



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

28 AUGUST 2012

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**INDEX
(28 AUGUST 2012)**

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	FURTHER REPORT - No. 83 (Lot 283; D/P: 3642) The Boulevarde, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single House (PRO5697; 5.2012.321.1)	7
9.1.2	No. 46 (Lot 100; D/P 1985) Money Street, Perth - Proposed Change of Use from Single House to Single House and Short Term Accommodation (Unlisted Use) (PRO1893; 5.2012.249.1)	33
9.1.3	No. 158 (Lot 16; D/P 972) Bulwer Street, Perth – Proposed Change of Use from Residential to Unlisted Use (Car Wash) (PRO0163; 5.2011.453.3)	64
9.1.4	Amendment No. 97 to Planning and Building Policy Manual – Amendments to and Rescission of Appendices (PLA0241)	9
9.1.5	No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Three (3) Storey Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking (5.2012.59.1; PRO5626)	40
9.2 TECHNICAL SERVICES		
9.2.1	Further Report - Proposed 2 Hour Parking Restriction – Anzac Road, Mount Hawthorn (TES0508)	70
9.2.2	Proposed Installation of Unisex Toilet Facility and Improved Parking - Auckland/Hobart Street Reserve – Consideration of Submissions (RES0037)	57
9.2.3	nib Stadium Redevelopment – Proposed Loton Park Landscape Improvements, Progress Report No. 2 – Consideration of Submissions (RES0114, RES0013)	15
9.2.4	Britannia Reserve Masterplan – Progress Report No. 3 (RES0001)	18
9.2.5	Proposed Western Power Transformer Installation – Glendower Street, Perth (RES0042, TES0552 & TES0218)	21
9.3 CORPORATE SERVICES		
9.3.1	Investment Report as at 31 July 2012 (FIN0033)	24
9.3.2	Authorisation of Expenditure for the Period 1 – 31 July 2012 (FIN0032)	26
9.4 COMMUNITY SERVICES		
9.4.1	Towage of Vehicles Parked in Clearway Zones – Progress Report No. 1 (TES0045; PKG0001) [Absolute Majority Decision Required]	74
9.4.2	Community Sporting and Recreation Facility Fund (CSRFF) – Grant Application (FIN0074)	29
9.5 CHIEF EXECUTIVE OFFICER		
9.5.1	City of Vincent Dogs Local Law No.2, 2012 – Consideration of Submissions and Adoption of Amendment to Allow Companion Dogs in Outdoor Eating Areas (LEG0009) [Absolute Majority Decision Required]	82
9.5.2	City of Vincent Policy No. 2.2.8 – Rights of Way – Naming (ADM0023) [Absolute Majority Decision Required]	85
9.5.3	Appointment of Community Representatives to City of Vincent Sustainability Advisory Group (ORG0079) [Absolute Majority Decision Required]	87
9.5.4	Information Bulletin	32

-
- 10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10.1 Cr Dudley Maier – Adoption of a new Policy No: 3.2.2 Residential Streetscapes [**Absolute Majority Decision Required**] 91
- 11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)**
- Nil. 94
- 12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**
- Nil. 94
- 13. URGENT BUSINESS**
- Nil. 94
- 14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED (*“Behind Closed Doors”*)**
- 14.1 CONFIDENTIAL REPORT: Beaufort Street Enhancement Working Group – Progress Report No. 5 (TES0067) - **ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF CR. CAREY – CHAIR OF THE BEAUFORT STREET ENHANCEMENT WORKING GROUP, TO ALLOW THE GROUP TO FURTHER CONSIDER THE ITEM.** 94
- 15. CLOSURE** 95
-

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 28 August 2012, commencing at 6.05pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.05pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until 7.55pm)
<u>Employee of the Month Recipient</u>	
Hoping Au	Heritage Officer (until approximately 6.25pm)
<u>Media</u>	
Lauren Stringer	Journalist – <i>"The Guardian Express"</i> (until approximately 7.55pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.25pm until approximately 7.55pm)

Approximately 10 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. Mathew Tilletson of 135 West Parade, Mount Lawley – Item 9.1.5 Stated the following:
 - This application is inevitably biased toward the development and as such it glossed over some key points and misrepresented several others. In an effort to allow the Council to make an informed decision, I have highlighted some of these inconsistencies;
 - West Parade is said to be populated with residencies with no fluidity in regards to size, type, scale or period. This is not true, every residence is a single storey circa 1910 dwelling, well maintained by its owner/occupier. The only exception to this is 137 West Parade itself, which is has been in a state of disrepair over the last twelve (12) months, presumably to support the application itself.
 - It also stated that the setback for residencies is not uniformed. Again, this is not the case. Every residence has a six (6) metre setback to the dwelling with some having incursions for the carport, all residences have usable front gardens and visible permeable fencing, figure 6 of the application seeks to misrepresent this point.
 - It stated that West Parade streetscape is clearly non uniform. The streetscape is all period homes two of which have had subdivision occur at the rear, which is barely visible from the street, to the North of 137 West Parade the streetscape is flat fronted commercial buildings, two types of building on the street with a clearly defined line of distinction at the Northern boundary of 137 West Parade.
 - The application stated that the existing provision to my residence at 135 West Parade, is comprised by the existing dwelling. It most certainly is not.
2. Ina Sportalini of 133 West Parade, Mount Lawley – Item 9.1.5 Stated the following:
 - She is disappointed that the application to develop a three (3) storey seven (7) unit multiple dwelling is being considered for approval by the Council.
 - This proposal is non-compliant in many aspects, especially in relation to the R60 zoning of the area, it does not comply with the streetscape and boundary setbacks, height and bulk of the zoning plot ratio and open space requirements and overshadowing of existing homes, therefore it is an unreasonable development and sets a negative precedence.
 - The streetscape of West Parade and surrounding areas is generally single storey. This maintains existing heritage style streetscape and complies with the requirement of R60 zoning. It is concerning that a single storey house will be demolished to allow for a non compliant development that does not fit with the adjacent single and double storey properties.
 - Pursuant to the R Code Clauses 7.1.4 and the City of Vincent Residential Design Elements 6.4.2 the dwelling is non compliant.
 - The South side boundaries are far too close to the immediate neighbouring residential properties impacting on their privacy, access to natural light and ventilation. Setting back the boundaries will reduce the perceived bulk and size of the large development of a small block, the proposed height of 8.6 metres does not comply with R codes.
 - The proposal does not meet the R Codes acceptable standard for plot ratio and open space requirement. Reiterating, it is out of proportion and size, I understand that the developers had made some amendments to reduce the plot ratio however reduction of the number of units, might be a more sensible solution so that height and plot ratio and open space can be more in line with the regulations.
 - This application should be rejected in favour for a modest two (2) storey development, to prevent the negative impact on the neighbouring properties and so that all residents can live in a sustainable area.

3. Naughton Flavel of 135a West Parade, Mount Lawley – Item 9.1.5 Stated the following:
 - His property is the Southern boundary, to the proposed development and he built around five (5) years ago. The property was built following the Council guidelines with significant investment into solar passive design.
 - This will be rendered in effective by the non complaint development that is proposed for 137 West Parade.
 - I will be living next door to an equivalent of a commercial building, seven (7) car bays overlooking our 37 sqm courtyard. My four (4) children under the age of ten (10) play in this courtyard. The courtyard was a requirement of our building approval, the proposed development only seems to have a car park for ground level space.
 - This was a main concern for him as the rear laneway is always blocked with traffic and we have children playing in the laneway, with seven (7) residents coming and going and their visitors I think the whole laneway will change.
 - I would be happy to have a development occur next door, however the extremely high dense dwellings, will only attract transit tenancy.
 - I urge the Council to refuse this application.
4. Marcus West of 49 Auckland Street, North Perth – Item 9.2.2 Stated the following:
 - He was pleased that the Council officers have responded to the feedback from local residents, in which the toilet and parking changes options were strongly opposed and had suggested that the proposed works are deferred until further information.
 - He asked that the Council vote to accept the Officer's Recommendations and to defer the proposed works and requested that the residents are further consulted, with respect to measures to improve the amenity of the reserve.
 - He strongly objected to the implication that residents are viewing the local park as a park for the select few this is not the case. It was recognised that the park is a public park and would like to see many people use it.
 - He was concerned about the pressures that are being exerted on the park with the parking and the traffic, and the current congestion that is already there, he felt that this would be further increased by the introduction of the public toilet.
5. Aaron Sice of 137 West Parade, Mount Lawley – Item 9.1.5 Stated the following:
 - He is the applicant for the development. It is incredibly difficult to address all the possible problems that exist with this site.
 - Twelve (12) metres wide, lane only access six (6) and half metre boundary wall, on the north side trying to maintain not only the northern light for the development and for neighbouring developments as well, means that they have had to push up to get above the wall as requested by the D.A.C. who support this proposal.
 - He advised that figure five (5) that was submitted with the report, shows that a two (2) storey with a thirty (30) degree roof which is considered the minimum for the area, with a maximum reach height of nine (9) metres actually provides the more overshadowing in the current proposal by over half a metre across the neighbouring blocks using the thirty four (34) degree angle of oppose that is required by the Australian Standards.
 - There is a significant difficulty to provide for a mix of dwelling types in an area that is undergoing what is considered a transformation. Just down the road on the corner of Guildford Road, there is a five (5) and six (6) storey apartment development going in. So to say that there is nothing of this height or a precedent in this area is wrong.
 - There is a two (2) storey factory warehouse next door with single story mezzanine manufacturing facility immediately adjacent to those as well with zero setbacks.

- He asked that the Council look at the site and understand that twelve (12) metres width is incredibly hard to provide for, the kind of quality development that is needed for an area that is already struggling to really have a link with the past and a link with the future.
- Councillors can see the merit in this proposal with the fact that whether he provides seven (7) studio apartments at forty (40) sqm each and comply with R30 plot ratios and whether he provides for seven hundred and ten (710) sqm, the parking requirements would still be the same and the storage requirements are the same.
- It is effectively how many dwellings the site can maintain, that is quality planning practice, that is quality architecture practice and it is maximising what the site can potentially yield.

There being no further speakers, Public Question Time closed at approx. 6.21pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Residents of the Units at No. 28 Shakespeare Street, Mount Hawthorn along with 6 signatures, requesting the upgrading of the pathway on the street side of 28 Shakespeare Street between Anzac Road and Scarborough Beach Road, Mount Hawthorn as it is considered that the pavement is unsafe. The Chief Executive Officer advised that the Director Technical Services had carried out an inspection of this footpath and has approved for the works to be carried out due to safety reasons. This is scheduled for the first week of September, weather permitting.
- 5.2 Petition received from Ms Megan Anwyl of Palmerston Street on behalf of with 14 signatories, in summary Ms Anwyl is opposing the removal of verges in Palmerston Street and requesting further consultation be carried out to ensure that the verges are kept; and she is also seeking adequate traffic calming measures be taken, in that street.

The Chief Executive Officer recommended that the petition's be received and referred to the Director Technical Services for investigation and a report to the Council.

Moved Cr Topelberg Seconded Cr Pintabona

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 14 August 2012

Moved Cr Maier Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 14 August 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Hon. Alannah MacTiernan read the following;

7.1 EMPLOYEE OF THE MONTH AWARD FOR THE CITY OF VINCENT FOR JULY 2012

Which is very kindly donated to us by Bendigo North Perth Community Bank and we give our outstanding employee of the month a \$120 voucher and a certificate.

I would like to as our employee of the month for July to come forward Ms Hoping Au. Hoping is the City's Heritage Officer in the City's Strategic Planning, Sustainability and Heritage Services section, she has been nominated for this award by her manager Tory Young, as a result of a letter of appreciation received recently from the owners of No. 100 Vincent Street, recognising Hoping's efforts in assisting them to consider the development options for their heritage listed property. The owners noted that Hoping was helpful, provided excellent customer service, and was prompt at her work and willingly undertook site visits to discuss the situation with them.

Congratulations Hoping and well done!

Received with Acclamation!

7.2 NATIONAL TREE DAY - CERTIFICATE OF APPRECIATION

The City took part in National Tree Day, in liaison with Planet Ark, More than 150 Vincent residents and community members took part in planting around 3,000 native plants at Kyilla Park, North Perth. Planet Ark sent the City a Certificate of Appreciation. Thank you for everyone that was involved and congratulations.

7.3 DEFERRAL OF ITEM 9.1.2

Tonight we will consider Item 9.1.2 on tonight's Agenda relating to No. 46 Money Street - proposed Change of Use from Single House to Single House and Short Term Accommodation. The applicant has indicated that he wishes to make an amendment and has asked for the item to be deferred.

7.4 WITHDRAWAL OF CONFIDENTIAL ITEM 14.1

Confidential Item 14.1 relating to Beaufort Street Enhancement Working Group - Progress Report No. 5, has been WITHDRAWN by the Chief Executive Officer at the request of the Beaufort Street Enhancement Working Group Chair, Councillor John Carey, so that the matter can be further considered.

7.5 CONGRATULATIONS TO LAUREN

The Presiding Member Mayor Hon. Alannah MacTiernan congratulated Lauren Stringer (nee Peder), Journalist for The Guardian Express who got married four weeks ago.

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.5.4 – Information Bulletin, particularly IB06. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

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

Nil.

10. REPORTS

The Presiding Member, Mayor Hon. Alannah MacTiernan, 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 9.1.5, 9.2.2

- 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 9.4.1, 9.5.1, 9.5.2, 9.5.3 and 10.1

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

Nil.

Presiding Member, Mayor Hon. Alannah MacTiernan, 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:**

Cr Carey	Nil.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	9.2.1
Cr Maier	9.1.3
Mayor Hon. MacTiernan	Nil.

The Presiding Member, Mayor Hon. Alannah MacTiernan, 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, 9.1.4, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.4.2 and 9.5.4

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

Nil.

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, 9.1.4, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.4.2 and 9.5.4

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

Items 9.1.5, 9.2.2

- (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 Hon. Alannah MacTiernan 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 McGrath Seconded Cr Wilcox

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

Items 9.1.1, 9.1.4, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.4.2 and 9.5.4

CARRIED UNANIMOUSLY (9-0)

9.1.1 FURTHER REPORT - No. 83 (Lot 283; D/P: 3642) The Boulevard, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single House

Ward:	North	Date:	17 August 2012
Precinct:	Mount Hawthorn, P1	File Ref:	PRO5697; 5.2012.321.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Marked Up Development Application Plans Denoting Condition 6.1		
Tabled Items	Applicant's Submission		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

ALTERNATIVE RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by S L Crawford- Begg on behalf of the owners M G Begg & S L Crawford- Begg for Proposed Demolition of Existing Single House and Construction of Two Storey Single House, at No. 83 (Lot 283; D/P: 3642) The Boulevard, Mount Hawthorn, and as shown on plans stamp-dated 18 June 2012, subject to the following conditions:

1. **A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;**
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 The Boulevard;**
3. **Any new street/front wall, fence and gate within The Boulevard 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 shall be removed. All street verge trees are to be retained and protected from any damage including unauthorized pruning;**
5. **First obtaining the consent of the owners of No. 85 The Boulevard for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 85 The Boulevard in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and**
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

6.1 Upper Storey

The proposed upper storey (bed 1) above the garage is to be setback a minimum of an additional 1.0 metre behind the garage to a minimum setback of 6.7 metres as shown on the plans;

6.2 Truncations

Walls and fences to be truncated or reduced to no higher than 0.65 metres within 1.5 metres of where walls and fences adjoin vehicle access points;

6.3 Street Tree

Revised site plan shall be provided indicating the distance of the proposed crossover from the base of the existing street tree;

6.4 Crossover Application

A crossover application shall be required to be submitted;

6.5 Verge Reinstatement

The redundant crossover shall be removed and the verge reinstated.

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

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

FURTHER REPORT

The Council at its meeting on 14 August 2012 resolved to defer the item to have the additional condition regarding the upper floor 1 metre setback prepared.

