential to influence the City's Strategic Objectives significantly.

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:

Although the Local History and Heritage Advisory Group did not incur expenses, the expenditure for the Local History programmes will be incurred under the following Budget item:

Local History Collection Expenditure

Budget Amount:	\$11,500
Spent to Date:	<u>\$ 5,694</u>
Balance:	\$ 5,806

COMMENTS:

As a result of the review of the Local History and Heritage Advisory Group it is considered that the Group is not qualified to support and advise Council or to deliver its Aims and Objectives.

It is therefore, recommended that Council supports the Officer's recommendations and authorises the Acting Chief Executive Officer to disband the Local History and Heritage Advisory Group.

9.5.1 Trading in Public Places Local Law – Proposed Amendment to Create a Street Entertainer Zone

Ward:	Both	Date:	16 May 2014
Precinct:	All	File Ref:	LEG0026
Attachments:	001 – Draft Trading in Public Places Local Law 002 – Draft Risk Management Guidelines and Code of Practice for Street Performers		
Tabled Items:	Nil		
Reporting Officers:	D Doy, Place Manager S Butler, Manager Ranger and Community Safety Services A Birch, A/Manager Community Development		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to the Trading in Public Places Local Law 2008 as shown in Appendix 9.4.3A; and
2. Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the City of Vincent resolve on 27 May 2014 to make the Trading in Public Places Local Law 2008, as follows;

"LOCAL GOVERNMENT ACT 1995 (as amended)
CITY OF VINCENT LOCAL TRADING IN PUBLIC PLACES LOCAL LAW 2008
AMENDMENT LOCAL LAW NO.3, 2014

- 2.1 That the following Table of Contents be amended as follows;

Division 2 – Street Entertainers

- 2.9** Definitions
- 2.10** Street entertainer zone
- 2.11** Entertainer’s permit required to perform
- 2.12** Variation of permitted area and permitted time
- 2.13** Duration of permit
- 2.14** Cancellation of permit
- 2.15** Obligations of permit holder

Division 3 – Outdoor Eating Areas

- 2.16** Definitions
- 2.17** Permit required to conduct an outdoor eating area
- 2.18** Matters to be considered in determining application
- 2.19** Obligations of permit holder
- 2.20** Removal of an outdoor eating area unlawfully conducted
- 2.21** Use of an outdoor eating area by public
- 2.22** Temporary removal of an outdoor eating area may be requested

Division 4 – Display of Goods on a Footpath

- 2.23** Definitions
- 2.24** Permit period
- 2.25** Goods permit
- 2.26** Matters to be considered in determining application
- 2.27** Obligations of permit holder
- 2.28** Safety of persons
- 2.29** Removal of goods for works
- 2.30** Removal of goods
- 2.31** Unlawful placement of goods

2.2 That the existing Clause 2.9 –“Defintions” be amended as follows;

(2.9) In this Division, unless the context requires otherwise –

“entertainer’s permit” means a permit issued to a person who wishes to perform in a public place;

“perform” includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

“permit holder” means the holder of a valid entertainer’s permit;

“permitted area” means the area or areas, specified in an entertainer’s permit, in which the permit holder may perform;

“permitted time” means the time or times, specified in an entertainer’s permit, during which the permit holder may perform;-a

“solicit” in relation to money, means actively seeking or calling for a donation from another person, but does not include a non verbal invitation by a permit holder to place a donation in a receptacle within the permitted area; and

“street entertainer zone” means and allocated area where an entertainer can perform without the need for a permit. An entertainer is still required to register their contact details with the City if they wish to perform in the Street Entertainer Zone.

2.3 That a new clause 2.10 be included as follows;

(2.10) Street entertainer zone

(1) The Street Entertainer Zones within the City are shown in Figure 1;

(2) A person shall register their contact details with the City of Vincent prior to performing within the Street Entertainer Zone;

(3) A permit to perform is not required within the Street Entertainer Zone;

(4) The performer must perform in accordance with the City’s Risk Management Guidelines and Code of Practice for Street Performers;

(5) A City Ranger or Authorised Officer can require a street performer to cease performing if they are not complying with the Risk Management Guidelines and Code of Practice for Street Performers;

(6) Performers may only perform at prescribed locations in the Street Entertainment Zone which are delineated by a marker on the pavement with the words ‘Play Here’;

(7) Performers performing outside of the Street Entertainment zone will be required to apply for a permit in accordance with procedures outlined in Section 2.12.

Figure 1 – Street Entertainer Zones



Map 1: Mount Hawthorn Town Centre



Map 2: Leederville Town Centre



Map 3: Mt Lawley/Highgate Town Centre



Map 4: North Perth Town Centre

2.4 That the existing Clause 2.10 – “Entertainer’s permit required to perform” be amended as follows;

(2.11) Entertainer’s permit required to perform

- (1) A person shall not perform in a public place outside of the Street Entertainer Zone without a valid entertainer’s permit.**
- (2) Every application for an entertainer’s permit shall –**
 - (a) state the full name and address of the applicant;**
 - (b) specify the nature of the proposed performance;**
 - (c) specify whether any amplifiers, sound equipment or sound instruments are to be used in the proposed performance; and**
 - (d) specify the number of people involved in the proposed performance, including the name and date of birth of anyone proposed to be involved in the performance who is under 14 years of age.**

- (3) A person under the age of 14 years is not to perform, unless authorised by the local government;
- (a) during school hours on school days; or
 - (b) between 7.00pm one day and 6.00am the following day.
- 2.5 That the existing Clause 2.11 – “Variation of permitted area and permitted time” be amended as follows;
- (2.12) Variation of permitted area and permitted time**
- (1) The local government or an authorised person may by notice in writing to a permit holder vary –
- (a) the permitted area;
 - (b) the permitted time; or
 - (c) both the permitted area and the permitted time, shown on an entertainer’s permit.
- (2) The local government or an authorised person may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.
- 2.6 That the existing Clause 2.12 – “Duration of Permit” be amended as follows;
- (2.13) Duration of permit**
- An entertainer’s permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.
- 2.7 That the existing Clause 2.13 – “Cancellation of Permit” be amended as follows;
- (2.14) Cancellation of permit**
- The local government may cancel an entertainer’s permit if in the opinion of an authorised person –
- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place; or
 - (b) the performance otherwise constitutes a nuisance.