In light of this decision of the Council, an Alternative Recommendation is presented to the Council noting the following condition:

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

6.1 Upper Storey

"The proposed upper storey (bed 1) above the garage is to be setback a minimum of an additional 1.0 metre behind the garage to a minimum setback of 6.7 metres as shown on the plans;"

COMMENTS:

The Council is to consider if this proposed condition satisfies the performance criteria of Clause SADC 5 *Street Setbacks* of the City's Policy 3.2.1 relating to Residential Design Elements.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 14 August 2012, 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.

9.1.4 Amendment No. 97 to Planning and Building Policy Manual - Amendments to and Rescission of Appendices

Ward:	Both Wards	Date:	17 August 2012
Precinct:	All Precincts	File Ref:	PLA0241
Attachments:	001 – Appendix No. 6 002 – Appendix No. 15 003 – Appendix No. 21 004 – Policy No. 3.1.13 005 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the amendments to the following Planning and Building Policies:
 - 2.1 **Appendix No. 6 – Brookman and Moir Street Design Guidelines;**
 - 2.2 **Appendix No. 15 – Design Guidelines for Nos. 128, 128A, 130 and 130A Joel Terrace, Mount Lawley;**
 - 2.3 **Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13;**
3. **RESCINDS** Appendix No. 21 New Northbridge Design Guidelines;
4. **AUTHORISES** the Chief Executive Officer to advertise the final amendments to and rescission of Appendix Nos. 6, 15, and 21 and Policy No. 3.1.13, as shown in Appendix 9.1.6A-D, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and
5. **ACKNOWLEDGES** that consideration of the designation of a Heritage Area for No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (Lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street and approval of the amended version of Appendix No. 17 – Design Guidelines for Lacey Street, Perth will be reported to the Council by October 2012, following further advertising being undertaken.

COUNCIL DECISION ITEM 9.1.4

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the amendments and rescission of Appendix Nos. 6, 15 and 21 and Policy No. 3.1.13 to the City's Planning and Building Policy Manual and to seek final adoption or rescission of these policies.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual.

The subject Planning and Building Policy Amendment is the second stage of the review of the Appendices of the Planning and Building Policy Manual. The first stage of the review included the rescission of Appendix Nos. 1, 2, 4, 5 and 10. The Council at its Ordinary Meeting held on 10 July 2012, resolved as follows:

"That the Council;

1. *RESCINDS the following local planning policies:*
 - 1.1 *Appendix No. 1 – Precinct Area Maps;*
 - 1.2 *Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;*
 - 1.3 *Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;*
 - 1.4 *Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines; and*
 - 1.5 *Appendix No. 10 – Glossary of Terminology; and*
2. *AUTHORISES the Chief Executive Officer to advertise the final rescission of Appendix Nos. 1, 2, 4, 5 and 10, as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1."*

History:

Appendix No. 6 – Brookman and Moir Street Design Guidelines

Date	Comment
13 November 1995	Nos. 1-32 Brookman Street, Nos. 2-28 Moir Street and No. 40 Forbes Road were first included on the City of Vincent Municipal Heritage Inventory.
9 May 2000	The Council at its Ordinary Meeting resolved to initiate the rezoning of Brookman and Moir Streets from R80 to R25 (Scheme Amendment No. 4).
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Appendix No. 6 – Brookman and Moir Street Design Guidelines.
27 March 2001 – 11 May 2001	Advertising for Scheme Amendment No. 4.
12 June 2001	The Council at its Ordinary Meeting resolved to endorse Scheme Amendment No. 4 and to send to the Western Australian Planning Commission for final approval.
22 January 2002	The approval of Scheme Amendment No. 4 was advertised in the Government Gazette.
3 April 2002	The City of Vincent commissioned Considine and Griffiths Architects to undertake a detailed Heritage Assessment of the dwellings on Brookman and Moir Streets.
18 September 2002	The City advised the land owners and occupiers of Brookman and Moir Streets, that a Heritage Assessment was being undertaken.

Date	Comment
29 November 2002	The consultants submitted the draft Heritage Assessment and Development Guidelines for the City's review.
24 February 2003	The consultants submitted the final Heritage Assessment and Development Guidelines to the City for Council adoption.
8 April 2003	The Council at its Ordinary Meeting resolved to receive and advertise the draft Brookman and Moir Street Design Guidelines.
11 May 2004	The Council at its Ordinary Meeting resolved to adopt the amended Appendix No. 6 – Brookman and Moir Street Design Guidelines.
1 July 2004	The Heritage Council of WA (HCWA) wrote to the City inviting the City to comment on the proposal to include the dwellings on Brookman and Moir Street on the State Register of Heritage Places.
27 July 2004	The Council at its Ordinary Meeting resolved to support the entry of Brookman and Moir Street onto the State Register of Heritage Places.
2 June 2006	The properties on Brookman and Moir Streets were entered onto the State Register of Heritage Places.

Appendix No. 15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley

Date	Comment
3 May 2005	An application was lodged for the subdivision of Nos. 128 and 130 Joel Terrace into four (4) lots.
28 June 2005	The Council at its Ordinary Meeting resolved to recommend conditional approval to the WAPC.
28 June 2005	The Council at its Ordinary Meeting resolved to receive and advertise the draft Appendix No. 15.
17 August 2005	The WAPC granted approval for the subdivision, subject to several conditions including the preparation of detailed design guidelines and measures being undertaken to ensure the protection of the Camphor Laurel tree located on one of the lots.
27 September 2005	The Council resolved to adopt Appendix No. 15.
1 December 2005	The WAPC considered a request to reconsider a number of conditions.

Appendix No. 21 – New Northbridge Design Guidelines

Date	Comment
13 December 2011	The area bounded by Beaufort Street, Newcastle Street, Lord Street and Parry Street was normalised from the then East Perth Redevelopment Authority. In accordance with the East Perth Redevelopment Act 1991 and the East Perth Redevelopment Regulations 2011, the New Northbridge Design Guidelines and the Village Northbridge Heritage Inventory will be applied as if they were part of the City of Vincent Scheme, for a maximum period of two (2) years.

Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13.
10 February 2003	The Council at its Ordinary Meeting resolved to adopt the amended Policy No. 3.1.13 (Planning and Building Policy Amendment No. 4).

Previous Reports to Council:

Date	Comment
12 June 2012	<p>The Council at its Ordinary Meeting resolved as follows:</p> <p><i>“That the Council;</i></p> <ol style="list-style-type: none"> 1. <i>AUTHORISES the Chief Executive Officer to advertise the proposed:</i> <ol style="list-style-type: none"> 1.1 <i>Initiation of a Heritage Area for No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (Lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street, in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1;</i> 1.2 <i>Amendment to the following Planning and Building Policies:</i> <ol style="list-style-type: none"> 1.2.1 <i>Appendix No. 6 – Brookman and Moir Street Design Guidelines;</i> 1.2.2 <i>Appendix No. 15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley <u>subject to the policy being amended as follows:</u></i> <ol style="list-style-type: none"> 1.2.2.1 <i><u>Clause 4.3 being amended to delete reference to “Lot 27” and replace with “Nos. 130 and 130A”; and</u></i> 1.2.2.2 <i><u>Clause 4.4 being amended to state that “any proposed retaining walls and/or fences abutting the foreshore, must comply with the requirements of the Swan River Trust”;</u></i> 1.2.3 <i>Appendix No. 17 – Design Guidelines for Lacey Street, Perth; and</i> 1.2.4 <i>Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13, <u>subject to the policy being amended as follows:</u></i> <ol style="list-style-type: none"> 1.2.4.1 <i><u>Clause 2.3 being amended to state “Only residential land uses are permitted on lots fronting the south side of Parry Street”;</u> and</i> 1.2.4.2 <i><u>Clause 2.5 be deleted and the text in clause 2.5 be added into clause 2.3; and</u></i> 1.3 <i>Rescission of Appendix No. 21 – New Northbridge Design Guidelines ,as shown in Appendix 9.1.6D 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</i> 2. <i>HOLDS in abeyance the review of Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’, until Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1 is gazetted.”</i>

DETAILS:

As a part of the second review of the Appendices, the City's Officers propose that Appendix Nos. 6 and 15 and Policy No. 3.1.13 be amended and Appendix No. 21 be rescinded. In addition to this, the City's Officers have reviewed Appendix No. 17 – Design Guidelines for Lacey Street, Perth, and are proposing that these guidelines be amended so that Lacey Street is designated as a Heritage Area, in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1. This latter matter relating to Lacey Street will be reported back to the Council following further advertising.

Further Amendments

Appendix No. 6 – Brookman and Moir Street Design Guidelines

Clause 8 is proposed to be amended to read as follows:

"The original doors were simple four-panel doors with deep bolection mouldings. Most dwellings retain this feature. A hopper light was located over the door and this was either plain glazed, or painted with a pattern, or had stained glass lead lighting, or etched glass."

Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13

An error was made in relation to the normalisation date on page 4 of the proposed policy. This is to read 17 December 2011 rather than 16 December 2011.

CONSULTATION/ADVERTISING:

The amendments and rescission of Appendix Nos. 6, 15, 17 and 21 and Policy No. 3.1.13 of the Planning and Building Policy Manual, were advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, commencing on 26 June 2012 and closing on 23 July 2012.

In total, 15 submissions were received as follows:

- 5 – stated support for the proposal;
- 4 – stated objection for the proposal; and
- 6 – stated neither objection nor support for the proposal.

Appendix No. 6 – Brookman and Moir Street Design Guidelines

Of the 14 submissions received, 2 of the submissions were in relation to the Brookman and Moir Street Design Guidelines. One (1) of these was for support and the other was neither for support objection, however provided several comments relating to the following key matters:

- Discretionary Clauses;
- Clarification on Stained Glass Windows;
- Car Parking; and
- Road Infrastructure.

Responses to each of these matters are detailed in the Submission Form shown in Attachment 9.1.6E (Attachment 005).

Appendix No. 17 – Design Guidelines for Lacey Street

Of the 15 submissions received, 11 of these submissions related to the proposed Heritage Area for Lacey Street and the amendments to the Design Guidelines. Further information on these submissions will be discussed in the Agenda Report relating to the designation of the Heritage Area for Lacey Street, which will be reported to the Council at a later date.

Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13

Two (2) submissions were received regarding Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13 – one from Main Roads Western Australia (MRWA) and one from the Metropolitan Redevelopment Authority (MRA). Both the MRWA and the MRA suggested some minor amendments that can be made to the policy. These amendments do not affect the intent of the policy and therefore are proposed to be incorporated into the policy.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Some of the development requirements and content listed in existing Appendix Nos. 6, 15, 17, and 21 and Policy No. 3.1.13 conflict with other City of Vincent Policies and the current aims and objectives of *Directions 2031* and the City's Draft Local Planning Strategy. Furthermore, as stated above, there are several residential development requirements listed in these Appendices that cannot be varied in a Local Planning Policy, without the approval of WAPC. This inconsistency is a risk to the City and Council when assessing and determining applications for Planning Approval.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objective 1 states:

"Natural and Built Environment

1.1 Improve and Maintain the Environment and Infrastructure

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

SUSTAINABILITY IMPLICATIONS:

This report related to the proposed amendment and rescission of existing policies does not have any sustainability implications.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	\$ 182
Balance:	\$79,818

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

COMMENTS:

In light of the above, it is recommended that the Council amend Appendix Nos. 6 and 15 and Policy No. 3.1.13 and rescind Appendix Nos. 21 of the City's Planning and Building Policy Manual, in line with the Officer Recommendation.

9.2.3 nib Stadium Redevelopment – Proposed Loton Park Landscape Improvements, Progress Report No. 2 – Consideration of Submissions

Ward:	South	Date:	17 August 2012
Precinct:	Beaufort (13)	File Ref:	RES0114, RES0013
Attachments:	001 – Landscape Plan		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the submissions received, concerning the proposed landscape improvements for Loton Park;
2. **APPROVES** the proposed landscape works for Loton Park associated with the nib Stadium Redevelopment Project as shown on attached *Plan No. 1, Appendix 9.2.3*;
 - 2.1 native or waterwise plant species being substituted where appropriate for any proposed exotic plant species; and
 - 2.2 the final plan to be endorsed by the Chief Executive Officer prior to on ground works commencing.

COUNCIL DECISION ITEM 9.2.3

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the submissions received following the community consultation period and approve of the landscape works.

BACKGROUND:

At its Ordinary Meeting held on 24 July 2012 the Council considered a report in relation to the nib Stadium proposed landscape improvements including Loton Park where the following decision was made:

“That the Council;

1. *APPROVES IN PRINCIPLE* the proposed landscape improvements for Loton Park associated with the nib Stadium Redevelopment Project as shown in the Landscape Plan (including Loton Park) - Plan No. 1, Appendix 9.2.3;
2. *CONSULTS* with the local community in accordance with the City’s Consultation Policy No. 4.1.5;
3. *NOTES* that the plant species selection has been based on recommendations contained within the Perth Oval Conservation Plan; and
4. *AUTHORISES* the Chief Executive Officer to make minor changes to the landscape plan, in particular the plant species selection to local native species or waterwise alternatives.”

DETAILS:

Community Consultation:

On 30 July 2012, six hundred and eighty (680) letters with attached plans were distributed around nib Stadium/Loton Park area in accordance with the City's Consultation Policy. At the close of consultation four (4) responses were received. A response rate of 0.5%.

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

- 2 in favour with no further comment.
- Please include clearer information on future information.
- Please ensure that native plants are only used for any replanting. Plants need to be waterwise to save water.

Related Comments *Partially In Favour* of Proposal

- Nil

Related Comments *Against* the Proposal

- Nil

Officers Comments

It is disappointing that only four (4) responses are received following such a large mail out in relation to such a significant project. However, all the responses received were in favour of the proposal and one respondent has reiterated the Council's recommendation of including native or waterwise plants in the final design.

Officers will liaise further with the Department of Sport and Recreation (DSR) to ensure where appropriate native or waterwise plants are used.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of fourteen (14) days in accordance with the City's Consultation Policy No 4.1.5.

The Department of Sport and Recreation and respondents will be advised of the Council's decision.

LEGAL/POLICY:

The State Government signed the lease for the Stadium on 13 March 2012. As such, the City is no longer responsible for any works at the Stadium, effective from that date.

RISK MANAGEMENT IMPLICATIONS:

Low: The proposal will improve general amenity and safety for both pedestrians and vehicular traffic entering and exiting the stadium in accordance with emergency management requirements.

STRATEGIC IMPLICATIONS:

This is in keeping with the objectives of the City's *Strategic Plan 2011 -2016*:

"Natural and Built Environment

Objective 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."

Objective 2.1: Progress economic development with adequate financial resources.

2.1.2(a): Establish public/private/government alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City."

SUSTAINABILITY IMPLICATIONS:

Local native or waterwise plant species will be preferred by the City and where appropriate native/waterwise substitutes will be planted.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is therefore recommended that the Council approve the proposed landscape improvements for Loton Park associated with the nib Stadium Redevelopment Project and negotiate with the DSR in relation to the plant species to be included in the final plan.

9.2.4 Britannia Reserve Masterplan – Progress Report No. 3

Ward:	South	Date:	17 August 2012
Precinct:	Leederville (3)	File Ref:	RES0001
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	J Anthony, Manager Community Development; and J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the submission by PlaceScape as being the most suitable to the City for the development of the Britannia Reserve Masterplan.

COUNCIL DECISION ITEM 9.2.4

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to seek approval from the Council to engage the most suitable consultant after assessment of the Request for Quotation (RFQ) by the members of the Britannia Reserve Masterplan Working Group.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 June 2012 Progress Report No. 2 was presented where it was resolved:

“That the Council;

1. *RECEIVES the information contained in Progress Report No. 2 Britannia Reserve Master Plan Working Group;*
2. *APPROVES the:*
 - 2.1 *Terms and Scope of Works outlined in the ‘Request for Quotation’ (RFQ) brief as attached in Appendix 9.2.4; and*
 - 2.2 *advertising of the RFQ brief for a period of twenty-one (21) days, inviting suitably qualified consultants to apply for the scope of works required; and*
3. *RECEIVES a further report, on the matter as outlined in Clause 2.2, at the conclusion of the submission period.”*

DETAILS:

A Request for Quotation (RFQ) brief was prepared in full consultation with the Britannia Reserve Masterplan Working Group. The brief was advertised from 19 June 2012 through the City’s website, community newspapers and direct mailout to known consultants in the leisure planning industry. The closing date for submissions was 12 July 2012 and submissions were received from the following consultants;

1. Jill Powell & Associates;
2. Ecoscape (Australia) Pty Ltd;
3. SGL Consulting Group;
4. PlayScape;
5. Mackay Urban Design; and
6. Newforms Landscape Architecture.