- 2.8 That the existing Clause 2.14 – “Obligations of permit holder or performers within the Street Entertainment Zone” be amended as follows;

(2.15) Obligations of permit holder or performers within the Street Entertainer Zone

- (1) **A permit holder or performers in the Street Entertainer Zone shall not perform in a public place otherwise than in accordance with the terms and conditions of her or his entertainer’s permit and the Risk Management Guidelines and Code of Practice for Street Performers.**
- (2) **A local government ranger or authorised officer may require a permit holder or performer in a Street Entertainer Zone to cease performing when –**
 - (a) **The performer/s are deemed to be causing a nuisance or is deemed to be acting inappropriately in a public place;**
 - (b) **The performer is wearing dirty, torn or ragged clothing or clothing with offensive words, symbols or motifs;**
 - (c) **The performer/s do not keep their site safe and clean while working;**
 - (d) **The performer places, installs, erects, plays or uses any musical instrument or any device which emits music, including a loud speaker or an amplifier –**
 - (i) **other than in the permitted area; and**
 - (ii) **unless the musical instrument or device is specified in the permit (when not in the Street Entertainer Zone.**
 - (e) **The performer/s is causing, or is contributing to, undue obstruction to pedestrians and vehicular traffic and entrances to shops or buildings;**
 - (f) **The performer/s is interfering in any way with an approved entertainment or activity;**
 - (g) **The performer/s is using dangerous implements or materials as part of a performance and do not have a CURRENT PUBLIC LIABILITY CERTIFICATE**
 - (h) **perform any act that endangers the safety of the public;**
 - (i) **perform any act of cruelty to an animal;**
 - (j) **allow any person under the age of 14 years to perform during school hours on school days or**

between 7pm one day and 6am the following day, unless authorised by the local government.

- (k) A performer is deemed to be acting in contravention to the Risk Management Guidelines and Code of Practice for Street Performers.

- 2.9 That the existing Clause 2.15 – “Definitions” be amended as follows;

(2.16) Definitions

In this Division, unless the context requires otherwise –

“eating-house” has the meaning given to it in section 160 of the *Health Act 1911*;

“food premises” has the meaning given to it in section 246G(1) of the *Health Act 1911* and for the avoidance of doubt includes eating-houses;

“furniture” means chairs, tables, waiters’ stations, planter boxes, umbrellas, screens, barriers, awnings and any other similar structure or equipment;

“Health Act” means the *Health Act 1911*;

“licensed premises” has the meaning given to it in section 3(1) of the *Liquor Control Act 1988*;

“outdoor eating area” means an outdoor eating facility or establishment on any part of a public place in which furniture is provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public, but does not include such a facility or establishment on private land; and

“permit holder” means the person to whom a permit has been issued to establish or conduct an outdoor eating area.

- 2.10 That the existing Clause 2.16 – “Permit required to conduct an outdoor eating area” be amended as follows;

(2.17) Permit required to conduct an outdoor eating area

A person shall not establish or conduct an outdoor eating area without a valid permit.

- 2.11 That the existing Clause 2.17 – “Matters to be considered in determining application” be amended as follows;

(2.18) Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 3.5, the local government may consider in addition to any other matter it considers relevant, whether or not –

- (a) the outdoor eating area is conducted in conjunction with and as an extension of food premises or licensed

premises which abut the outdoor eating area, and whether the applicant is the person conducting such food premises or licensed premises;

- (b) any abutting food premises are registered as an eating-house in accordance with the *Health Act*;
- (c) the use of the abutting food premises or licensed premises as such is permitted under the City planning scheme;
- (d) the outdoor eating area will comply with any local law made under section 172 of the *Health Act*;
- (e) users of the outdoor eating area will have access to proper and sufficient sanitary and ablutionary conveniences;
- (f) the outdoor eating area would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access;
- (g) the furniture to be used may obstruct or impede the use of the public place for the purpose for which it was designed; and
- (h) the abutting food premises or licensed premises provide sufficient car parking bays for customers of the outdoor eating area, and in this respect the car parking requirements of the City planning scheme may be used as a guide.

2.12 That the existing Clause 2.18 – “Obligations of permit holder” be amended as follows;

(2.19) Obligations of permit holder

- (1) The permit holder for an outdoor eating area shall –
 - (a) comply with the terms and conditions of the permit to establish and conduct the outdoor eating area;
 - (b) ensure that the outdoor eating area is conducted at all times in accordance with the provisions of this local law and any local law made under section 172 of the *Health Act*;
 - (c) ensure that the eating area is kept in a clean and tidy condition at all times;
 - (d) maintain the furniture in the eating area in a good, clean and serviceable condition at all times;

- (e) be solely responsible for all and any costs reinstatement or reconstruction of any part of the public place arising from the conduct of the outdoor eating area;
 - (f) on the expiration of or cancellation of a permit to establish or conduct an outdoor eating area, the permit holder shall at his or her cost, reinstate or restore the public place on which the outdoor eating area is established or conducted, to a condition consistent with its condition prior to the commencement of the outdoor eating area and which is to the reasonable satisfaction of the local government; and
 - (g) be solely responsible for all rates and taxes levied upon the land occupied by the outdoor eating area.
- (2) Whenever, in the opinion of the local government or an authorised person, any work is required to be carried out to an outdoor eating area, the local government or authorised person may give a notice to the permit holder for the outdoor eating area to carry out that work within the time limited by the notice.
 - (3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of an outdoor eating area.
- 2.13 That the existing Clause 2.19 – “Removal of an outdoor eating area unlawfully conducted” be amended as follows;

(2.20) Removal of an outdoor eating area unlawfully conducted

Where an outdoor eating area is conducted without a permit, or in contravention of a condition of a permit, any furniture may be removed by an authorised person and impounded in accordance with the Act.

- 2.14 That the existing Clause 2.20 – “Use of an outdoor eating area by public” be amended as follows;

(2.21) Use of an outdoor eating area by public

- (1) A person shall not occupy a chair or otherwise use the furniture in an outdoor eating area the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the permit holder of the outdoor eating area.
- (2) A person shall leave an outdoor eating area when requested to do so by the permit holder or an authorised person.

- 2.15 That the existing Clause 2.21 – “Temporary removal of an outdoor eating area may be requested” be amended as follows;

(2.22) Temporary removal of an outdoor eating area may be requested

- (1) The permit holder for an outdoor eating area is to temporarily remove the outdoor eating area when requested to do so on reasonable grounds by an authorised person, a member of the Police Service or an emergency service agency in the event of an emergency.
- (2) The permit holder may replace the outdoor eating area removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

- 2.16 That the existing Clause 2.22 – “Definitions” be amended as follows;

(2.23) Definitions

In this Division, unless the context otherwise requires:

“permit holder” means the person to whom a goods permit has been issued;

“goods permit” means a permit to display goods; and

“goods” has the meaning given to it in the Act.

- 2.17 That the existing Clause 2.23 – “Permit Period” be amended as follows;

(2.24) Permit period

The local government may grant approval for the display of goods for one year or three years, whichever the applicant chooses on the application for a goods permit.

- 2.18 That the existing Clause 2.24 – “Goods Permit” be amended as follows;

(2.25) Goods permit

- (1) A person shall not display goods on a footpath unless that person is the holder of a valid goods permit.
- (2) Every application for a goods permit shall –
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed permitted area of the goods;

- (c) be accompanied by an accurate plan and description of:
 - (i) the proposed goods; and
 - (ii) the proposed location of the goods and the area in a radius of approximately 10 metres around that location showing on a scale of approximately 1:100 the location of all carriageways, footpaths, verges, street furniture, bins, light poles, parking signs, traffic lights, other impediments to pedestrian traffic and premises abutting any verge or footpath; and
- (d) a colour photograph or similar representation of the goods.

2.19 That the existing Clause 2.25 – “Matters to be considered in determining application” be amended as follows;

(2.26) Matters to be considered in determining application

In determining an application for a permit for the purpose of this Division, the local government may consider in addition to any other matter it considers relevant, whether or not –

- (a) the goods would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
- (b) the goods, may obstruct or impede the use of the footpath for the purpose for which it was designed.

2.20 That the existing Clause 2.26 – “Obligations of permit holder” be amended as follows;

(2.19) Obligations of permit holder
The permit holder shall –

- (a) maintain the goods or goods display in a safe condition at all times;
- (b) display the permit number provided by the local government in a conspicuous place on or near the goods or goods display and whenever requested by an authorised person to do so, produce the goods permit to that person;
- (c) ensure that the goods are of a stable design and is not readily moved by the wind, and does not cause any hazard or danger to any person using a thoroughfare;

(d) only display goods on a footpath which immediately abuts and not extending more than 1 metre from the building, which is occupied by the owner of the goods or in a location approved by the local government and specified in the permit; and

(e) ensure the free passage of persons using the footpath.

2.21 That the existing Clause 2.27 – “Safety of persons” be amended as follows;

(2.28) Safety of persons

A person shall not cause or permit goods to be displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

2.22 That the existing Clause 2.28 – “Removal of goods for works” be amended as follows;

(2.29) Removal of goods for works

A permit holder shall ensure that goods are removed from any footpath to permit the footpath to be swept or to permit any other authorised work to be carried out when directed to do so by an authorised person.

2.23 That the existing Clause 2.29 – “Removal of goods” be amended as follows;

(2.30) Removal of goods

A person shall remove goods which does not comply with the requirements of this local law, from any footpath when directed to do so by an authorised person.

2.24 That the existing Clause 2.30 – “Removal of goods” be amended as follows;

(2.31) Unlawful placement of goods

(1) A person who places, causes or permits to be placed on any footpath any goods which does not comply with the requirements of this local law, commits an offence.

(2) A person who places, causes or permits to be placed on any footpath any goods which obstructs or may obstruct the use of the footpath commits an offence, unless the person proves they had lawful authority to so place the goods.

- 2.25 That the existing Schedule 1 – “Prescribed Offences” be amended as follows;

**SCHEDULE 1
PRESCRIBED OFFENCES**

Clause No	Description of Offence	Modified Penalty \$
2.2 (1)	Conducting stall in public place without a permit	250
2.3 (1)	Trading without a permit	250
2.8(1)(a)	Failure of stallholder or trader to comply with terms or conditions of permit	250
2.8 (1)(b)	Failure of stallholder or trader to display or carry permit	100
2.8 (1)(c)	Stallholder or trader not displaying valid permit	100
2.8 (1)(d)	Stallholder or trader not carrying certified scales when selling goods by weight	100
2.8 (3)	Stallholder or trader engaged in prohibited conduct	250
2.10 (1)	Performing in a public place <u>outside of the Street Entertainer Zone</u> without a permit	250
2.11 (2)	Failure of performer to move onto another area when directed	100
2.14	Failure of performer to comply with obligations	100
2.16	Establishment or conduct of outdoor eating area without a permit	250
2.18	Failure of permit holder of outdoor eating area to comply with obligations	250
2.20 (1)	Use of furniture of outdoor eating area without purchase of food or drink from permit holder	100
2.20 (2)	Failure to leave outdoor eating area when requested to do so by permit holder	100
2.24 (1)	Displaying goods on a footpath without a permit	250
2.26 (a)	Failing to maintain goods in a safe and serviceable condition at all times	100
2.26 (b)	Refusing to conspicuously display the permit number on or near the goods or goods display	50
2.26 (c)	Failure to display goods in accordance with conditions of permit	100
2.26 (d)	Displaying the goods more than 1 metre from the adjacent building or in a location not approved by the local government	100
2.26 (e)	Failing to ensure the free passage of persons using the footpath	100
2.27	Permitting goods to be displayed in an unsafe or dangerous manner	250
2.28	Refusing or failing to remove goods to allow sweeping or cleaning	100
2.29	Refusing or failure to remove goods when requested to do so	250
2.30 (1)	Placing or permitting goods contrary to the requirements of the local law	250
2.30 (2)	Placing or permitting an item so as to obstruct a footpath without lawful authority	250
3.7 (1) & (2)	Failure to comply with a condition of a permit	250
3.12	Failure to produce a permit when requested to do so	100
5.3	Carrying out works in thoroughfare without permission	250
6.1 (1)	Failure to obey a lawful direction of an authorised person	250
6.2	Failing to leave local government property when directed to do so	250
7.1 (2)	Failure to comply with notice	250
7.1	All other offences not described above	100

3. in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendment to the City of Vincent Trading In Public Places Local Law 2008; and
 4. NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period.
-

COUNCIL DECISION ITEM 9.5.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To seek Council approval for an amendment to the City's Trading in Public Places Local Law 2008 (Local Law) to allow for a 'Street Entertainer Zone'. This zone would allow street performers to perform at prescribed locations without the need for a permit.

BACKGROUND:

- | | |
|------------------|--|
| 12 February 2008 | Statutory Review of Local Laws – Proposed New Trading in Public Places Local Law 2008 – Deferred to the next Ordinary Meeting of Council |
| 8 June 2008 | Trading in Public Places Local Law 2008 Amendment No.1 – Adoption of Amendment |
| 10 February 2009 | LATE ITEM: Town of Vincent Trading in Public Places Local Law 2008 – Adoption of Amendment |

DETAILS:

Attracting and nurturing street life is a key component to ensuring Vincent's Town Centres continue to grow as destinations. Enhancing the destination and experiential values of Vincent's Town Centres is paramount to ensuring continued economic growth in the face of growing competition from Shopping Centres and online retail.

Street performances are a key component to street life and vibrancy. A vibrant street life is often unique to Town Centres and can be integral to place identity and branding.

The City of Vincent does not have a culture of impromptu street performance. Comparatively, the Fremantle and Perth City Centres have a strong and evolving street performing tradition. The Perth Cultural Centre has flourished in part due to a carefully crafted schedule of events and street performances.