Evaluation

Evaluation Criteria

The following weighted criteria were used for the selection of the consultant for the Britannia Reserve Masterplan project.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Methodology that meets the objectives	30%
Scope that demonstrates value for money	20%
Community engagement plan	20%
Previous experience and demonstrated knowledge	20%
Referees	10%
TOTAL	100%

Evaluation Panel

At the 25 July 2012 meeting of the Britannia Reserve Masterplan Working Group the evaluation process was discussed and it was agreed that the submissions would be distributed to all members and those willing to assess the submissions were requested to provide their input by no later than Wednesday 12 August 2012.

A total of seven (7) members of the group provided their input and following collation of the scores the following table represents the final results.

Summary

	Weighting	PlaceScape	Jill Powell & Associates	SGL Consulting Group	Ecoscape Pty Ltd	Mackay Urban Design	Newforms Landscape Architecture
Methodology that meets the objectives	30	23.1	21.4	20.6	18.0	19.3	19.3
Scope that demonstrates value for money	20	12.9	13.9	12.0	12.4	11.7	8.9
Community engagement plan	20	14.9	13.7	13.1	11.6	10.9	10.0
Previous experience and demonstrated knowledge	20	15.7	14.7	13.7	14.9	14.0	13.4
Referees	10	5.1	5.4	5.3	5.7	5.3	5.4
TOTAL/SCORE	100	71.7	69.1	64.7	62.6	61.2	57.0
		1	2	3	4	5	6

The panel provided favourable comments and ratings regarding the preferred submission, PlaceScape, noting their demonstrated understanding of an engaging Masterplan process and providing for a unique consultation model through a practical tool kit known as SpaceShaper. SpaceShaper is presented as an effective means of ensuring all stakeholders are involved in the assessment and planning process of a new or regenerated public space.

CONSULTATION/ADVERTISING:

The RFQ was advertised 19 June 2012 with a closing date for submissions listed as 12 July 2012. The project was advertised through the City's website, community newspapers and direct mailout to known consultants in the leisure planning industry.

LEGAL/POLICY:

The RFQ was assessed in accordance with the Cities policies:

- Policy No. 1.2.2 – Code of Tendering;
- Policy No. 1.2.3 – Purchasing.

RISK MANAGEMENT IMPLICATIONS:

Low: The community engagement process will assist in providing options for optimum utilisation of the reserve. The RFQ document has been well scrutinised by the City's officers and the working group of community representatives and Council Members.

STRATEGIC IMPLICATIONS:

In accordance with 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.

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

SUSTAINABILITY IMPLICATIONS:

As outlined in Progress Report No. 2 the RFQ brief has been crafted to ensure sustainable practices are encouraged in the execution of the project.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$10,000 was allocated in the 2011/2012 budget for the Britannia Road Reserve Masterplan.

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

Budget Amount:	\$10,000
Spent to Date:	<u>\$ 0.00</u>
Balance:	\$10,000

COMMENTS:

It is therefore recommended that the quotation submitted by PlaceScape be accepted as being the most suitable for the City for the development of the Britannia Reserve Masterplan.

Progress reports will be submitted to the Council as the plan is developed.

9.2.5 Proposed Western Power Transformer Installation – Glendower Street, Perth

Ward:	South	Date:	17 August 2012
Precinct:	Hyde Park (12)	File Ref:	RES0042, TES0552 & TES0218
Attachments:	001 - Location of Proposed Transformer		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the proposal to locate the ground mounted transformer in the road reserve of Glendower Street, Perth adjacent to Hyde Park as shown on the attached diagram subject to Western Power;

1. Removing the existing pole mounted transformer and strainer post from within Hyde Park;
2. Ensuring that appropriate vegetation is planted around the unit for screening purposes in liaison with the City's Parks Services;
3. Paying all costs associated with the installation including any service relocations; and
4. Notifying adjoining residents of the proposed works.

COUNCIL DECISION ITEM 9.2.5

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for Western Power to locate a ground mounted transformer within the Glendower Street road reserve, adjacent to Hyde Park.

BACKGROUND:

In June 2012, the City received a letter from Western Power requesting the Council's approval to install a ground mounted transformer unit within the Glendower Street road reserve (verge) adjacent Hyde Park, approximately 25m east of Throssell Street.

There is an existing pole mounted transformer and strainer post within Hyde Park as shown in the attached photographs.

In addition to supplying the surrounding properties the transformer is a point of connection for the Hyde Park bore pump.

The combination of new developments and increasing consumer demand in the immediate catchment area has resulted in the power quality issues, i.e. low voltages and brown outs, the frequency of which is likely to increase in the summer months.

Western Power consider the installation of a new, and bigger capacity, transformer essential to ensure the reliability of the power supply in the area by bounded by Glendower, Palmerston Randell and Fitzgerald Streets. Further, Western Power advised that as there is little spare capacity in the existing system and that the new transformer would facilitate future developments within the immediate vicinity.

DETAILS:

Western Power's infrastructure in the aforementioned area is both old and nearing full capacity. Western Power is seeking to in part address the issue by installing a new 500KVA ground mounted transformer in the road reserve (verge) of Glendower Street, Perth adjacent Hyde Park.

The proposed location of the unit is dependent upon existing electrical infrastructure, and it is essentially a junction point for a combination high and lower voltage systems. If the proposed transformer unit were moved to another location it would require significantly more work and therefore greater disruption to the local community.

Further, Western Power has suggested that they would install a new pole mounted transformer, albeit not in the park, in preference to finding a new location.

Western Power is looking to have the unit installed before the summer months, which is traditionally the peak load period, to ensure that the immediate area is less likely to experience 'brown outs' or diminished supply for extended periods.

The unit will be the standard 'green box' measuring 1800 long x 1850 wide x 1200 high.

The City has in past objected to Western Power's locating transformers (and the like) in parks, most notably Hyde Park in June 2006 and Stuart Street Reserve in 2010, but on each occasion it has been reluctantly accepted as the only viable location. As would be expected residents generally do not want said units outside their home, neither ground nor pole mounted. Further, as the infrastructure is not related to a specific development it cannot be imposed upon a property owner to accommodate the unit.

Policy

In recognition of the increasing number of transformers, and associated infrastructure, being retro fitted in established areas within the City the Council indorsed a policy, No. 2.2.3, in June 2005, *Electricity Supply – Development Guidelines for Installation of Substations*. While a majority of the policy provides guidance and sets out responsibilities for private developers the policy concludes with the following statement:

"Wherever possible the City will minimise and discourage isolated placement of electrical infrastructure in public places."

In this instance the only suitable available location that meets Western Power's criteria, with the least impact upon the surrounding residents, is within the Glendower Street road reserve (verge) abutting Hyde Park.

Whilst many consider transformers unsightly they are essential infrastructure to meet the increasing level of service expectations of the community. In this instance the positives will be the removal of the existing pole mounted transformer and strainer post from within the park. Further, if/or when the power is undergrounded in the immediate the transformer is already in place resulting in less disruption to the immediate residents and park users.

Screening

As per the aforementioned Hyde Park and Stuart Street Reserve transformers Western Power has offered to arrange screening planting to the City's requirements on the understanding that the unit will be accessible for the road frontage.

CONSULTATION/ADVERTISING:

Western Power will be responsible for liaising with the residents and property owners in Glendower and Throssell Street in line of sight of the installation.

Western Power will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

In accordance with 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.

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

SUSTAINABILITY IMPLICATIONS

The method of power generation aside the proposed installation will ensure a continuity of power supply in the immediate area thereby improving the amenity of the local community.

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications for the City as the proposal will be fully funded by Western Power.

COMMENTS:

Whilst the City would prefer that transformers are not located in public spaces it is extremely difficult to 'retrofit' them in established areas. Generally the only opportunity to setback or 'hide' a transformer is when a proposed development that is reliant upon the power supply upgrade can be requested to cede a portion of land for the transformer site.

However in this instance the proposed installation is not linked to a specific development but rather an area wide supply enhancement and therefore it is considered that the proposal to locate the transformer in Glendower Street should be supported. It will provide surety of power supply in the immediate area with provision for increased demand in the future.

9.3.1 Investment Report as at 31 July 2012

Ward:	Both	Date:	17 August 2012
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; and N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 July 2012 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

ADDITIONAL INFORMATION:

The investment report shows that the investments for Suncorp was 21.96% which exceeds the maximum of 20% for that category of investments under the City of Vincent Investment Policy 1.2.3.

This situation was as a result of the timing difference with maturing investments and the overall level of investment base at the commencement of the first month of the financial year.

Three (3) investments matured on the 23rd July 2012 with NAB, Macquarie and Suncorp. Both Suncorp and Macquarie are Group B investments where the maximum for any one (1) individual financial institution should not exceed 20%.

The Suncorp investment was reinvested with them because of their favourable interest rate and the Macquarie investment utilised for creditor payments.

As a result Suncorp has exceeded the maximum for an individual financial institution under that category under the City's Investment Policy.

This will be rectified in August with the inflow of rates revenue which will increase the total investment base.

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 31 July 2012 were \$18,211,000 compared with \$19,211,000 at 30 June 2012. At 31 July 2011, \$13,511,000 was invested.

Investment comparison table:

	2011-2012	2012-2013
July	\$13,511,000	\$18,211,000

Total accrued interest earned on Investments as at 31 July 2012:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$20,000	\$21,619	3.70
Reserve	\$535,000	\$20,000	\$66,662	12.46

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. As at 27 June 2011, 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 increase in investment fund as compared to previous year is due to retained money from 2011 – 2012 for Beatty Park Redevelopment.

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 – 31 July 2012

Ward:	Both	Date:	17 August 2012
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; and B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 July – 31 July 2012 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.

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

COUNCIL DECISION ITEM 9.3.2

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

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 July – 31 July 2012.

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	072484 - 072610	\$201,201.09
Transfer of Creditors by EFT Batch	1412 – 1416, 1418 - 1421	\$2,969,744.87
Transfer of PAYG Tax by EFT	July 2012	\$116,412.75
Transfer of GST by EFT	July 2012	
Transfer of Child Support by EFT	July 2012	\$351.43
Transfer of Superannuation by EFT:		
• City of Perth	July 2012	\$0.00
• Local Government	July 2012	\$0.00
Total		\$3,287,710.14
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,659.71
Lease Fees		\$29,148.34
Corporate MasterCards		\$18,573.84
Loan Repayment		\$113,688.59
Rejection fees		\$10.00
Total Bank Charges & Other Direct Debits		\$167,080.48
Less GST effect on Advance Account		0.00
Total Payments		\$3,454,790.62

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 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.

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.

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

Ward:	South	Date:	17 August 2012
Precinct:	Hyde Park; P12	File Ref:	FIN0074
Attachments:	001 – CSRFF application		
Tabled Items:	Nil		
Reporting Officers:	A Cole, Community Development Officer; and J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

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

Ranking	Facility	Project	Amount
1	Tennis Seniors Association of Western Australia	Replace the lighting to six (6) courts	\$60,000 (excl. GST)

- LISTS** for consideration an amount of \$20,000 in the Draft Budget 2013/2014, subject to funds being approved by DSR.

COUNCIL DECISION ITEM 9.4.2

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To obtain the Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Small Grants application for the facility within the City of Vincent as outlined.

BACKGROUND:

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

On Friday, 1 June 2012, the CSRFF 2013/2014 Winter Small Grant round opened; applications were due to be lodged with the City by Monday, 30 July 2012 and to DSR by Friday, 31 August 2012. Small Grants are allocated to projects that do not exceed \$150,000 and involve a basic level of planning and implementation. These funds must be acquitted prior to 15 June 2014.

Simultaneously, the CSRFF 2013/2014 Annual and Forward Planning Grants round opened on Friday, 1 June 2012 and applications are due to be lodged with DSR by Friday, 28 September 2012. Annual Grants are allocated to projects with a planning and construction process that will be completed within twelve (12) months and grants must be claimed in the financial year following the date of approval. Forward Planning Grants are allocated to the large scale projects where the total project cost exceeds \$500,000 and may require an implementation period of between one (1) and three (3) years.

The subsequent rounds of CSRFF funding are dependent on the upcoming Western Australian State Election to be held in March 2013.

DETAILS:

Tennis Seniors Association of Western Australia (TSAWA)

TSAWA is situated at Robertson Park on Fitzgerald Street in North Perth. In 1997, TSAWA took over the lease at the venue and have since, with the assistance of the City of Vincent and the Department of Sport and Recreation, systematically upgraded the clubrooms and court facilities. The Club has 467 capitated members and a further approximate 450 social members with all eighteen (18) tennis courts being utilised at night during the weekdays.

The proposed upgrade of the flood lights to six (6) tennis courts is an extension of an ongoing programme to upgrade the amenity of the old court lighting to reach the standard of the newer courts. These six (6) tennis courts are the last of the eighteen (18) tennis courts to have their lighting upgraded.

Proposed Project

Upgrade of tennis court lighting for court numbers one to six (1-6) to bring them up to the same standard as lighting for court numbers seven to eighteen (7-18).

Costs

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

Amount contributed by TSAWA:	\$20,000 (excl. GST)
Amount sought from Council:	\$20,000 (excl. GST)
Amount sought from DSR:	<u>\$20,000</u> (excl. GST)
Total:	\$60,000 (excl. GST)

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

Recommendation

The Council to support the project in principle to replace floodlighting to six (6) tennis courts to allow for the hosting of night tennis with the provision of \$20,000 (excl. GST). This contribution will be subject to equivalent funding provided by DSR.

North Perth United Football Club (NPUFC)

NPUFC made contact with the City to discuss the installation of suitable lighting at Woodville Reserve so as to utilise the ground for night time training. It has been advised by the Manager Parks & Property Services that the Club is only able to use the Reserve for senior matches and not for training as the Reserve is not able to handle both activities for the following reasons:

- If both training and matches were held at the Reserve, the turf would be required to be replaced each year at a minimum cost of \$25,000; and
- There are already safety lights installed for the many residents who utilise the park to walk their dogs, and allowing night training would interrupt their use and attract many complaints.

Due to these circumstances, the enquiry from North Perth United Football Club to have lights installed at Woodville Reserve Oval is not advisable. In addition, the NPUFC did not submit an application to the City.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, the following Objectives state:

"Natural and Built Environment

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

Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

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

TSAWA have demonstrated a long term commitment to upgrade and improve the facility with the proposed project being an extension of an ongoing programme to upgrade the amenity of the old court lighting to the standard of the newer courts.

Having taken over the lease of Robertson Park Tennis Courts on Fitzgerald Street in 1997, TSAWA have continually held this lease and recently extended it for a further five (5) years, until 31 August 2017.

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the project is requested to be considered for the Draft 2013/2014 Budget. The Council contribution to TSAWA will be subject to initial DSR grant approval.