The draft amended Local Law includes provisions for a new 'Street Entertainer Zone' where performers are able to perform without the requirement of a permit from the City. This Street Entertainer Zone will be restricted to the Beaufort Street, Leederville, Mount Hawthorn and North Perth Town Centres. Provisions relating to the Street Entertainer Zone are contained in Clause 2.10 of the amended Local Law. Removing the need for permits removes a significant barrier for performers and will be integral to the emergence of a street performance culture in Vincent's Town Centres.

The proposed amendments to the Local Law also provide a range of provisions allowing Rangers and Authorised Officers to effectively police street performers operating in the Street Entertainment Zones. These provisions are outlined in clause 2.15 of the Amended Local Law as shown in Appendix 9.4.3A. Furthermore, a Risk Management and Code of Practice for Street Performers document has been prepared to provide further guidance to performers, Rangers and Authorised Officer's, outlining what is acceptable and unacceptable practice. The "*Risk Management and Code of Practice for Street Performers*" document is given power under new provisions in the Local Law, contained in clauses 2.10 and 2.15.

A Public Liability Insurance Certificate will be requested of a performer by Rangers or Authorised Officers should:

- the performer/s be deemed to represent a danger to the public by the City's Rangers or an Authorised Officer; or
- the performer be required to have Public Liability Insurance under the requirements outlined in Table A of the Risk Management Guidelines and Code of Practice for Street Performers.

In order to ensure street performers set up and perform in appropriate locations within the Street Entertainment Zone, a small disc will be installed into the pavement with the words 'Play Here' transcribed. Performers will only be able to play at these prescribed locations which will be chosen by the City's Officers using the following criteria:

- The location has enough space for a performer to set up without compromising pedestrian accessibility;
- The location has enough space for a performer to set up without compromising a currently approved alfresco area; and
- The location is a highly pedestrianised area and would be seen as suitable location by a street performer.

Performers will be required to register their contact details with the City through an on-line database on the City's website, or through direct contact with a City Officer. This registration is free of charge. This database ensures the City can contact the Street Performer should they need to.

CONSULTATION/ADVERTISING:

The proposed amendments to the City's Trading in Public Places Local Law 2008 will be advertised for a period of twenty-one (21) days as per the City Community Consultation Policy No. 4.1.5.

During this time, it is proposed to trial the Street Entertainer Zone in all of the City's Town Centres.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Medium: The introduction of a Street Entertainer Zone shifts responsibility for Public Liability Insurance to the performer, and may result in a performer performing without Public Liability Insurance. Should a third party be injured or their property damaged through the negligence of the performer the third party will be required to make a claim against the performer. In the event that the performer does not have Public Liability Insurance and the third party makes a claim against the City, the City's insurer would vigorously defend any action.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

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

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."*

SUSTAINABILITY IMPLICATIONS:

There are no sustainability issues associated with this proposal.

FINANCIAL/BUDGET IMPLICATIONS:

In the 2013/2014 financial year, the City has received no money from street performer permits.

The discs cost \$13.50 each. In order to ensure enough discs are dispersed in each Town Centre, a budget of \$500 is allocated to this initiative.

Expenditure for this matter will be incurred from the Economic Development Strategy Implementation Actions budget.

Budget Amount:	\$ 45,411
Spent to Date:	<u>\$ 3,025</u>
Balance:	\$ 42,386

COMMENTS:

The Trading in Public Places Local Law 2008 was last reviewed in February 2009. In order to create more vibrant and interesting Town Centres it is recommended that provisions for a Street Entertainer Zone be incorporated into the Trading in Public Places Local Law. The Street Entertainer Zone will provide an area where street performers can perform without requiring a permit. In partnership with the amended Local Law it is recommended that a Risk Management Guidelines and Code of Practice for Street Performers document be prepared to assist Rangers and Authorised Officers police street performers in the Street Entertainment Zone.

The creation of a Street Entertainer Zone shifts the onus for Public Liability Insurance to the performer. The "*Risk Management and Code of Practice*" for Street Performers document outlines the minimum insurance requirements for performers based upon levels of danger to the community. Rangers and City Officers will have the power under the Guidelines and amended Local Law to ask performers to move on should they not be able to provide an up-to-date Public Liability Insurance Certificate or if they are presenting a nuisance or danger to the public. Furthermore, street performers will only be able to play at prescribed locations within Town Centres.

Without the need for a permit, Street Performers will only be required to register their name and contact details with the City through the City's website.

It is therefore recommended that the Council endorse the Officer Recommendation to advertise the Draft Trading in Public Places Local Law 2008 and adjoining Risk Management and Code of Practice for Street Performers document.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Roslyn Harley Request to Investigate Funding the Proposed 'Laneway Collective' Mural Community Project

That the Council:

1. REQUESTS the Acting Chief Executive Officer to investigate the funding for the proposed '*Laneway Collective*' mural community project; and
2. PROVIDES a report to the Council no later than 24 June 2014.

COUNCIL DECISION ITEM 10.1

Moved Cr Harley, Seconded Cr Cole

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

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 8.20pm **Moved Cr Buckels, Seconded Cr McDonald**

That the Council proceed “behind closed doors” to consider

Confidential item 14.1, as this matter contains information concerning a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

Confidential Item 14.2 as this matter contains information concerning legal advice obtained; and

Confidential Item 14.3 as this matter relates to an employee.

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.

PRESENT:

Mayor John Carey Presiding Member

Cr Roslyn Harley (*Deputy Mayor*) North Ward

Cr Matt Buckels North Ward
Cr Emma Cole North Ward
Cr Laine McDonald South Ward
Cr James Peart South Ward
Cr John Pintabona South Ward
Cr Joshua Topelberg South Ward

Mike Rootsey Acting Chief Executive Officer
Rick Lotznicker Director Technical Services
Jacinta Anthony Acting Director Community Services
Bee Choo Tan Acting Director Corporate Services
Rasiah Rasaratnam Acting Director Planning Services

Matt Zurela Planning Consultant

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

14.1 CONFIDENTIAL ITEM: No. 10 (Lot 616) Richmond Street, North Perth – Removal of Caveat

Ward:	South Ward	Date:	16 May 2014
Precinct:	Smith’s Lake, P6	File Ref:	PRO1740; 5.2013.586.1
Attachments:	Confidential – Property Information Report Confidential – Historical Documentation		
Tabled Items:	Nil		
Reporting Officer:	P Stuart, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council:

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to No. 10 (Lot 616) Richmond Street, North Perth – Removal of Caveat, as this matter contains information concerning a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
2. **AUTHORISES** the Acting Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.1

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

MOTION PUT AND LOST (1-7)

For: Presiding Member Mayor Carey

Against: Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Peart and Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

DETAILS:

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

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Acting Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL ITEM: No. 18 (Lots 23 and 24; D/P 956) Burgess Street, Leederville – Proposed Demolition of Existing Single House and Construction of Two-Storey Residential Development Comprising Seven (7) Multiple Dwellings and Associated Ground Floor Parking – Review (Appeal) under Section 31 of the State Administrative Tribunal (SAT) Act – DR 87 of 2014

Ward:	South	Date:	14 May 2014
Precinct:	Leederville, P3	File Ref:	PRO6081; 5.2013.345.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report		
Tabled Items:	Nil		
Reporting Officer:	Matt Zuvella, Planning Consultant		
Responsible Officer:	Petar Mrdja, Acting Director of Planning Services		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES** the Planning Consultant Recommendation as below, and as detailed in this Confidential Report; and
2. **ADVISES** the State Administrative Tribunal about the Council decision.