COMMENTS:

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

9.5.4 Information Bulletin

Ward:	-	Date:	17 August 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J. Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 28 August 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 28 August 2012 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	WALGA INFOPAGE Regarding SAT Determination – Refusal of a Building Permit	1
IB02	Citizens Advice Bureau – Update	18
IB03	Friday Night V-Lounge – Event Evaluation Report	20
IB04	Online Forms Usage June 2011-June 2012	23
IB05	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 1 August 2012	26
IB06	Minutes of the Tamala Park Regional Council Meeting held on Thursday 16 August 2012	29

9.1.2 No. 46 (Lot 100; D/P 1985) Money Street, Perth - Proposed Change of Use from Single House to Single House and Short Term Accommodation (Unlisted Use)

Ward:	South	Date:	17 August 2012
Precinct:	Beaufort, P13	File Ref:	PRO1893; 5.2012.249.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items	Applicant submissions.		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, 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 the owner, J M McLeod for Proposed Change of Use from Single House to Single House and Short Term Accommodation (Unlisted Use) at No. 46 (Lot 2; D/P 1985) Money Street, Perth, and as shown plans stamp dated 7 June 2012 and 18 June 2012, subject to the following conditions:

1. the proposed short term accommodation shall comply with the following:
 - 1.1 the short term accommodation shall accommodate a maximum of six (6) persons at any one time in addition to the residents of the single house;
 - 1.2 the short term accommodation residents may stay at the subject short term accommodation for a continuous period of less than six (6) months within any twelve month period; and
 - 1.3 the approval is valid for five (5) years from the date of approval. Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use;
2. any new street/front wall, fence and gate within the Money Street setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
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 Money Street;
4. no street verge trees shall be removed. The street verge trees are to be retained and protected from any damage including unauthorised pruning;
5. all signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
6. Within twenty-eight (28) days of the issue of the approval, a revised site plan showing one proposed additional parking bay for the Short Term Accommodation is required to be submitted and approved by the City Technical Services. The bay shall be dimensioned, and is to meet the requirements for disabled parking as set out in AS2890;
7. **Building Occupancy Permit**
An Occupancy Permit is required to be submitted to and approved by the City's Building Services prior to the first occupation of the Short Term Accommodation;

8. Within twenty-eight (28) days of the issue date of the approval, the applicant shall submit to the satisfaction of the City a Management Plan which shall include, but not be limited to, the following issues:
- 8.1 control of noise and other disturbances;
 - 8.2 complaints management procedures, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbours;
 - 8.3 security of guests, residents and visitors;
 - 8.4 the location, type and number of bed/bunks provided in each sleeping apartment; and
 - 8.5 control of anti-social behaviour and the potential conflict between short term residents and long term residents of the area. A Code of Conduct shall be prepared detailing the expected behaviour of guests/residents in order to minimise impact on adjoining residents;

residents must be made aware of the "House Rules" and Code of Conduct and they must be displayed in a prominent position within the premises at all times;
9. Within 28 days of the issue date of this approval, the applicant shall submit to the City a detailed Car Parking Management Plan which shall include a commitment to advising occupiers of the premises, verbally and in writing, of the negative impact that inappropriate car parking can have on long term residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets, and instructions that parking of vehicles on the verge is not permitted;
10. 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:
- 10.1 pay a cash-in-lieu contribution of \$ 5,859 for the equivalent value of 1.89 car parking spaces, based on the cost of \$ 3,100 per bay as set out in the City's 2011/2012 Budget; OR
 - 10.2 lodge an appropriate assurance bond/bank guarantee of a value of \$5,859 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 10.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
 - 10.2.2 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
 - 10.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
11. 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.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Pintabona

That the item be DEFERRED at the request of the Applicant to the Ordinary Meeting of Council to be held on 11 September 2012.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Landowner:	J M McLeod
Applicant:	J M McLeod
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial RC80
Existing Land Use:	Single House
Use Class:	Single House and Short Term Accommodation (Unlisted Use)
Use Classification:	"P", "SA"
Lot Area:	486 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The matter is reported to Council given Short Term Accommodation is an unlisted use.

BACKGROUND:

Date	Comment
27 November 2001	The City under Delegated Authority conditionally approved alterations and additions to existing dwelling.
9 July 2002	The Council conditionally approved patio additions to existing single house.

DETAILS:

The proposal involves a change of use from single house to single house and short term accommodation. The existing single house comprises three floors, ground, first and second. The owner will continue to occupy the ground and first floors, and the second floor will be used for short term accommodation. The five bedrooms on the second floor of the house will accommodate a maximum of six guests.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Building Storeys	N/A		
Access & Parking			✓

Car Parking

The applicant is proposing two car bays on site for the short term accommodation, however, the City's Technical Services have confirmed that only one car parking bay can be accommodated in this location. The car parking calculation is therefore based on one car parking bay being provided on site for the short term accommodation. Moreover, if this application is supported, the applicant is required to submit a revised plan showing one car parking bay to the satisfaction of the City's Technical Services that meets disability requirements.

It is noted that two parking bays are provided for the residents of the house in the cottage at the rear of the building to meet the requirements of a single house. These two car parking bays for the residents of the house are not included in the calculation of car parking for the short term accommodation.

Car Parking	
Car parking requirement (nearest whole number) Short Term Accommodation – 1 space per bedroom or 1 space per 3 beds provided, whichever is greater 5 bedrooms proposed= 5 car bays 6 beds proposed= 2 car bays Car bays required= 5 car bays Total car bays required = 5 car bays	= 5 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (the proposed development is within 400 metres of a bus stop/station) • 0.85 (the proposed development is within 800 metres of a rail station) • 0.8 (the proposed development contains a mix uses, where at least 45 percent of the gross floor area is residential) 	(0.578) = 2.89 car bays
Minus the car parking provided on-site	1 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant Shortfall	1.89 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	10 July 2012 to 30 July 2012
Comments Received:	Three submissions were received; two objections, one neither support or object, however have some concerns requested to be addressed.

Summary of Comments Received:	Officers Technical Comment:
Issue: Number of People Concerns about the number of people to be accommodated within this short term accommodation which will have an impact on the surrounding area.	Dismiss. The proposal will accommodate 6 persons at any one time and it is considered there will be no unreasonable impact on the amenity of the area. It is noted that the building is within the Residential/Commercial zone where commercial uses may be considered.
Issue: Amenities The impact on the amenities of the area would be exacerbated by this additional short term accommodation in close proximity (directly opposite) to existing operating lodging houses	Dismiss. As outlined following and in the Comments section, it is considered the proposal will not have an unreasonable impact on the amenity of the area in terms of car parking, noise and use.
Issue: Car Parking There is already a major issue with parking in the area and a shortfall in parking for this proposal will exacerbate the issue.	Noted and addressed. Refer to Comments section. In respect of the shortfall in car parking, there are other forms of public transport (such as buses, trains and taxis) easily available in the area which will reduce dependency on private cars for the users of the short term accommodation and in this instance the shortfall is supported. Moreover if this application is supported, the applicant will be required to submit a Car Parking Management Plan.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Noise</p> <p>Concerns about the noise from the people using the short term accommodation impacting on adjoining neighbours.</p>	<p>Noted. If this application is supported, the applicant will be required to submit a management plan addressing any potential noise issue to the satisfaction of the City and must comply with legislated noise requirements.</p>
<p>Issue: Unlisted Use</p> <p>The term unlisted use used for the advertising is ambiguous and does not explain anything.</p>	<p>Noted. The title for the advertising was Change of Use from Single House to Single House and Short Term Accommodation (Loft) (Unlisted Use). Short Term Accommodation is a use not listed in the Zoning Table of the City's Town Planning Scheme No. 1; hence the title of the proposal advertised indicated an unlisted use.</p>
<p>Issue: Zoning</p> <p>The subject site is located within a residential zone and therefore it will impact on the amenities of the adjoining residential properties.</p>	<p>Dismiss. The subject site is zoned Residential/Commercial and the proposal can be considered subject to the Council being satisfied that there will be no unreasonable impact on the amenity of the adjoining properties.</p>
<p>Issue: Lodging House</p> <p>The proposal is a lodging house and communal space should be provided.</p>	<p>Dismiss. The proposal is for Short Term Accommodation; not a Lodging House. A Lodging House is a building used for boarding or lodging more than six (6) persons, whereas for short term accommodation there is a maximum of six persons. There is no requirement for communal open space for Short Term Accommodation.</p>
<p>Issue: Competition</p> <p>If this proposal is supported it would be to the detriment of the existing lodging houses in close proximity to the subject site who may lose their guests to the short term accommodation.</p>	<p>Dismiss. Competition between businesses is not a planning related matter.</p>
<p>Issue: Fire</p> <p>There is an existing restrictive stairway as entrance and exit which would restrict egress by clients in the event of fire on the second floor.</p>	<p>Dismiss. If this application is supported, the applicant is required to submit an Occupancy Permit for approval by the City's Building Services. If there are any building issues they will be addressed prior to the first occupation of the building for short term accommodation.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

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 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 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 *Strategic Plan 2011-2016* 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 application proposes short term accommodation within an existing building. Accordingly, it is considered the proposal has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The application provides for diversity of accommodation within the locality.	

ECONOMIC	
Issue	Comment
The proposed short term accommodation will positively contribute to bringing tourists into the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Health Services

As the application states no more than 6 persons will be staying at the property at any one time, in accordance with the Health Act 1911, the property will not need to be registered as a lodging house.

Planning

The City's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22(i) of the City's Parking and Access Policy states the following:

"If the total requirement (after adjustment factors have been taken into account) is 10 bays or less, cash in lieu may be provided for any shortfall."

The subject site is located within a residential/commercial zone and therefore it is reasonable to expect that types of uses, such as short term accommodation, would be located in this area. Moreover there are other forms of public transport (such as buses, trains and taxis) easily available in the area which will reduce dependency on private cars for the users of the short term accommodation. In this instance, the proposed shortfall in car parking (1.89 car bays) is considered acceptable.

The applicant requests the Council to consider a variation to the cash-in-lieu for parking, given public transport and taxis are readily available. The City's Officers have however consistently requested payment of cash-in-lieu for shortfalls in parking with a view to providing and upgrading parking in the area. Therefore the variation to the payment of cash-in-lieu is not supported.

The subject site is located within close proximity to the Perth Central Business District and public transport networks, therefore the proposed short term accommodation is considered an appropriate use within the locality and zoning and will provide an alternative form of accommodation to cater for a growing population in the City of Vincent and the City of Perth.

In light of the above, given the site is located within close proximity to the Perth Central Business District and the shortfall in parking will not have any unreasonable impact on the amenity of the area, the proposal is recommended for approval, subject to standard and appropriate conditions.

9.1.5 No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Three (3) Storey Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking

Ward:	South	Date:	21 August 2012
Precinct:	Banks; P15	File Ref:	5.2012.59.1; PRO5626
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items	Nil.		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, 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 Aaron Sice – Residential and Commercial on behalf of the owner China Plate Development Pty Ltd for Proposed Demolition of Existing Single House and Construction of Three (3) Storey Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking at No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley and as shown on amended plans stamp-dated 21 August 2012, subject to the following conditions:

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 West Parade;
2. Any new street/front wall, fence and gate within the West Parade setback area, including along the side boundaries within this street setback area, shall comply with the Residential Design Codes provisions relating to Street Walls and Fences;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
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;
5. Subject to first obtaining the consent of the owners of No. 135 West Parade and No. 141 West Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 135 West Parade and No. 141 West Parade in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
 - 6.1 **Section 70 A Notification under the Transfer of Land Act**
 The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:
 - 6.1.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities; and

6.1.2 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 and the City's Policy No. 3.7.1 relating to Parking and Access.

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

6.2 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

6.3 Schedule of External Finishes

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

6.4 Landscape 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 irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 6.4.1 Provision of increased soft landscaping of ten (10) percent of the total site common areas with a view to significantly reduce areas of hardstand and paving;
- 6.4.2 the location and type of existing and proposed trees and plants;
- 6.4.3 all vegetation including lawns;
- 6.4.4 areas to be irrigated or reticulated;
- 6.4.5 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.4.6 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and

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

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

6.5 Waste Management

6.5.1 the development shall be provided with an adequate number of waste and recycling bins in accordance with the City's requirements;

6.5.2 a bin store/s of sufficient size to accommodate the City's bin requirements, shall be provided;

6.6 Truncations

Any fencing along the western boundary to the right of way shall be truncated to a maximum height of 0.65 metres for a distance of 1.5 metres from the rear of the property;

6.7 The proposed skylight domes along the roof of the first floor hallway are to be ventilated;

6.8 The proposed dwellings are to be provided with a compliant laundry or similar in accordance with the City of Vincent Health Local Law;

6.9 Survey

An identification survey must be undertaken by a licenced surveyor to locate any of the City's drainage which may be on site. The survey must be submitted to the City together with recommendations for measures to protect the drainage infrastructure where necessary, prepared by a qualified consultant. The survey and protection of the drainage infrastructure to the satisfaction of the City, must be undertaken at the cost of the developer;

6.10 Landscaping

Any landscaping proposed for this development shall be submitted to Technical Services for assessment to ensure it does not encroach into the car parking bays or the setback required for future ROW widening. The widening area shall be sealed with bitumen to match into the existing ROW to the satisfaction of the City;

6.11 Easement

An easement in favour of the City shall be granted free of cost, for the protection of the City's drainage infrastructure within the property. The easement must be registered on the title prior to commencement of works on the site; and

7. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, 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 prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

7.2 Clothes Drying

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

7.3 Residential Car Bays

A minimum of five (5) and two (2) car bays shall be provided for the residents and visitors respectively. The seven (7) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development; and

7.4 Visitor Bays

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Buckels

That the item be DEFERRED to address concerns that were raised, and to give the developer further opportunity to see if he can get greater compliance with plot ratio, setbacks and also give consideration in reducing the number of dwellings.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (5-4)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Harley, Cr Maier, Cr Wilcox

Against: Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg

Landowner:	China Plate Development Pty Ltd
Applicant:	Aaron Sice, Residential and Commercial
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	491m ²
Right of Way:	Western Side, 4.02 metres Width, Sealed, Public

PURPOSE OF REPORT:

Development Applications for four (4) or more dwellings are required to be considered by Council.

BACKGROUND:

No specific background relates to this report.

DETAILS:

The proposal involves the proposed demolition of the existing single house and construction of a Three (3) Storey Residential Development comprising seven (7) multiple dwellings and Car Parking. The development abuts the Koorong bookshop car park and storage facility to the immediate north of the development and is also in close proximity to the East Perth Train Station.

The subject site is located along West Parade which is made up of single storey dwellings, with intermittent two storey grouped dwellings dotted along the street. In this section of the street, north of Chertsey Street, the development type is eclectic with the presence of commercial/industrial buildings to the northern end of the street.

Amendments

The applicant has amended the plans from proposed Agenda Item that was removed from the 14 August 2012 Ordinary Meeting of Council, to include the following:

- *Ground Floor*
 - (a) Reduction in the car parking area with the removal of two (2) surplus car parking bays to provide a greater open area and landscaping at the rear of the property;
 - (b) Increase in lower floor setback along southern boundary from 4.203 metres to 4.599 metres;
- *First Floor*
 - (a) Increase in setback along southern side of dwellings to a minimum of 1.52 metres;
 - (b) Increase in front setback along southern boundary to 4.599 metres;
 - (c) Relocation of balcony to rear of the development from the southern side to the northern side;
 - (d) Increase in rear setback from 1.5 metres to 2.38 metres to 2.849 metres – 3.669 metres;
 - (e) Reworking of the balconies along the southern side of the dwelling to a north-south orientation rather than an east-west orientation;
 - (f) Reworking of the layout of dwellings to accommodate the increase in the southern boundary setback;
 - (g) Placement of Balconies along the street frontage of the development;
- *Second Floor*
 - (a) Reduction in size of rear dwelling and removal of balcony along the southern façade of the building resulting in increase of rear setback from 2.35 metres to 6.609 metres and a reduction in overshadowing;
 - (b) Removal of Balcony at the front of the building resulting in an increased front setback from 3.1 metres to 5.237 metres;
- *Overshadowing*
 - (a) Reduction in the total overshadowing from 292m² or 55.40% to 257.19m² or 48.9%.
- *Plot Ratio*
 - (a) Reduction in the plot ratio from 1.05 (516.98m² – Including Stores) to 0.91 or 447.97m².