CONFIDENTIAL PLANNING CONSULTANT RECOMMENDATION:

That the Council:

In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by applicant/owner Carmelo Musca for Proposed Demolition of Existing Single House and Construction of Two-Storey Residential Development Comprising Seven (7) Multiple Dwellings and Associated Ground Floor Parking at No. 18 (Lots 23 & 24, D/P 956) Burgess Street, Leederville and as shown on plans stamp - dated 5 May 2014, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 16A, 16B and 16C Burgess Street, Leederville in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

2.1 Landscape and Reticulation Plan

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

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

- 2.1.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.1.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.1.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.1.4 The location and type of existing and proposed trees and plants;
- 2.1.5 All vegetation including lawns;
- 2.1.6 Areas to be irrigated or reticulated;
- 2.1.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.1.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

2.2 Refuse Management

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

2.3 Schedule of External Finishes

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

2.4 Acoustic Report

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

2.5 Section 70 A Notification under the Transfer of Land Act

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

- 2.5.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes.

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

2.6 Amalgamation of Lots

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

2.7 Construction Management Plan

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

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

3.1 Car Parking

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

3.2 Residential Car Bays

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

3.3 Tenure of Tandem and Visitor Car Bays

The two (2) additional tandem car bays are to be allocated to the same Unit as the corresponding front tandem car bay on any strata or survey strata subdivision plan for the property. The car parking areas shown as visitor car bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property;

3.4 Clothes Drying Facilities

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

3.5 Bicycle Parking

A minimum of two (2) bicycle bays for the residents and one (1) bicycle space for visitors to the development shall be provided; and

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

ADVICE NOTES:

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

COUNCIL DECISION ITEM 14.2

Moved Cr Buckels, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

"That Clause 3.2 be amended to read as follows:

3.2 Residential Car Bays

~~A minimum of six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The two (2) visitor car parking spaces shall be clearly marked and signposted accordingly; That the car parking bays be deleted in the front set back for the area to be soft landscape and for one of the other bays be reallocated as a visitor bay and that the development is only approved with one hundred percent compliant with the City's car parking requirements to the City's policy~~

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Wilcox was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (6-2)

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

Against: Cr Harley and Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

Acting Chief Executive Officer's Comment:

As this matter is before SAT, it is appropriate that the Confidential Officer Recommendation (and the subsequent Council Decision) remain Confidential until the matter has been determined by SAT.

To make public the Confidential Decision prior to the matter being determined by SAT may jeopardise the City's position.

PURPOSE OF REPORT:

This report has been prepared for the Council's reconsideration of amended plans following an invitation by the State Administrative Tribunal (SAT) under Section 31 of the SAT Act.

BACKGROUND:

Following the Council's meeting of 25 February 2014, the Applicant appealed the decision to refuse a proposal for a two-storey residential development comprising seven (7) multiple dwellings and associated car parking. A mediation session occurred with the Applicant and as a consequence, and modified plans have been prepared. The Tribunal has invited the Council to reconsider its earlier decision to refuse the proposal based upon the submission of modified plans and further information by the Applicant under Section 31 of the SAT Act.

This report has been prepared in response to those modified plans.

The modifications to the plans and additional information supplied can be summarised as follows:

- The two (2) car bays at the front of the development nearest Burgess Street are now designated as Visitor Bays. A total of six (6) resident bays are provided with two units to have an extra tandem car bay assigned to them to cater for those unit purchasers who need or want an extra car bay.
- An Indicative Landscaping Plan is provided to show the extent of landscaping increasing from 6.8% of the total site area to 32%. The site area provided as soft landscaping within common property has increased from 4.8% to 11.2% and the area provided as soft landscaping within private outdoor living areas has increased from 0% to 7.3%.
- The front entry portico of Unit 1 closest to Burgess Street is now to be enclosed and will thus create a solid building line along the entire ground floor frontage that is setback 4.18 metres from the street boundary. The entire upper floor building line will now be setback between 1.0 and 2.0 metres behind the ground floor wall building line where previously the central portion of the upper floor was in line with the ground floor.
- The amended plans depict the arrangement of neighbouring development immediately to the south and shows existing buildings and structures. It shows that the only areas possibly affected by reduced upper floor southern setbacks will be restricted to the adjoining front dwelling's side setback area and the side setback and a covered alfresco area attached to the rear of the adjoining second dwelling. This information is submitted in support of reduced 1.2 metre upper floor setbacks for two south facing walls where the 'Deemed-to-Comply' requirement is 2.2 metres.
- The eastern side boundary upper floor setback complies with the R Code's 1.2 metre minimum setback requirement.
- An on-site-measured Building Setbacks Plan more accurately reflects the prevailing setback pattern along Burgess Street either side of the proposed development in order to further consider likely impacts on the existing streetscape. This has reduced the calculated average setback from Burgess Street from 6.8 metres to 6.2 metres.

- A coloured Artist Impression prepared to illustrate the intended appearance and presentation of the development and showing the building materials and finishes to be used, assists in the further assessment of possible impacts on local amenity or the streetscape due to the height, bulk and scale of the development

HISTORY:

DATE	COMMENT
25 February 2014	The City at its Ordinary Meeting of Council on 25 February 2014 refused an application for a Two-Storey Multiple Dwelling Development.
17 March 2014	The City received a notice from SAT for review of the Refusal Notice.
17 April 2014	Mediation with a SAT Member and the Applicant held at the City of Vincent offices.

PREVIOUS REPORTS TO COUNCIL:

The minutes of the item 9.1.4 from the Ordinary Meeting of Council on 25 February 2014 relating to the report is available on the City's website at the following link http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

Landowner:	C Musca
Applicant:	C Musca
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	818 square metres
Right of Way:	Not Applicable

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

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Elements Initial Assessment

The following provides a summary of the planning assessment previously prepared by City officers and updated where necessary in order to respond to the modified plans.