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Plot Ratio			✓	
Streetscape	✓			
Front Setback			✓	
Building Setbacks			✓	
Boundary Wall			✓	
Building Height			✓	
Roof Forms			✓	
Open Space			✓	
Access	✓			
Car Parking	✓			
Bicycle Parking	✓			
Privacy	✓			
Design For Climate			✓	

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

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

Issue/Design Element:	Plot Ratio
Requirement:	Residential Design Codes Table 1 Plot Ratio - 0.7 (343.7m2)
Applicants Proposal:	(447.97m2 or 0.91 – Including Stores)
Performance Criteria:	P1 Development of the building is at a bulk and scale intended in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant's Justification Summary:	<i>The development as proposed is requesting a plot ratio higher than the maximum plot ratio allowable, however a variance in dwelling types for the changing demographics of the immediate area is supplied; as promoted by Network City. The development meets all the objectives laid out in Policy 3.4.7 and 3.4.8 and provides for a modern, contemporary structure that sympathises with it's immediate streetscape and design limitations and sets a well considered precedent for West Parade considering its proximity to East Perth Train Station. Which means the development and its position within the City of Vincent allows it to take full advantage of the movement principles within the Network City framework. The development makes best use of the site considering the City views to the rear of the development and the excessively high boundary wall to the northern boundary. The development's scale and built form and articulation means it will have minimal impact on the neighbouring dwellings, regardless of the plot ratio requested and finally, the smaller dwelling types proposed allow a quality product to come to market under current median values, providing an affordable alternative for smaller households.</i>
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance as: <ul style="list-style-type: none"> The proposed building/development is consistent with the current and desired built form of the locality, as the location of the site is within an Residential R60 coded precinct and located close to the East Perth rail station

Issue/Design Element:	Plot Ratio
	<p>and Lord Street. In addition the multiple dwelling proposal provides alternative housing choice for persons who desire a housing form which is in close proximity to public transport networks.</p> <ul style="list-style-type: none"> • The proposed building/development abuts a commercial car park (Koorong Car Park/Warehouse) to the immediate north of the subject property, which is similar in scale, bulk and height to the subject property resulting in a scaling up of the adjoining single and double storey dwellings to the south. • The reduction in plot ratio area of approximately 69m² across the built form significantly reduces the scale and size of the development particularly on the third level which in turn reduces the scale and impact of bulk on the southern side of the property, where the subject site abuts two residential properties.
Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5</p> <p>Lower Floor 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. Average setback: Lower – 5.625 metres</p> <p>Upper Floor A minimum of two metres behind each portion of the ground floor setback. - Upper – 7.625 metres</p> <p>Balconies A minimum of one metre behind the ground floor setback – 6.625 metres</p>
Applicants Proposal:	<p>Front Setback Variations Noted</p> <p>Lower Floor – 2.589 metres – 4.599 metres</p> <p>Upper Floor - Upper Balconies – 2.075 metres – 4.599 metres</p>
Performance Criteria:	<p>Residential Design Elements SPC 5</p> <p>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:	Front Setback
<p>Applicant's Justification Summary:</p>	<p><i>The neighbouring buildings to the south are all residential dwellings of various period, size and construction. To the north there is a large warehouse/factory facility with a nil setback to West Parade. Further north to this facility is another warehouse/factory facility with a nil setback to West Parade and finally a bare site pre-approved for a four (4) storey apartment development. As such the streetscape has lost any residential continuity and provides large variances in the dwellings fronting West Parade. A majority of the neighbouring dwellings have their primary outdoor area to the rear of the property, with a few being able to utilise the front setback as secondary courtyard areas. Most neighbouring homes have carports and large brick/panel fences with noticeably reduced setbacks.</i></p>
<p>Officer technical comment:</p>	<ul style="list-style-type: none"> • The proposed street setbacks are considered supportable in this instance as they maintain the streetscape character and the amenity of the adjoining properties at least to the immediate north, as there are examples of the adjoining northern properties having a nil – 2.5 metres setback to the ground floor. • It is noted the properties to the immediate south of the development are setback approximately 5.0 metres to 6.0 metres, whereas the proposed front setback of the subject property is more in keeping with the warehouse/car park and commercial tenancies to the north. • Furthermore, whilst the first floor is located directly above the lower floor, the presence of a large expanse of open balconies in this area assists the reduction of bulk to the street and consistent with the properties to the north. • It is also considered the use of vehicular access and parking to the rear of the site, whilst necessitating the design of the building forward of the required front setback, facilitates the most effective layout of uses on the site. The front setback area is proposed to be landscaped accordingly.
Issue/Design Element:	Building Setbacks
<p>Requirement:</p>	<p>Residential Design Codes Clause 7.1.4 A 4.1 Lower Floor Southern Wall (Balance) – 1.5 metres. First Floor Southern Wall (Balance) – 2.5 metres Northern Wall (Balcony – Balcony) – 6.0 metres Second Floor Southern Wall – 8.0 metres Northern Wall (Bed 2 to Study)- 1.4 metres (Balance) – 7.7 metres</p>
<p>Applicants Proposal:</p>	<p>Lower Floor Southern Wall (Balance) – Nil - 1.2 metres First Floor Southern Wall (Balance)– 1.82 metres Northern Wall (Balcony to Balcony) - Nil Second Floor Southern Wall – 6.17 – 6.77 metres Northern Wall (Bed 2 to Study) – Nil (Balance) – 1.536 metres</p>

Issue/Design Element:	Building Setbacks
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation to the buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist in protecting privacy between adjoining properties.
Applicant's Justification Summary:	<p><i>The side façade proposed is broken up further with the integration of blade walls, small parapet wall features and entry statements, lightweight balcony screening with varying roof cover, a mixed construction material, differing shades of render and sectional changes of use. As such the development provides not only fore/aft articulation, but height, material and space articulation as well.</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The presence of windows on all elevations, together with the staggered nature of the development from the southern boundary, allows for the provision of adequate daylight, direct sun and ventilation to the proposed dwellings on both the ground, first and second floors. • The siting of the development across the site on both the lower, first and upper floors allows for significant areas of space to be achieved, and in turn sunlight to penetrate the adjoining properties in the areas of window openings and allow for sufficient ventilation to be provided. • As noted above the design of the dwellings, together with the availability of significant setbacks to the lower and upper floors, together with an acceptable building height allows for direct sun to be provided to the adjoining dwellings throughout significant periods of the day. • The staggering of setbacks that have been provided to the lower, first and upper floors along the southern, northern and western facades allow for a reduction in building bulk to the adjoining properties. • The provision of screening and obscure windows along all facades allows for the retention of privacy to the adjoining property owners from all the dwellings proposed. Privacy is maintained across the site with compliance with the Residential Design Codes to the adjoining properties.

Issue/Design Element:	Boundary Wall
Requirement:	Residential Design Codes Clause 7.1.4 A 4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.
Applicants Proposal:	Two (2) Boundary Walls. <u>Northern boundary wall</u> Length: 33.5 metres. Average height: 6.5 metres. Maximum height: 8.7 metres. <u>Southern boundary wall</u> Length: 8.7 metres. Average height: 3.0 metres. Maximum height: 3.0 metres. (Compliant)
Performance Criteria:	Residential Design Codes Clause 7.1.4 4.1 Buildings setback from boundaries other than street boundaries so as to: <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation to the buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist in protecting privacy between adjoining properties.
Applicant's Justification Summary:	<p><i>The factory warehouse immediately adjacent to the proposed development is double storey in height, with a 6.0 metre high boundary wall to the northern boundary of the subject property.</i></p> <p><i>The boundary walls to the south of the development are inside the 3.0 metre average with a 3.5 metre maximum and are setback in line with the neighbouring street setback. These walls are finished with a limestone coloured face brick to avoid maintenance issues and provide a neutral tone for the neighbouring home.</i></p>
Officer Technical Comment	The proposed development is considered to comply with the Performance Criteria provisions in this instance as the proposal makes effective use of space, with the proposed boundary wall being in keeping with the extent of boundary walls for the adjacent commercial development on the northern side of the property.
Issue/Design Element:	Building Height
Requirement:	Residential Design Elements BDADC 5 Two storeys plus loft. Top of external wall (concealed roof): 7.0 metres.
Applicants Proposal:	Concealed Roof Height – 8.7 metres
Performance Criteria:	Residential Design Elements 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 private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.

Issue/Design Element:	Building Height
Applicant's Justification Summary:	<i>The proposed development primarily takes into account its impact on the neighbouring streetscape as well as the design constraints of the narrow topography and neighbouring light industrial use. The proposed development is three (3) storeys in height with articulated front façade bringing new elements to the streetscape and providing for modern interpretation of existing streetscape elements, as well. The third storey is mostly of the development is mostly concealed by roof, only the style of the elevation (modern skillion) means there is minimal wall to the third storey visible.</i>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> • It is considered that West Parade comprises of mainly single storey character dwellings, with a selection of two storey however the subject lot could be considered to be a buffer property, given the presence of a Two Storey Boundary Wall on its northern boundary (Koorong Car Park/Warehouse), which creates a significant distinction between the residential and commercial uses in the streetscape. • The proposed development will create a gradual stepping up in building height from the adjoining single storey dwelling to the northern two storey height car park/commercial building. In addition the corner of Lord/Guildford and West Parade has been approved previously by Council for a five-storey mixed use development, further emphasizing this stepping up in height. • The proposed height is in response to achieving adequate northern light to the dwellings and allowing the adjoining residential property adequate light through the stepping back of each floor.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Clause 7.4.3 BDADC 3 Roof Pitch to be 30 - 45 degrees
Applicants Proposal:	3.0 degrees
Performance Criteria:	<p>Residential Design Elements Clause 7.4.3 BDPC 3 The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • <i>It does not unduly increase the bulk of the building;</i> • <i>In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</i> • <i>It does not cause undue overshadowing of adjacent properties and open space.</i>
Applicant's Justification Summary:	<i>The development provides for a well articulated front elevation, with a uniform roof line of a low pitch to avoid excessive complication of the fluidity of the development from front to rear; and the side façade is broken up further with the integration of blade walls, small parapet features and entry statements.</i>
Officer technical comment:	<p>The proposed roofing is considered to comply with the Performance Criteria of Clause 7.4.3 Roof Forms:</p> <ul style="list-style-type: none"> • The proposed roofing is contemporary in nature, and it is argued that the height and bulk of the structure with a skillion roof is less bulky and of a lesser height than

Issue/Design Element:	Roof Forms
	<p>what would be allowed if the development was of a pitched roof design.</p> <ul style="list-style-type: none"> • It is also noted that overshadowing proposed would be of a greater degree and impact if the development was of a pitched roof format rather than skillion. • Furthermore, the West Parade streetscape contains a mixture of roof pitch types with some flat roof dwellings immediately abutting the subject dwelling to standard pitched roofing along the street. In addition the immediately adjoining property to the north (Koorong Carpark/Warehouse) is a flat roofed building. • The roof design is also in response in the Design Advisory Committee requesting greater solar access to the dwellings.

Issue/Design Element:	Open Space
Requirement:	<p>R-Codes Clause 7.1.5 A5 Residential R60 - 45% or 220.95m²</p>
Applicants Proposal:	37.94% or 186.26m ²
Performance Criteria:	<p>R-Codes Clause 7.1.5 P5 Open Space respects existing or preferred neighbourhood character and responds to the features of the site.</p>
Applicant's Justification Summary:	<p><i>No specific justification provided by the applicant. Landscaping Plan included in the application.</i></p>
Officer technical comment:	<p>It is considered the proposed open space meets the provisions of the performance criteria for the following reasons:</p> <ul style="list-style-type: none"> • Whilst the proposed development presents a 34.69 square metre variation to the acceptable development provisions, the actual built area on the ground floor is modest given the layout of the parking area and manoeuvring area. • The open areas to the southern side of the dwelling allow for a reduction in the bulk of the building to the adjoining properties and facilitate light corridors in this area. • The first floor includes generously sized balcony areas, which allow for the residents of each multiple dwelling to be adequately catered for in terms of outdoor space. • The ground floor dwelling is in response to the Design Advisory Committee requesting design consideration to activate the street. • Landscaping is provided along the southern boundary of the carpark to the adjoining residential property. • Landscaping is provided for all of the front setback area contributing to the street.

Issue/Design Element:	Design for Climate
Requirement:	<p>R-Codes Clause 7.4.2 A2 On adjoining properties coded R50 to R60 inclusive – 50% of the site area (263.50m²) and No more than 50% of the Outdoor Living Area of the adjoining property</p>
Applicants Proposal:	<p>257.19m² or 48.9% of the adjoining lot (two strata lots alongside therefore total lot area calculated). (Compliant 135 West – Overshadows 77% of Outdoor Living Area of Adjoining Property. 135a West – Overshadows Outdoor Living Area</p>

Issue/Design Element:	Design for Climate
	(Compliant)
Performance Criteria:	<p>R-Codes Clause 7.4.2 P2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:</p> <ul style="list-style-type: none"> • outdoor living areas; • major openings to habitable rooms; • solar collectors; or • balconies or verandahs.
Applicant's Justification Summary:	<p><i>Existing provision of sunlight is compromised to the north side of the neighbouring front dwelling.</i> <i>The development is height sensitive and presents neither more overshadowing nor scale/bulk of built form. It is also noted that a change in design to a two-storey with loft would not reduce the overall overshadowing impact. The calculations also show the presence of overshadowing from the existing fence which is required under the Dividing Fences Act.</i></p>
Officer technical comment:	<p>The proposed overshadowing is considered to comply with the performance criteria due to the following:</p> <ul style="list-style-type: none"> • Whilst the development, does provide significant overshadowing to the adjoining properties outdoor living areas, a significant portion of this overshadowing will only overshadow the roof area of the adjoining property and any development of the site, given its predominant east west elevation will present overshadowing to the adjoining properties. • The adjoining property to the south of the development is already burdened in terms of overshadowing by the presence of a parapet wall along the southern boundary of the subject lot and enclosed roofing encompassing its outdoor living area. • The most western adjoining grouped dwelling will retain significant portions of northern light along its northern frontage, with the proposed development. Its main outdoor living area (deck) given its height on the first floor of the dwelling will still maintain significant light throughout the year.

Car Parking

The car parking required is calculated as per the Residential Design Codes 2010.

Car Parking	
Small Multiple Dwelling based on size (<75 square meters or 1 bedroom) - 0.75 bays per dwelling (6 multiple dwellings) = 4.5 car bays	
Medium Multiple Dwelling based on size (75 square metres – 110 square metres) 1.0 bays per dwelling (1 multiple dwelling) = 1 car bays	
Visitors = 0.25 per dwelling (7 multiple dwellings proposed) = 1.75 car bays	
Total car bays required = 7.25 car bays – 7.00	
	7.00 car bays
Total car bays provided	7.00 car bays
Surplus	Nil car bays

Bicycle Parking		
Bicycle Parking	<ul style="list-style-type: none"> 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 7 dwellings proposed): 2.33 bicycle bays or 2 bicycle bays for the residents. 1 Bicycle space per 10 dwellings: 1 bicycle space required 	3 bicycle bays are provided

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	10 April 2012 to 23 April 2012
Comments Received:	Neighbour consultation was undertaken in relation to the proposed plot ratio, open space, roof forms, street setbacks, Building Articulation, Building Setbacks from the Boundary, Number of Storeys, Building Height, Visual Privacy, Buildings on the boundary and overshadowing variations. Three (3) objections were received with One (1) comment of support.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Impact to Sunlight of Adjoining Properties</p> <ul style="list-style-type: none"> Strong objection to the proposal in that it will impact adjoining properties provision of light, ability to install energy efficient solar devices and privacy. Note that the development does not allow for northern light to be provided to the dwellings. 	<p>Noted. The total overshadowing as per the definition of overshadowing in the Residential Design Codes 2010 complies with a maximum overshadowing of 48.9%. The diagrams in the property information report show that a portion of northern roof has access to northern light for solar devices.</p> <p>Noted. The applicant has amended the northern elevation to provide additional windows thereby allowing for light to be provided along the northern elevation.</p>
<p>Issue: Setbacks:</p> <ul style="list-style-type: none"> Object to the variations the design proposes with regard to setbacks, boundary walls and street setbacks as the variations impact the scale and size of the property. 	<p>Noted. Whilst there are non compliant setbacks proposed by the development on both the southern and northern elevations, the presence of windows on all elevations, a staggered built form appearance on all facades, compliant boundary walls on the southern façade, and effective siting of the building on the site, reduces the impact of these setbacks to the adjoining properties. The design reflects the adjoining commercial property and has been designed to maximise northern light whilst staggering away from the adjoining residential properties.</p> <p>The presence of windows and balconies along the northern elevation counterbalances the actual side setbacks required and given the property is of a commercial nature it will not be impacted by the development.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> Object to the provision of a three (3) storey dwellings, given the impact of the overshadowing from it as it will result in a loss of sunlight, and solar access to adjoining properties. Reducing the proposal to a two storey development with appropriate constraints to height would considerably decrease the overshadowing to the southern side. 	<p>Noted. It is considered that the scale of the development is well articulated across the site, with the majority of the height being located along the northern boundary. This design will allow for maximum sunlight to be maintained to the adjoining properties throughout the year. The impact of a two storey plus a loft proposal would have a similar overshadowing impact to the adjoining properties; in addition to this the presence of a pitched roof dwelling would also result in a greater detrimental impact. The overshadowing proposed by the development is compliant with the requirements of the Residential Design Codes.</p>
<p>Issue: Reduction to Amenity of Streetscape</p> <ul style="list-style-type: none"> Object to the design of the development which does not add to the streetscape which includes predominantly single pitched roof dwellings. 	<p>Noted. Whilst the predominant nature of West Parade is that of single storey dwellings and two storey dwellings to the rear of the sites, the proposed development, whilst three (3) storeys, is at a similar height to that of a two storey pitched roof development under the provisions of the Residential Design Elements Policy. It is also noted that the street has a commercial element with a number of commercial buildings to the northern end of the street.</p>
<p>Issue: Use of Multiple Dwellings</p> <ul style="list-style-type: none"> Concern that the development given the small dwellings proposed will be subject to transient users. 	<p>Noted. The development proposes seven (7) multiple dwellings, which are considered residential units for permanent residents.</p>
<p>Issue: Noise</p> <ul style="list-style-type: none"> Concern in relation to increased noise from the development from balconies in close proximity to the adjoining owner. 	<p>Noted. Noise generated from normal residential activities is regulated by the Environmental (Noise) Regulations 1997 and administered by the City's Health Services.</p>
<p>Issue: Height and Scale of Development</p> <ul style="list-style-type: none"> Object to the provision of a three (3) storey dwellings, given the impact of the overshadowing from it as it will result in a loss of sunlight, and solar access to adjoining properties. Reducing the proposal to a two storey development with appropriate constraints to height would considerably decrease the overshadowing to the southern side. 	<p>Noted. The three (3) storey scale of the development is not considered to be of a significant magnitude given the property sits between a two storey dwelling, to the rear of the southern property and the Koorong Warehouse to the immediate north of the development. It is considered the subject property is a buffer property where the third storey element, sited mainly along the northern elevation, will create a gradual step up towards the northern building.</p>
<p>Issue: Right of Way Congestion</p> <ul style="list-style-type: none"> Note that the development, given the number of units and corresponding vehicles that will access the right of way, will create a major impact to existing users of the right of way 	<p>Noted. The right of way has been designed to accommodate users of the properties abutting and whilst the development will increase the number of users, the large parking/manoeuvring area within the subject property will allow for minimum impact of vehicles accessing the site.</p>

Summary of Comments Received:	Officers Technical Comment:
Issue: Privacy <ul style="list-style-type: none">Concern in relation to any potential overlooking that could be provided from the upper southern elevation. Request that any windows/balconies have screening provided accordingly.	Noted. All of the southern facing windows and balconies on the first and second floor are compliant with the visual privacy provisions of the Residential Design Codes by means of screening or compliant cone of vision privacy setbacks.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee on two occasions, on the 20 June 2012 and the 4 July 2012. From the meeting of 4 July 2012, the following comments were noted:

The initial presentation to DAC resulted in the following recommendations:

- 1. Improve access to north light and ventilation to all apartments. Provide a section that adequately demonstrates the effectiveness of this.*
- 2. Consider re-orientating the roof section to achieve point one noted above and reduce impact to the south neighbour.*
- 3. Improve the amenity of occupants with natural light and outlook to the long access passage.*
- 4. Develop the front courtyard and landscaping and front fence to improve the street relationship and general level of amenity.*
- 5. Confirm locations of air-conditioning units; air-conditioning units shall be screened from street view.*

The amended plan addresses the previous recommendations of the DAC with the following consideration:

- 1. The front fence be 50% visual permeable in accordance with the City of Vincent requirements.*
- 2. Raise north facing sill or north parapet wall to meet privacy requirements.*
- 3. Review the north facing roof overhang to improve winter sun penetration (while omitting summer sun).*
- 4. Skylight domes to be ventilated.*

The Design Advisory Committee (DAC) noted the issues from the first meeting had been addressed particularly gaining solar access and ventilation to dwelling.

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 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 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 *Strategic Plan 2011-2016* 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 introduction into the design of the dwelling, to accommodate additional windows and skylights along the northern facade reduces the reliance on artificial heating, lighting and cooling.	

SOCIAL	
Issue	Comment
The proposal for seven (7) multiple dwellings will provide the opportunity for greater housing choice within the City.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Technical Services

The ground floor car parking area at the rear of the building is to be compliant with visual truncations.

Health Services

The proposed laundries are to be compliant with Health requirements.

Based on the above and together with the amended aspects to the proposal, it is considered that the development is consistent with the general intention for the area in terms of bulk and scale. Furthermore, the inclusion in the design of the dwelling of additional windows, skylights and additional features such as landscaping across the site, will not only enable the multiple dwellings to be more useable in terms of living but also the scale of the development to integrate well in a compromised section of streetscape along West Parade. Further, the placement of parking to the rear of the site allows for greater street interaction and passive surveillance from the building and an improved residential appearance of the development.

In light of the above the development is considered to be supportable subject to the standard and appropriate conditions.

9.2.2 Proposed Installation of Unisex Toilet Facility and Improved Parking - Auckland/Hobart Street Reserve – Consideration of Submissions

Ward:	North	Date:	17 August 2012
Precinct:	North Perth (8)	File Ref:	RES0037
Attachments:	001 – Concept Plan No. 2901-C1-01A		
Tabled Items:	Nil		
Reporting Officers:	J van den Bok, Manager Parks & Property Services; and R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the submissions received concerning the proposed works at the Auckland/Hobart Street Reserve;
2. **DEFERS** the proposed works at the Auckland/Hobart Street Reserve as shown on attached plan No 2901-C1-01A and requests the following actions to be undertaken:
 - 2.1 develop options and refers the traffic and parking issues raised by the community to the Integrated Transport Advisory Group (ITAG) and invites interested residents to attend the meeting; and
 - 2.2 investigates/implements measures, as raised by the community, to improve the amenity of the Reserve for 'local residents' and other park users;
3. **ADVISES** all respondents and attendees to the Community Forum of its decision; and
4. **RECEIVES** a further report on the matter in September/October 2012.

Moved Cr Wilcox, Seconded Cr Harley

That the recommendation, together with the following change, be adopted:

“That a new clause 2.3 be added as follows:

That the Council;

- 2.3** investigates other local Parks with existing play areas which could be fenced in a similar manner to the Auckland/Hobart Street Reserve, to improve their amenity in order to help spread the load currently being experienced at the Auckland/Hobart Street Reserve;”

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded

That the Council;

- 2.3** investigates other local Parks with existing play areas which could be fenced in a similar manner to the Auckland/Hobart Street Reserve, offer to improved their amenity in order to help spread the load currently being experienced at the Auckland/Hobart Street Reserve which enables, whether it be through landscaping or other means that enables some other methods to be investigated;”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

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

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **CONSIDERS** the submissions received concerning the proposed works at the Auckland/Hobart Street Reserve;
2. **DEFERS** the proposed works at the Auckland/Hobart Street Reserve as shown on attached plan No 2901-C1-01A and requests the following actions to be undertaken:
 - 2.1 **develop options and refers the traffic and parking issues raised by the community to the Integrated Transport Advisory Group (ITAG) and invites interested residents to attend the meeting;**
 - 2.2 **investigates/implements measures, as raised by the community, to improve the amenity of the Reserve for 'local residents' and other park users;**
 - 2.3 **investigates other local Parks with existing play areas which could be fenced in a similar manner to the Auckland/Hobart Street Reserve, to improve their amenity in order to help spread the load currently being experienced at the Auckland/Hobart Street Reserve; and**
3. **ADVISES** all respondents and attendees to the Community Forum of its decision; and
4. **RECEIVES** a further report on the matter in September/October 2012.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the submissions received following the community consultation period and the outcome of the Community Forum held at the park on Saturday 11 August 2012 and recommend a course of action.

BACKGROUND:

At its Ordinary Meeting of Council held on 10 July 2012 the Council considered a report in relation to the proposed installation of a Unisex Toilet Facility at Auckland/Hobart Reserve and Improved parking layout around the park where the following decision was made:

"That the Council;

1. *APPROVES IN PRINCIPLE the proposed improvements in and around the Auckland/Hobart Street Reserve, estimated to cost \$92,000, as shown on attached plan No. 2901-CP-01A;*
2. *CONSULTS with the community in accordance with the City's Consultation Policy NO: 4.1.5 (Clause 7 – Non-Statutory and General) and holds a public meeting during the consultation process; and*
3. *NOTES that a further report will be submitted to the Council at the conclusion of the consultation process and following the public meeting."*

DETAILS:

On 30 July 2012, one hundred and seventy six (176) letters with attached plans were distributed around Auckland/Hobart Reserve in accordance with the City's Consultation Policy. At the close of consultation, twenty eight (28) responses were received (15.9% response).

Residents were asked to comment of two separate matters:

- Proposed installation of unisex toilet facility:
- Proposed improved parking layout:

Proposed installation of unisex toilet facility:

Supportive of the Proposal (14):

- 10 x in favour of the proposal with no further comment.
- These proposals are an excellent addition to the area, my only comment would be toilet security, will it be automatic or staff opening/closing.
- Ensure toilet is secure, cleaned regularly and screened by Lattice/vegetation.
- I have had an overwhelmingly positive response from my customers in regards to the toilet & parking.
- Toilet should be locked after 7.00pm

Not supportive of the Proposal (12):

- 2 x against the proposal with no further comment.
- Park has been a place teenagers hang out and drink, they move on however if a toilet is installed this may encourage their behaviour. Also I feel the park is too small.
- Park is being used by larger groups having picnics, birthdays etc there is very little room left for other users. The toilet would take up more room and encourage vandalism and undesirables at night.
- We do not support the proposal of the toilet as it will encourage drug users. We would only support it, if it was opened during the day say from 9.00am – 5.00pm.
- I know the problems public toilets can bring hence we oppose it. If it was to get the green light, the Community Rangers probably go around doing lockups at 5pm and open at 9am.
- I think you are making a big mistake in screening the toilet with lattice and vegetation. Asking for trouble.
- The park is too small and already attracting too many non residents from other areas. Do not turn this local family park into a big public facility.
- Please don't 'Improve' our park and encourage even more people to use it: Locals can use their toilet at home.
- The Hobart Street Park is supposed to be a neighbourhood park i.e. a short use/stay park. Having a toilet will only put more pressure on the park as patrons will stay longer.
- Installation of a toilet will encourage more visitors and longer stays. I believe that more effort needs to be put into creating more destinations to reduce the pressure on the park. I am also concerned about the aesthetic of having a toilet block in the park.
- The park is currently overused and a toilet would further encourage more users. Also the aesthetics would be affected which lattice would do little to improve an ugly structure.

Other (2):

- I agree with the concept, however, would only support the toilet block if it was locked at night time.
- I would like to know the toilet facility will have security and safety measures such as, blue lighting, cleaning/self cleaning arrangements and locked at night.

Residents Comments	Officers Comments
Ensure toilet is secure, cleaned regularly and screened by Lattice/vegetation.	<ul style="list-style-type: none"> • This would be undertaken.
Toilet should be locked after 7.00pm.	<ul style="list-style-type: none"> • This would be undertaken
Park is being used by larger groups having picnics, birthdays etc there is very little room left for other users.	<ul style="list-style-type: none"> • Many of the respondents considered that the park is a local park used by no locals. It is a public park and its use cannot be restricted to a select few. Many respondents were against the toilet.
I think you are making a big mistake in screening the toilet with lattice and vegetation. Asking for trouble.	<ul style="list-style-type: none"> • Some indicated they wanted lattice etc some indicated they did not.

<p>The park is too small and already attracting too many non residents from other areas. Do not turn this local family park into a big public facility.</p>	<ul style="list-style-type: none"> This was a common thread amongst residents who attended the public meeting.
<p>The toilet would take up more room and encourage vandalism and undesirables at night.</p>	<p>The City's officers are aware of the problems associated with public toilets in parks and hence new installations are located in open well lit areas. Toilets in most cases are locked either by Parks or security staff; however the comments provided during the consultation period are noted. The City's Public Toilet Strategy completed in September 2010 outlines the need and design requirements for public toilets and this should be taken into account with any future installations.</p>

Proposed improved Parking layout:

In Support of the Proposal (18):

- 10 x in favour of the proposal with no further comment.
- Will add much needed parking and amenities to an already beautiful and hugely popular corner.
- We do however support the proposed improved parking layout – the intersection has poor viewing for drivers so an improvement will be welcome.
- We would like to see decent size speed bumps...the speed bump size that is on Scarborough Beach Road under the overpass outside the Mount Hawthorn Primary.
- Happy with the parking bay proposal but request signs be put up advising drivers not to park on the verges of Hobart & Eton Street. Any measures taken to decrease the speed of cars on Hobart Street is welcomed. There should be more speed bumps along the street especially close to intersections. Consideration should be given to installing a crosswalk from the park to the Deli.
- Consider another speed hump on Hobart Street east of the park. What is the status of the proposal to create a right turn lane from Loftus Street to Scarborough Beach Road? Can dogs be totally banned from the park as so many families use it/
- Please install signage on Hobart and Auckland Streets 'No Parking on Verge'.
- Parking bays should have time limits via ticket machines. If parking is on Hobart Street then permits should be given for parking on Auckland Street. Price to park on the weekends should be more than during the week as the park is very busy on weekends. Parties need to be controlled and visitors (and residents) should be charged to hold parties. Signs need to be erected saying 'No Parties without Permits, No Alcohol, No Ball Games'.
- Maybe put in one speed hump at the entrance to Hobart Street via London Street, a chicane replacing the proposed one outside # 39 Hobart Street.

Do not support the Proposal (7):

- 2 x against the proposal with no further comment.
- Not in favour of the parking, maybe if it was 45% angled, and against the speed humps.
- The low profile speed humps will serve no purpose. The parking bays will mean cars backing out into Hobart St – disaster.
- A traffic study should be done and any recommendations from the study should be considered. 90o parking is in my opinion is dangerous at this location; any increase in bays should be to a maximum of 30 bays. The lesser traffic volume on Auckland Street should support 60 parking bays & would assist the lesser bay numbers on Hobart Street. Five (5) minute only bay nearest the post box.
- Traffic control on Hobart Street is a concern increase parking will only increase traffic flow problems and the potential for an accident to occur.
- Extra parking bays only encourage extra cars. Low speed humps don't discourage anyone but are a nuisance to us local drivers who slow down near the park anyway.

Other (3)

- I do support the proposal of improved parking on Hobart St. However I do feel there needs to be more parking allocated around the park side on Auckland Street. The 'No Parking on the Verge' means park users park on both sides of Auckland Street which makes it difficult to drive up and down the street and to see other vehicles. My suggestion is to get rid of the verge on Auckland Street as it serves no purpose being there and allocate more parking bays. I don't see the purpose of putting speed bumps on Hobart Street.
- I support the extra bays but perhaps diagonal shaped bays would work better. They're easier to drive in and out of...
- In favour of the parking however not in favour of the speed humps.