Design Element	Complies 'Deemed To Comply' or TPS Clause	OR	Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Siteworks	✓		
Essential Facilities	✓		

Design Element	Complies 'Deemed To Comply' or TPS Clause	OR	Design Principles' Assessment or TPS Discretionary Clause
Street Surveillance			✓
Landscaping	✓		
Outbuildings	✓		
Energy Efficient Design	✓		
Overshadowing	✓		

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

Issue/Design Element:	Density/Plot Ratio
Requirement:	<u>Residential Design Codes Table 1</u> Plot Ratio – 0.6 or 490.6sqm
Applicant's Proposal:	Plot Ratio - 0.59 or 483.4sqm
Performance Criteria:	Residential Design Codes 6.1.1 Building Size P1
Applicant Justification	'Nil' as compliant
Technical Officer Comment:	Compliant

Issue/Design Element:	Roof Forms
Requirement:	<u>Residential Design Elements Policy No. 7.2.1 Clause 7.4.3</u> <ul style="list-style-type: none"> The use of appropriate materials, colour and roof pitch; The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and The use of lower pitched roofs where they are compatible with existing development and streetscape.
Applicant's Proposal:	Skillion roof proposed
Performance Criteria:	BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> it does not unduly increase the bulk of the building; in areas with recognised streetscape value, it complements the existing streetscape character and the elements that contribute to this character; and it does not cause undue overshadowing of adjacent properties and open space.
Applicant Justification:	None provided.
Officer Technical Comment:	The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building. It is considered that a traditional pitched roof may increase the bulk and scale of the building. As the building height complies with the Performance Criteria provisions of Clause BDPC 5 'Building Height' of the City's Policy No. 7.2.1 relating to Residential Design Elements and Clause 2.2 'Building Height' of the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, it is considered that the proposal will not have an undue impact on the existing and desired future streetscape. It is also noted that the overshadowing complies with the Deemed-to-Comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes.

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy 7.2.1 Clause 6.4.2(i) Ground floor – 6.2 metres minimum street setback based on the on-site measured Building Setbacks Plan (it had been previously estimated to be a minimum of 6.8 metres). Upper floor – 2.0 metres behind the ground floor setback at all points.</p>
Applicant's Proposal:	<p>Ground floor – 4.18 metres minimum street setback. Upper floor – The entire upper floor building line will now be setback between 1.0 and 2.0 metres behind the ground floor wall building line where previously the central portion of the upper floor building line was in line with the ground floor building line).</p>
Design Principles:	<p>P3 Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to the desired streetscape; • provide articulation of the building to the primary and secondary streets; • allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;
	<ul style="list-style-type: none"> • are appropriate to its location, respecting the adjoining development and existing streetscape; and • Facilitate the provision of weather protection where appropriate.
Applicant Justification Summary:	<ol style="list-style-type: none"> 1. The proposed development has been designed with a variable setback along its Burgess Street frontage to help provide an interesting and articulated front facade. 2. The proposed development has been designed to make a positive contribution to the local streetscape and an 'active frontage' to Burgess Street. 3. The proposed development will not have an adverse impact on the Burgess Street streetscape in terms of its overall bulk and scale and is generally consistent with other similar residential developments approved by the City in the immediate locality. 4. The proposed variation to the upper floor setback from the ground floor will not have any adverse impacts on the amenity of any adjoining properties along Burgess Street. 5. The variation to the upper floor front setback for the proposed development will not have an adverse impact on any major openings to habitable rooms or any outdoor living areas associated with any dwellings on the adjoining properties. 6. The proposed variation to the upper floor setback will significantly improve current levels of passive surveillance over Burgess Street. 7. Sufficient space is available within the front setback area on the ground floor to accommodate gardens and landscaping, all of which will be designed and constructed to ensure that the development is visually attractive and makes a positive contribution to the local streetscape. 8. Having regard for all of the above, it is contended that the proposed variations to the upper floor setbacks for the new multiple dwelling development on Lots 23 &

Issue/Design Element:	Street Setbacks
	<p>24 satisfy the 'performance criteria' of SPC 5 of the City's Residential Design Elements Policy, and may therefore be supported and approved by the City.</p>
Officer Technical Comment:	<p>The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development.</p> <p>The Applicant has provided a plan showing on-site measured street setback distances either side of the subject land and this has led to the calculated minimum setback being revised to 6.2 metres.</p> <p>The proposal complies with the Performance Criteria of Clause SPC 5 'Street Setbacks' of the City's Policy No. 7.2.1 relating to Residential Design Elements as it is not considered it will disrupt the streetscape character of Burgess Street in any substantial way.</p> <p>The development is to be of only modest height at 2 storeys and will have reduced roof pitches. Actual built development will visually occupy only half the frontage width and the architecture is not significantly bulky nor of a scale that will dominate local views.</p>
	<p>The three adjoining buildings on lots to the south have setbacks similar to those proposed by this development, being 3.8 metres, 4.3 metres and 4.3 metres respectively. Burgess Street is not considered to have a particularly strong or uniform character, and this will further change as the area continues to evolve at a higher density.</p> <p>The proposal is considered to maintain the existing streetscape, as there are properties with the upper floors and balconies flush with the ground floor within the immediate locality; for example No. 12 Burgess Street.</p> <p>The proposed front elevation incorporates a number of architectural features including contrasting building materials, roof pitches, a feature wall, balcony, windows and open style fencing all helping to create an interesting façade, provide visual articulation and reduce any perception of building bulk as viewed from the street.</p> <p>In light of the above, the proposal is considered to maintain the amenity of surrounding properties and the streetscape, as the proposed upper floor setback variation is in keeping with an evolving Burgess Street streetscape.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4 Upper Floor South – 2.2 metre setback</p>
Applicant's Proposal:	<p>Upper Floor South – 1.2 to 3.6 metres setback</p>
Performance Criteria:	<p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and

Issue/Design Element:	Lot Boundary Setbacks
	<ul style="list-style-type: none"> • assist with the protection of privacy between adjoining properties.
Applicant Justification Summary:	<p>The Applicant's original justification is provided as follows:</p> <ol style="list-style-type: none"> 1. <i>The proposed setback variation to the southern side boundary will not have an adverse impact on the local streetscape in terms of its bulk and scale.</i> 2. <i>It is considered that the portion of the development proposing a reduced setback from the southern side boundary is consistent in terms of its design, bulk and scale with other similar residential developments recently approved by the City in the immediate locality.</i> 3. <i>The proposed development complies with the 'Deemed-to-Comply' provisions relating to solar access for adjoining sites of the R-Codes as it will not have a detrimental impact on access to light and ventilation for the existing dwellings on any adjoining properties.</i> 4. <i>The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas which will benefit all future occupants.</i>
	<ol style="list-style-type: none"> 5. <i>The proposed development complies with the 'Deemed-to-Comply' provisions relating to Visual Privacy as it provides privacy to indoor habitable spaces and enhances the overall amenity for future occupants.</i> 6. <i>With respect to any potential impacts the development may have on the amenity of the adjoining No. 16 Burgess Street, Leederville, the following points are submitted in support of the proposal:</i> <ol style="list-style-type: none"> (i) <i>That portion of the proposed development with a reduced setback from the southern side boundary abuts a side setback area and covered courtyard area of an existing grouped dwelling development.</i> (ii) <i>The ground level setbacks for the proposed development from the southern side boundary complies with the 'Deemed-to-Comply' provisions of the R-Codes;</i> (iii) <i>The proposed development has been designed with a variable upper floor setback, providing an interesting and articulated façade;</i> (iv) <i>Parts of the recessed areas of the upper floor of the proposed development comply with the 'Deemed-to-Comply provisions' of the R-Codes; and</i> (v) <i>Having regard to the above, it is contended that the portions of the proposed development with a reduced setback from the southern side boundary satisfy the 'Design Principles' of Element 7.1.4 of the R-Codes and may therefore be approved by the City."</i>
Officer Technical Comment:	<p>Amended plans previously received by the City on 17 January 2014 addressed proposed setback variations on the ground floor and on the northern elevation of the upper floor.</p> <p>The setback variation proposed on the upper floor on the right (south) side boundary is not considered to have an</p>

Issue/Design Element:	Lot Boundary Setbacks
	undue impact on the amenity of the adjoining property to the south in terms of height, privacy, ventilation or building bulk.
	It should also be noted the proposal meets the deemed to comply standards relating to the design for climate provisions set out in the R - Codes.

Issue/Design Element:	Surveillance of Street
Requirement:	<p><u>Multiple Dwellings Policy No. 7.4.8 Clause 3.1</u> The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</p>
Applicant's Proposal:	Visitor parking car bay located within the street setback area.
Performance Criteria:	<p>P1.1 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.</p>
	<p>P1.3 Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.</p> <p>P1.4 Ground Floor Activation:</p> <ul style="list-style-type: none"> • The ground floor shall be designed to address the street and provide passive surveillance of the street from the building. <p>P1.5 Streetscape Integration:</p> <ul style="list-style-type: none"> • Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.
Applicant Justification Summary:	<ol style="list-style-type: none"> 1. The Burgess Street verge area adjoining the subject land comprises a depth of approximately five (5) metres which will be comprehensively landscaped and maintained to help soften any potential negative visual impacts that the hardstand may have on the local streetscape. 2. The design, width and scale of the proposed hardstand for the new development is consistent with other similar residential developments approved by the City in the immediate locality. 3. The proposed development has been designed to integrate with the street through providing a clear and identifiable entry from the street, with the proposed carports and car parking bay not having a detrimental impact on the streetscape. 4. The proposed development has been designed to address the street and provide passive surveillance of Burgess Street. 5. Having regard for all of the above, it is contended that the proposed location of a car parking bay within the front setback area of the proposed development satisfies the 'Design Principles' of Clause 3.1 of the City's Guidelines for Multiple Dwellings in Residential Zones and may therefore be supported and approved

Issue/Design Element:	Surveillance of Street
	by the City.
Officer Technical Comment:	<p>The proposed area set aside for the visitor bay within the street frontage area will not dominate the frontage, comprising only one-third the width of the overall lot frontage. The car bay itself will not be heavily developed and will not have a vertical element by remaining entirely open and having neither walls, fences nor roof supported by pillars or posts.</p> <p>The car bay will be predominantly screened by a new wall/fence extending approximately 50 per cent of the width of the street front boundary and concealing almost the full length of the car bay. It will be located amongst, and be further screened by, verge and frontage landscaping including a significant verge tree to be located directly between the car bay and the street. The parking area itself will be 'soft' landscaped and will not be fully sealed or surfaced through the intended use of porous grass/concrete paving.</p>
	It is considered the car bay location will not reduce the activation of the front unit's ground floor as surveillance opportunity over the street will remain uninterrupted and a clear and identifiable entry to the development will be maintained.

Issue/Design Element:	Landscaping
Requirement:	<p><u>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</u></p> <ul style="list-style-type: none"> • Minimum 30 per cent site area to be landscaped. • Minimum 10 per cent site area to contain soft landscaping within common property. • Minimum 5 per cent site area to contain soft landscaping within private outdoor living areas.
<u>Applicant's Proposal:</u>	<ul style="list-style-type: none"> • 32 per cent site area to be landscaped. • 11.2 per cent site area to contain soft landscaping within common property. • 7.3 per cent site area to contain soft landscaping within private outdoor living areas.
Officer Technical Comment:	<p>Compliant.</p> <p>It should be noted that the dramatic increase in the calculated areas of landscaping to not only meet but now exceed the minimum requirements set down in the Multiple Dwelling Policy is primarily a result of this information not being depicted on previous plans. Details were not originally submitted in anticipation that a condition of approval requiring preparation and installation of a Landscape Management Plan.</p>

Residential Car Parking	
Small Multiple Dwelling based on size (Less than 75 square metres) – 7 Dwellings – (0.75 Bays per Dwelling) = 5.25 rounded up to 6 Car Bays Visitors = 0.25 per dwelling (7 dwellings) = 1.75 rounded to 2 Car Bays Total Car Bays Required:	6 Resident Car Bays 2 Visitor Car Bays 8 Car Bays
Total Car Bays Provided:	8 Residential Car Bays and

Residential Car Parking	
	2 Visitor Car Bays Total= 10 car bays
Surplus	2 car bays
<p>It is noted that the explanatory guidelines of the R Codes state that <i>"In the case of single houses, grouped dwellings and multiple dwellings, two car bays in tandem would be considered two bays where they relate specifically to one dwelling"</i>.</p> <p>The applicant intends to assign the two (2) tandem bays to two of the seven units, therefore a total of 10 car bays are provided, being a surplus of two (2) bays.</p>	

Bicycle Parking		
Bicycle Spaces	1 bicycle space to each 3 dwellings for residents (3 required) and 1 bicycle space to each 10 dwellings proposed) – (1 required) – Total – 4 required	8 bicycle spaces provided

CONSULTATION/ADVERTISING:

No further consultation was undertaken as a consequence of the proposal modifications. Below is an extract of the previous concerns raised when the proposal was first advertised from 14 November 2013 to 5 December 2013, and reported to the Council on 25 February 2014 (Item 9.1.4).