Discussion:

Responses to comments relevant comments raised:

Residents Comments	Officers Comments
The intersection has poor viewing for drivers so an improvement will be welcome.	<ul style="list-style-type: none"> • Improvements to the intersection will be further investigated
We would like to see decent size speed bumps.	<ul style="list-style-type: none"> • A number of respondents indicated they were not in favour of speed humps
Signs be put up advising drivers not to park on the verges of Hobart & Eton Street.	<ul style="list-style-type: none"> • This will be further investigated
Measures taken to decrease the speed of cars on Hobart Street.	<ul style="list-style-type: none"> • The 85% speeds in Hobart Street are not excessive. This will be further investigated
Crosswalk from the park to the Deli.	<ul style="list-style-type: none"> • MRWA no longer approve the installation of 'crosswalks' however other measures will be investigated to improve pedestrian safety.
Signs need to be erected saying 'No Parties without Permits, No Alcohol, No Ball Games'.	<ul style="list-style-type: none"> • This is currently being investigated
More parking allocated around the park side on Auckland Street.	<ul style="list-style-type: none"> • This will be further investigated
Diagonal shaped bays would work better.	<ul style="list-style-type: none"> • Alternatives will be investigated

Community Forum: Saturday 11 August 2012

In accordance with the Council's decision a public forum was held in the park.

The forum was chaired by the Mayor and attended by approximately thirty five (35) residents. The Director of Technical Services and one or two Councillors were also in attendance.

The main issues raised at the forum were similar to the comments submitted as part of the formal consultation however the vast majority of the residents who attended did not support the toilet nor did they did not support the proposed 90 degree angle parking in Hobart Street.

They raised concerns regarding traffic, congestion, pedestrian safety, over use and unauthorised use of the park, illegal parking etc.

At the meeting, a petition signed by a number of nearby residents was handed to the Mayor. The petitioners indicated that they were not in favour of the proposed toilet, nor were they in favour of the proposed parking modifications and wanted measures implemented to improve safety in the vicinity of the park on Auckland and Hobart Street. They also requested that measures be implemented to improve the amenity of the park for local residents.

Conclusion:

The sentiment of the majority of those in attendance can be summed up as follows:

- Strongly opposed to the proposed installation of a toilet and parking changes.
- Adding a toilet and/or barbecue to the park could also lead to the possibility of after-hours' antisocial behaviour.
- The current proposed location of the toilet is adjacent to two houses in close proximity and directly across the road from our house – as it is likely that it would be used by large numbers of very small children it could become dirty and smelly on a daily basis.
- Hobart Street Park is essentially a small local / neighbourhood park.
- People should be encouraged to use larger or regional park such as – Gill Street Park (Les Lilleyman Reserve), Kyilla Park, Woodville Reserve, Charles Veryard Reserve, Braithwaite Park, Menzies Park and Hyde Park.
- Hobart/Auckland Street Park has become extremely popular – which has led to overcrowding and congestion issues.
- The number of people visiting the neighbourhood park has significantly increased over this time and at times reaches alarming levels.
- A number of Mothers' Groups / Playgroups regularly meet in the park and on weekends people hold birthday parties.
- It appears that many of the people who come to the park do not now live locally, which has led to more and more cars trying to find parking in surrounding streets and to significantly increased traffic congestion.
- Crossing Hobart Street has become dangerous at these times.
- The park is featured on "A Coffee in the Park" – a Perth website that lists family friendly parks who have (in close proximity) access to coffee (refer <http://www.acoffeeinthepark.com/hobart-st-north-perth>).
- General Verge Information Signage stating that it is "illegal to park on residents' verges / driveways" and that "people can be fined", etc, is required.
- Monitoring of Parking and Enforcement of Parking Conditions by Rangers is required.
- Information Signage about other options of local parks that are close by needs to be implemented.
- Consideration of altered parking options adjacent to the park should be investigated.

The City's officers will further investigate the issues raised.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Policy and a public meeting was held on Saturday 11 August 2012.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Issues regarding pedestrian and traffic safety were raised and will be further investigated.

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.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The following funds have been allocated in the 2012/2013 budget:

- \$17,000 for the toilet; and
- \$75,000 for car parking.

COMMENTS:

Of the one hundred and seventy six (176) letters distributed, twenty eight (28) responses were received. The response was 50/50 with regards the toilet facility and the majority of respondents supported the parking proposal.

However, at the public meeting the majority of the thirty five (35) residents in attendance did not support the toilet or the parking as proposed. In addition, a petition signed by a number of nearby residents indicated that they were not in favour of the proposed toilet, nor were they in favour of the proposed parking modifications and wanted measures implemented to improve safety in the vicinity of the park on Auckland and Hobart Street. They also requested that measures be implemented to improve the amenity of the park for local residents.

It is recommended that the traffic matters raised be considered by the Integrated Transport Advisory Group and that the other issues raised be further investigated and residents be invited to attend another meeting when the matters have been further investigated.

9.1.3 No. 158 (Lot 16; D/P 972) Bulwer Street, Perth – Proposed Unlisted Use (Car Wash)

Ward:	South	Date:	17 August 2012
Precinct:	Hyde Park; P12	File Ref:	PRO0163; 5.2011.453.3
Attachments:	001 - Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officers:	J Giorgi, Chief Executive Officer; and R Lotznicker, Director Technical Services		
Responsible Officer:	J Giorgi, Chief Executive Officer		

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 Sam Butto on behalf of the owner, B & M Ricciardello Nominees Pty Ltd for Proposed Unlisted Use (Car Wash) at No. 158 (Lot 16; D/P 972) Bulwer Street, Perth, as shown on plans stamp-dated 17 August 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Bulwer Street;
2. any new street/front wall, fence and gate within the Bulwer 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;
3. first obtaining the consent of the owners of No. 154 Bulwer Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 154 Bulwer Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
4. the hours of operation shall be limited to the following times: 8.00am to 6.00pm Monday to Saturday and 9.00am to 6.00pm Sundays and Public Holidays;
5. all signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

6.1 Amalgamation of Lots

Nos. 480-486 (Lots 12, 13, 14 and 15) William Street and No. 158 (Lot 16) Bulwer Street shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit application 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 Nos. 480-486 (Lots 12, 13, 14 and 15) William Street and No. 158 (Lot 16) Bulwer Street 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);

6.2 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted 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;

6.3 Landscaping and Reticulation Plan

The area between the front boundary and the bay 1 is required to be landscaped.

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

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

- A. provision of increased soft landscaping of between (5% - 10%) percent of the total site with a view to significantly reduce areas of hardstand and paving;
- B. the location and type of existing and proposed trees and plants;
- C. all vegetation including lawns;
- D. areas to be irrigated or reticulated and such method;
- E. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- F. separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

6.4 Refuse Management

Waste Management for the development shall be provided with an adequate number of waste and recycling bins in accordance with the City's requirements; and

6.5 Schedule of External Finishes

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

6.6 Waste Water Management

A waste water management plan which demonstrates that no waste water from the car wash enters the City's drainage system without treatment which is assessed as adequate by the City;

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

7.1 Car Wash and Waiting bays

The car wash and waiting bays 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;

7.2 Light Sensors and Alarms

Appropriate 'strobe light sensors' and an audible alarm is to be fitted to the carwash, facing west, to alert waiting vehicles of reversing vehicles to the satisfaction of the City;

7.3 Reversing Zone

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

7.4 Crossovers/Driveway

The two existing crossovers located between Nos. 480-486 William Street and No. 158 Bulwer Street are to be amalgamated and reduced to 6 metres in width and be designated 'exit only' to the satisfaction of the City;

7.5 Signage

Compliant signage noting the waiting bays, reversing areas, exit only and hours of operation to be installed to the satisfaction of the City; and

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

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-4)

For: Mayor Hon. MacTiernan, Cr Carey, Cr McGrath, Cr Topelberg, Cr Wilcox
Against: Cr Buckels, Cr Harley, Cr Maier, Cr Pintabona

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development of a car wash is an unlisted use.

BACKGROUND:

History:

Date	Comment
24 May 1994	Council at its Ordinary Meeting refused a development application for proposed car parking.
28 February 2012	A report was prepared for the Ordinary Meeting of Council of 28 February 2012 for a development application for the proposed change of use from residential to unlisted use (car wash). The application was withdrawn by the applicant to allow them time to resolve the issues associated with the proposal.

Previous Reports to Council:

An application for proposed car parking was refused by Council at its Ordinary Meeting held on 24 May 1994. Following the resolution of the 24 May 1994 Council meeting, inspections of the site revealed that it was continuing to be used for the purpose of car parking. The owners of the subject site were advised that the use of car parking and storage is contrary to the provisions of the City of Perth City Planning Scheme, and that the use of a residential lot for any use other than residential, must cease.

A development application was received on 9 September 2011 for the proposed change of use from residential to unlisted use (car wash). The application for the proposed car wash included a right of access proposed over the adjoining north-western service station and the adjoining south-eastern residential dwellings. An agenda item was prepared for the Ordinary Meeting of Council of 28 February 2012; however the application was withdrawn by the applicant to resolve the issues associated with the proposal.

DETAILS:

The application is for a change of use from residential to an unlisted use (car wash). The subject site currently adjoins a service station to the north-western boundary and two residential dwellings to the south-western boundary.

The plans no longer propose a right of access over the adjoining lot to the south-east which accommodates residential dwellings; however there is still a right of access over the adjoining north-western service station.

Landowner:	B & M Ricciardello Nominees Pty Ltd
Applicant:	Sam Butto
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Vacant land used for car parking
Use Class:	Unlisted Use (Car Wash)
Use Classification:	"SA"
Lot Area:	379 square metres
Right of Way:	N/A

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	✓		
Building Setbacks	✓		
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		

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

Car Parking	
Car parking requirement (nearest whole number) • Service Station – 1 space per working bay provided 3 working bays – 3 spaces Total car bays required = 3 car bays	=3 car bays
Apply the adjustment factors. • 0.85 (The proposed development is within 400 metres of a bus stop/station) • 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces)	(0.7225) = 2.1675 car bays
Minus the car parking provided on-site	3
Minus the most recently approved on-site car parking shortfall	N/A
Resultant surplus	0.8325 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	18 November 2011 to 9 December 2011
Comments Received:	One (1) support

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 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 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.*

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 2011-2016 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
As the development consists of a one hundred (100) percent non-permeable surface, stormwater management is important.	

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

ECONOMIC	
Issue	Comment
The proposed construction of the development provides short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Technical Services

With regards the proposal while it would be more desirable for vehicles to be able drive through the proposed two (2) manual car wash bays and the one (1) automated bay and exit onto Bulwer Street in forward gear. Due to site constraints an alternative proposal has been considered.

Given that there are only two (2) proposed car was bays and that there is adequate room on the site for vehicles to be able to drive in and reverse out of the two bays it is considered that the proposal is acceptable from a traffic manoeuvring view point subject to the layout being as per the attached plan.

The attached plan indicates the proposed car wash bays (in *pink highlight*) each being 7.0 metres long by 4.0 metres wide. The proposed reversing area is shown in *yellow highlight* each area being 6.0 metres long by 4.0 metres wide. This provides ample room for manoeuvring as due to the proposed 4.0 metre width of the car wash; a vehicle can start tuning in the car wash bay when reversing so the 6.0 metre long reversing bay is well above what would normally be required for this to operate effectively.

In addition two proposed 5.5 metres long by 4.0 metres wide car waiting bays *green highlight* can be accommodated leaving a distance of 6.5 metres between the rear of the proposed waiting bays and the existing undercover browsers.

With regards to the proposed automated car wash, it is a little unconventional to drive in and reverse out of one of these, however it is considered that again there is adequate room for manoeuvring and room for a vehicle waiting bay to accommodate this (as shown of the attached plan).

It is also proposed that 'appropriate' strobe light sensors and an audible alarm be fitted to the carwash, facing west, to alert waiting vehicles of reversing vehicles.

To facilitate the carwash proposal it is proposed that the two existing crossovers (eastern end of the site off Bulwer Street) currently totalling a combined width of about 13 metres be reduced in width to 6 metres (to still allow tanker egress) and that the driveway be restricted to exit only.

Planning

As the subject site will be used in conjunction with the adjoining north-western service station, it is recommended that the subject site be amalgamated with the four lots which the service sits over as a condition of approval. As the proposal requires waiting bays to be located on and access to be provided over the adjoining service station lots, the amalgamation of the lots will ensure that the service station and car wash continue to operate in conjunction with each other in the future.

It is considered that the proposed unlisted use (car wash) is an appropriate use for the subject site. As the adjoining north-western site is a service station, with the proposal no longer having a right of access over the adjoining north-eastern residential property, it is considered that the proposed change of use from residential to unlisted use (car wash) is in keeping with the existing character of the locality and the adjoining service station.

In view of the above, it is considered that the proposed change of use from residential to unlisted use (car wash) is supportable. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.2.1 Further Report - Proposed 2 Hour Parking Restriction – Anzac Road, Mount Hawthorn

Ward:	North	Date:	17 August 2012
Precinct:	Mount Hawthorn (P1)	File Ref:	TES0508
Attachments:	001 – Parking Plan No. 2784-PP-01		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. DEFERS indefinitely the introduction of parking restrictions in Anzac Road between Oxford and Flinders Streets, Mount Hawthorn as illustrated on attached Plan No. 2784-PP-01 for the reasons outlined in the report; and
2. NOTES THAT the parking situation in the street will continue to be monitored.

Moved Cr Harley, Seconded Cr Buckels

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

That the Council;

1. ~~DEFERS indefinitely~~ the introduction of parking restrictions in Anzac Road between Oxford and Flinders Streets, Mt Hawthorn as illustrated on attached Plan No. 2784-PP-01 for the reasons outlined in the report until a further letterbox drop is undertaken in Anzac Road and the matter is reported back to Council in September/October 2012
2. ~~NOTES THAT the parking situation in the street will continue to be monitored~~

Debate ensued.

Cr Carey departed the Chamber at 7.03pm.

Cr Carey returned to the Chamber at 7.05pm.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Carey

“That the recommendation be amended to read as follows:

That the Council;

1. ~~DEFERS indefinitely~~ the introduction of parking restrictions in Anzac Road between Oxford and Flinders Streets, Mt Hawthorn as illustrated on attached Plan No. 2784-PP-01 for the reasons outlined in the report until a further letterbox drop is undertaken in Anzac Road and the matter is reported back to Council in September/October 2012 and includes appropriate options to improve utilisation of the Oxford Street carpark.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.2.1

That the Council DEFERS the introduction of parking restrictions in Anzac Road between Oxford and Flinders Streets, Mt Hawthorn as illustrated on attached Plan No. 2784-PP-01 for the reasons outlined in the report until a further letterbox drop is undertaken in Anzac Road and the matter is reported back to Council in September/October 2012 and includes appropriate options to improve utilisation of the Oxford Street carpark.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council approval to defer indefinitely, or until the situation changes, the introduction of timed parking restrictions in Anzac Road between Oxford Street and Flinders Streets, Mt Hawthorn.

BACKGROUND:

In late 2010 the City received a request to consider installing parking restrictions in the aforementioned section of Anzac Road. Some residents had complained that it is often difficult to find a parking space during business hours as it is taken up by employees of nearby businesses.

In the immediate area there are time restrictions in Oxford Street and Anzac Road east of Oxford Street. Approximately the first 25m of Anzac Road west of Oxford Street is restricted while the full length of Fairfield Street to Scarborough Beach Road is restricted, being a combination of timed and residential only restrictions.

The Council, having considered a report on the matter at its Ordinary Meeting of 24 May 2011, deferred an approval for the parking restrictions for a period of twelve (12) months.

DETAILS:

In early 2011 and following a written request for parking restrictions to be considered a number of site inspections were undertaken by the City's officers to verify the level of usage. At the time the majority of the street, particularly the Oxford Street end, had no free parking spaces. A consultation letter was subsequently delivered to all residents and business abutting Anzac Road, including those on the corner of Oxford Street.

The consultation letter also included details of the City's policy on eligibility for exemption from the time restrictions through the residential and visitor parking permits scheme.