Summary of Comments Received	Officer Technical Comment:
<p><u>Street Setback:</u> Will be detrimental to streetscape, too bulky, not in keeping with streetscape.</p> <p>Trees will be removed altering streetscape.</p>	<p>Not supported. The proposal complies with the Performance Criteria of Clause SPC 5 'Street Setbacks' of the City's Policy No. 7.2.1 relating to Residential Design Elements as it is considered it will not materially disrupt the streetscape character of Burgess Street.</p> <p>The proposal is considered to maintain the existing streetscape, as there are properties with the upper floors and balconies flush with the ground floor within the immediate locality; for example No. 12 Burgess Street.</p> <p>The proposed front elevation incorporates a number of architectural features including contrasting building materials, roof pitches, a feature wall, balcony, windows and open style fencing, all helping to create an interesting façade, provide visual articulation and reduce any perception of building bulk as viewed from the street.</p> <p>Noted. There are no existing street/verge trees within the Burgess Street Road Reserve directly in front of the property.</p>
<p><u>Visual Privacy:</u> Overlooking issues, does not comply. Windows of Unit 5 and 6 will overlook the courtyard and living room of the property at 16A Burgess Street.</p> <p>Concern over audio privacy and the significant increase in the quantity of noise likely to be generated by the 7 units.</p>	<p>Noted Amended plans previously received from the applicant meet the 'deemed to comply requirements' of Element 6.4.1 C1.1 ('Visual Privacy') of the R-Codes.</p> <p>Noted. It is considered that some ambient noise from day to day habitation of the premises will occur and a condition requiring preparation of an Acoustic Report is recommended.</p>

Summary of Comments Received	Officer Technical Comment:
Buildings too close to boundary will cause neighbour to be overlooked. Proposed detail of screening needs to be clear.	Noted. Amended plans previously submitted show detail of the proposed privacy screens to the balconies and which demonstrate compliance with the relevant provisions of the R Codes.
<p><u>Surveillance of Street:</u> Car parking will dominate streetscape. Will diminish the aesthetic value of the street.</p>	Not supported. The proposed area set aside for the visitor car bay within the street frontage comprises only one third of the overall lot frontage and will be predominantly screened by a proposed street wall/fence. It is considered that this location will not reduce activation of the ground floor of the development and still a clear and identifiable entry to the site will be maintained.
<p><u>Lot Boundary Setbacks:</u> Will not allow adequate daylight, direct sun and ventilation into adjoining properties. Only 1 metre setback from the boundaries at property at 16A Burgess Street, plants will die of lack of sunlight. Will have visual impact on neighbouring property. Too close to boundary.</p>	<p>Not supported. The proposed development meets the 'deemed to comply requirements' of Element 6.4.2 C2. 1 ('Solar access for adjoining sites') of the R-Codes. Not supported. Comment is unsubstantiated and is not a valid planning consideration.</p> <p>Noted. Amended plans previously received include compliant ground floor setbacks. The upper floor setback variations are considered to satisfy relevant design principles as previously discussed.</p>
<p><u>Landscaping:</u> Development significantly reduces the tree and vegetation coverage of the area. Minimal space around the building designed to allow planting. Will significantly alter the impermeable area of the lot. Insufficient landscaping in stark contrast to all other properties in the street. No pedestrian path shown on plans. Mature trees to be removed. No provision for landscaping at front will alter streetscape. Inconsistent with City's Policy.</p>	Not supported. The Indicative Landscaping Plan now submitted confirms that landscaping minimum area requirements will be satisfied as required by the City's Policy No. 7.4.8.
<p><u>Car Parking:</u> Increase local traffic by 30%. Worsen the current parking congestion on Burgess Street. No off-site car parking for additional 6 households on Burgess Street. Access to the street for some cars can only be achieved by reversing.</p>	<p>Not supported. The increase in traffic generated from the proposed development is considered to be minimal and not cause an undue impact on the immediate locality.</p> <p>Not supported. The proposal meets the requirements of the R Codes and the Burgess Street road reserve contains time restricted on-street parking bays which will restrict use on a permanent basis by residents but remain available to accommodate any temporary visitor overflow that may occur from time to time.</p> <p>Not supported. Burgess Street is a local access road and, as such, vehicles are permitted to reverse rather than enter in forward gear. With the exception of one visitor car bay abutting Unit 1, all other cars can enter the street in forward gear.</p>
<p><u>Roof Pitch:</u> Would significantly devalue the street.</p>	Not supported. Financial impacts are not valid planning considerations.

Summary of Comments Received	Officer Technical Comment:
<p><u>Excavation:</u> We are worried if any excavating is to be carried out, as we have a parapet wall (over 70 years old) on part of the divide.</p>	<p>Noted. This matter will be considered by the applicants/owners as part of the Building Permit application.</p>
<p><u>Overshadowing:</u> Concern with height of fences and the considerable restriction on sunlight. Bad design if it does not comply with provisions of the R-Codes. Will overshadow my property and devalue it.</p>	<p>Not supported. The overshadowing complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes. Alleged devaluation of property is not a valid planning consideration. "</p>

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

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

Discussion:

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

Mandatory:

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

Design Considerations:

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

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

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

Should the Council again refuse the application for development approval, the applicant will proceed to have the decision reviewed at a Full Hearing at SAT in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation, with all the dwellings provided with good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating and cooling, as well as high levels of artificial lighting.	

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

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities and also increase the catchment population of nearby commercial enterprises.	

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with planning consultant representation at the State Administrative Tribunal.

CONCLUSION:

Additional information and assessment confirms that density, parking allocation (with two extra bays) and landscaping are 'Deemed-to-Comply' under the R Codes and the Council policies. It is considered that proposed setback reductions along the southern boundary will not cause undue impact on the amenity of adjoining properties. The proposed street setback variations will not unduly impact the amenity of existing surrounding development, local character and the streetscape. With building setbacks complying with the R Codes requirement of 4 metres and similar to the three adjoining lots to the south, it is not considered the development will by itself set an undesirable precedent for others to follow.

The nature and scale of the development will produce housing that is more affordable and will appeal to a wide market and this is seen as beneficial to the creation of lively and active communities. It responds to increasing pressures such as affordability and urban sprawl and will also increase the local catchment population to the benefit of the City's various commercial enterprises as well as its overall function and general appeal.

Amended plans detailing the proposed demolition of an existing single house and construction of a two-storey building comprising seven (7) multiple dwellings in the manner proposed are considered to have responded to the concerns raised by the Council and approval is therefore recommended.

14.3 CONFIDENTIAL ITEM: Chief Executive Officer's Recruitment Process

Ward:	-	Date:	16 May 2014
Precinct:	-	File Ref:	
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Mayor John Carey		
Responsible Persons:	Mayor John Carey		

OFFICER RECOMMENDATION:

That the Council;

1. pursuant to section 5.23 (2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the matter, relating to the Chief Executive Officer's Recruitment Process, as this matter relates to an employee; and
2. **AUTHORISES** the Acting Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.3

Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

DETAILS:

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

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members and the Acting Chief Executive Officer.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 9.06pm **Moved Cr Buckels, Seconded Cr Cole**

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.10pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 May 2014.

Signed:Presiding Member John Carey.

Dated this day of 2014.