Consultation

In February 2011 thirty six (36) letters were distributed to residents and businesses on Anzac Road between Oxford Street and Flinders Streets.

The consultation letter comprised (in part) the following;

"...the City is seeking your comments on the introduction of a two (2) hour time restriction between the hours of 8.00am and 5.00pm Monday to Friday on the unrestricted portion of Anzac Road, between Oxford and Flinders Streets."

At the close of the consultation period, six (6) responses were received (a 16.7% response rate) with two (2) in favour, two (2) in favour while offering other suggestions and comments, and two (2) against.

Discussion

In the period leading up to the report in May 2011 there were a number of local issues that increased the parking demand in the immediate area:

- The introduction of paid ticket parking in the Oxford Street car park (394 Oxford Street). There was anecdotal evidence at the time that the taxi drivers from Midway Taxi Management, located at 381-387 Oxford Street, who had previously parked in the Oxford Street car park had begun to park in Anzac Road to avoid parking fees;
- The Department of Child Protection having leased the premises at 363 Oxford Street on the corner of Oxford Street and Anzac Road, leading to those of their staff without allocated parking bays using the unrestricted portion of Anzac Road; and
- Construction activity at 75 Anzac Road resulting in trades and delivery vehicles monopolising a number of bays.

In the intervening period since, the City's officers have undertaken a number of informal inspections.

The first 18m of Anzac Road, both sides, is timed restricted and can accommodate six (6) vehicles. On the last inspection, undertaken on 16 August 2012, there were three (3) vehicles in the time restricted area, leaving three (3) free spaces. For the remainder of the aforementioned section of Anzac Road, extending to Flinders Street, there were fourteen (14) vehicles parked on the road leaving approximately eight (8) vacant spaces. The density of the parking decreased progressively from Oxford Street to Flinders Street as the distance to Oxford Street increased.

Other factors that may impact upon parking demand in the future:

The Midway Taxi Management site is currently up for lease and has been advertised as being suitable for a variety of purposes, which may or may not, impact upon parking demand in Anzac Road. However, there is no indication currently that Midway Taxi Management is moving.

As a result of the Council having deferred the matter in May 2011 the City wrote to those residents who had responded to the public consultation advising of the Council's decision. In addition Officers met with some of those residents who had raised objections and where appropriate extended the No Stopping Zones adjacent their crossovers to assist with their ingress and egress from their properties.

This also resulted in fewer cars parking directly in front of their properties as it effectively reduced the available parking space as where previously two (2) or three (3) cars it had been reduced by one (1).

In respect of residents on-going concerns about parking congestion in Anzac Road between Oxford and Flinders Streets the City has not received one written complaint since March 2011.

Officer Comments

In respect to the resident's initial concerns regarding the parking congestion in Anzac Road between Oxford and Flinders Streets since March 2011, due to the changed situation and the measures undertaken by the City's officers, the City has not received any written complaint.

It is therefore considered that the introduction of restriction in the street be deferred and the situation monitored.

CONSULTATION/ADVERTISING:

Not applicable.

The residents will be advised of the Council decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In accordance with 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.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

If the Council adopts the Officer recommendation to defer indefinitely the introduction of parking restrictions it can be resurrected if the parking demand in the area increases albeit as a result of developments and/or change of use.

9.4.1 Towage of Vehicles Parked in Clearway Zones – Progress Report No. 1

Ward:	Both	Date:	17 August 2012
Precinct:	All	File Ref:	TES0045; PKG0001
Attachments:	001 – Existing Clearway Restrictions 002 – Proposed Towage Clearway Zones – Maps		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** a decision to introduce Tow-Away provisions for vehicles that are parked in a “Clearway”, within the City of Vincent, however **DEFERS** its decision to implement the matter until January 2013, until the following actions have been undertaken;
 - 1.1 the identification of a short-term holding yard, close to the City of Vincent, to which vehicles that have been impounded from a Clearway can be taken;
 - 1.2 the short-term holding yard, as identified at clause 1.1 above, to have appropriate security measures in place to ensure vehicles cannot be removed without approval or damaged while in the City’s custody;
 - 1.3 investigations into the engagement of the services of a tow truck, which will be dedicated to the City of Vincent during morning and afternoon Clearways, so that an offending vehicle can be quickly removed to the appropriate holding facility; and
 - 1.4 Main Roads WA and the Department of Transport have introduced their programme to impound and towed vehicles from Freeways and Clearways in the Central Perth area; and
2. **REQUESTS** the Chief Executive Officer to:
 - 2.1 investigate potential partnership arrangements with other stakeholders, such as WA Police, Main Roads WA, Department of Transport and adjacent local governments, for impounding and towing vehicles that are illegally parked in a Clearway;
 - 2.2 undertake a public consultation process with other stakeholders, including but not exclusive to, local businesses and local residents, to develop a strategy to deal with Clearway congestion on the City’s main roads;
 - 2.3 develop a formal procedure to be followed, where a vehicle is parked in a Clearway and is causing congestion;
 - 2.4 review Schedule 2, “*Prescribed Offences*” of the City of Vincent Parking and Parking Facility Local Law 2007, to ensure that the penalties associated with the various offences remain appropriate and to make changes, where these penalties are identified as in need of change; and
 - 2.5 undertake an assessment of each Clearway, to identify offence patterns and to prioritise which should be considered for tow-away provisions to be introduced;

3. notwithstanding any other changes to penalties, which may be identified, as in clause 2.4 above:

3.1 APPROVES BY AN ABSOLUTE MAJORITY an amendment to Schedule 2 (Prescribed Offences) of the Parking and Parking Facilities Local Law (2007), as amended, to increase the penalty that applies for a contravention of clause 5.1(1)(b), "Stopping during the times a sign specifies a "no stopping" restriction is in operation", from \$125 to \$270:

Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the City of Vincent resolve on2012 to make the Parking and Parking Facilities Amendment Local Law No. 1,(2012).

**"LOCAL GOVERNMENT ACT 1995 (as amended)
CITY OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW
AMENDMENT LOCAL LAW NO. 1, 2012**

AMENDS the City of Vincent Parking and Parking Facilities Local Law (2007) as follows:

3.1.1 at Item 58, in column 1, of Schedule 2, headed "Item No.", the penalty amount of "125", as shown in Column 4, headed "Modified Penalty \$", be deleted and replaced by "270";

3.2 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 amendments to the City of Vincent Parking Facilities Local Law (2007); and

3.4 NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period; and

4. REQUESTS the Chief Executive Officer to submit a further report to the Council, providing the updated information and outlining the proposed formal procedure, after the stakeholder engagement meetings and the public consultation processes have taken place and when the above actions detailed in clauses 1 and 2, have been completed, but in any case, not later than February 2013.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request received during discussion at the Ordinary Meeting of Council held on 8 November 2011 to implement "Tow-Away Zones" to portions of the City's Clearways.

BACKGROUND:

The purpose of a Clearway is to provide an additional traffic lane in peak traffic periods. In general terms, for main roads that run from north to south, the east side has a morning Clearway (7:30am to 9:00am, Monday to Friday) and the west side has an afternoon Clearway (4:15pm to 6:00pm, Monday to Friday). The west side of Beaufort Street, Mount Lawley also has a No Stopping in place, from 3:15pm to 4:15pm, Monday to Friday, which means that this northern section of the west side of Beaufort Street has a Clearway effectively operating from 3:15pm to 6:00pm. A single vehicle standing during the Clearway period can cause considerable congestion, traffic hazards and inconvenience to other motorists.

It is an offence, under clause 5.1(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007, to stop a vehicle in a "No Stopping" area, during the times specified on a sign.

Clause 5.1(1) (b) states:

"5.1 No stopping and no parking signs, and yellow edge lines

(1) No stopping

A driver shall not stop on any part of a carriageway, or in an area –

(a) to which a "no stopping" sign applies; or

(b) during the times a sign specifies a "no stopping" restriction is in operation."

The word "Clearway" has the same meaning as "No Stopping" and clause (b) clarifies that the restrictions are only applicable at peak times, as specified on signs in the vicinity. It should also be noted that a vehicle parking in a Clearway is also in contravention of Section 148 of the Road Traffic Code 2000.

The existing Clearway restrictions as shown in Appendix 9.4.1A, show the roads in the City of Vincent where Clearway restrictions have been introduced.

Despite strict enforcement of the Clearway restrictions by Rangers, clear signage and relatively high penalties, drivers appear not to be deterred from parking their vehicles contrary to signage. Rangers undertook to monitor the time taken for a vehicle to move past an illegally parked vehicle and they have reported that this time varied from location to location. However, at peak times, obstructions in Beaufort Street can take between four (4) minutes and twelve (12) minutes to drive past, causing considerable banking of traffic.

Main Roads WA and the Department of Transport are currently formulating a plan, whereby vehicles that stop either in or in close proximity to the Graham Farmer Freeway Tunnel, as well as vehicles that stop on the Mitchell and Kwinana Freeways, in the Perth Metropolitan area would be impounded. However, while planning is well advanced, it is unlikely that the process will be implemented until early 2013.

DETAILS:

Statistics

The City's Ranger and Community Safety Services receive telephone complaints, on a daily basis, reporting vehicles parked in Clearways. The Rangers patrol both morning and afternoon Clearways, every day and during the period 1 January 2011 to 31 December 2011, 1,055 infringement notices were issued to vehicles parked in contravention of Section 5.1(1)(b) of the City's Parking and Parking Facilities Local Laws. Between 1 January 2012 and 31 July 2012, Rangers issued 578 infringement notices for the same offence. Only 16 of these offenders were repeat offenders during the 19 month period, which suggests that, while the penalty amount is generally sufficient in deterring drivers from re-offending, a few drivers continue to "take a chance" to park for a short time. It should be noted that during the whole of 2010, 877 infringement notices were issued for Clearway Offences and, in 2009, 707 infringement notices were issued for this offence. The amount prescribed for this offence is currently \$125, which is the same amount as for a 'No Stopping at Anytime' contravention. It is suggested that, if the penalty for stopping in a Clearway was increased to \$270, as soon as possible, it is probable that this could have the effect of deterring many of the drivers who currently "take a chance" that they will not be detected. If this proves to be the case, the result would be a reduced number of offences, a reduced number of complaints and also a reduction in the level of congestion.

The City is already empowered under the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 to impound any vehicle parked in contravention of the City's Parking and Parking Facilities Local Law 2007. However, until now, the City has only exercised the authority to impound a vehicle, where it has been identified as an apparently abandoned vehicle or where the presence of the vehicle could cause severe danger to pedestrians or other road users. In every case, Rangers endeavour to contact the owner of the vehicle, before it is impounded.

Because of the substantial number of complaints from the driving public about the congestion caused by vehicles parked in a Clearway, which is evidenced by the increasing number of infringement notices being issued, Council Members have suggested that enforcement staff should adopt a stronger stance in this regard. However, while a vehicle that is parked in a Clearway will always cause congestion, it is suggested that the impact on some major roads is demonstrably more serious than in others. It is further suggested that the congestion caused by a vehicle parked in a Clearway will vary, according to the distance from a main intersection, with the problems increasing, the closer the vehicles is parked to the intersection. As a result, it is considered appropriate to allow the enforcement staff to make a decision, about whether towing is the most appropriate option, based on the prevailing conditions, the congestion being caused and the time that the offence occurs.

Impounding and Towing Options

The City's Officers have made enquiries through the City's approved contractor regarding the possibility of towing vehicles from Clearway areas. Three options were identified as being possible strategies to manage the towing and the retention of impound vehicles, all of which have a cost associated with them. These options are:

	Option	Advantage	Disadvantage	Cost
1.	Call Tow Truck as required	<ul style="list-style-type: none"> • Cost only incurred when necessary 	<ul style="list-style-type: none"> • Could take up to 30 minutes to get to vehicle • Rangers need to remain with vehicle until impounded • Potential for altercation, if a driver returns • Cost incurred, even if driver removes vehicle • Need to establish secure holding facility 	<ul style="list-style-type: none"> • Up to \$135 per call-out, (could result in up to \$2,500 per week - \$130,000 per annum

	Option	Advantage	Disadvantage	Cost
2.	Tow Truck "hired" for Clearway times	<ul style="list-style-type: none"> Fixed daily cost Tow Truck dedicated to City of Vincent Shorter time between complaint and towage 	<ul style="list-style-type: none"> Rangers need to remain with vehicle until impounded Potential for altercation, if a driver returns 	<ul style="list-style-type: none"> Up to \$500 per day (\$2,500 per week - \$130,000 per annum)
3.	Purchase City of Vincent Tow Truck	<ul style="list-style-type: none"> Costs for wages and maintenance only Could be driven by a Ranger 	<ul style="list-style-type: none"> Large capital outlay On-going expense 	<ul style="list-style-type: none"> Capital outlay around \$170,000 On-costs of around \$2,000 per year

If option 1 was implemented, the towage companies indicated that, whether the vehicle was actually towed or not, once they had been called to a job, the towage fees would be payable. The towing companies also indicated that they could not guarantee attendance in less than 30 to 45 minutes. This is obviously of concern, since the offending vehicle would continue to obstruct the Clearway for up to 45 minutes.

In discussions with Rangers, they indicated that drivers frequently return to their vehicle while an infringement notice is being issued or shortly after it has been placed on the windscreen. If a driver returns and wishes to remove their vehicle and a tow-truck has already been called, Rangers will be faced with deciding whether to allow the vehicle to be removed, thereby reducing the congestion, or whether to impound (retain) the vehicle until the tow-truck arrives. Since the current penalty for a Clearway Offence in the City of Vincent is \$125, if the Rangers decide to release the vehicle, the towage cost of around \$135 will still be charged, resulting in a net cost to the City of \$10. The Main Roads WA proposal will recommend the penalty for "Parking in a Clearway" to be set at \$270.00 and as a result, it is suggested that, if the penalty for a Clearway offence is increased to \$270, which is slightly more than double the current penalty, the City would align with the Main Roads WA proposal and would not bear any costs associated with offences by drivers.

If the Rangers decide to retain the vehicle, a returning driver is likely to be extremely angry that he/she cannot drive off. Rangers already experience verbal abuse from drivers who return to their vehicles and find that they have been issued with an infringement notice, but if the Ranger then refuses to release the vehicle, it can be envisaged that these confrontations would escalate dramatically. The Rangers often patrol the City's restrictions individually and where an altercation may become violent, Rangers are instructed to remove themselves from the location and to issue the infringement notice by post. However, this may be difficult, if a tow truck has been contacted and the vehicle is to be retained.

State Government Initiatives

Main Roads WA and the Department of Transport are currently exploring the possibility for their Officers to take control of vehicles that obstruct the Mitchell Freeway, the Kwinana Freeway, the Graham Farmer Freeway Tunnel and the major Clearways in the City of Perth, to avoid congestion. Contact has been made with Main Roads WA to seek clarification, but while the matter is being progressed, it is unlikely that the programme will commence before early 2013. Main Roads WA have expressed a willingness to share information with the City and, where possible, to allow the City to partner with their programme, when they start to tow vehicles from their specified areas.

The City currently engages the services of Manheim Fowles as the "preferred contractor", to tow apparently abandoned vehicles to their holding yard and, at present, all impounded vehicles are removed to Manheim Fowles' holding yard in Redcliffe, which is a substantial distance from the City of Vincent.

Main Roads WA have indicated that they currently have an arrangement with AAAC Towing and they would probably make use of this company for the current proposal. However, for Clearway obstructions, it may be more appropriate for the vehicles to be taken to a "holding property" which is closer to the City of Perth/City of Vincent and Main Roads WA are currently negotiating for the use of a property in the CBD. For the City of Vincent, although still around 6 kilometres away, it is suggested that the City's Works Depot in Osborne Park may be an appropriate location for vehicles towed from the City of Vincent streets.

Contact was also made with Main Roads WA to establish whether it would be possible to partner with their programme to include Clearways in the City of Vincent. Their response was:

"At this stage the Department of Transport, Main Roads and the City of Perth are primarily focused on the feasibility of towing vehicles parked in "designated" Clearway - tow-away zones within the Perth CBD. Main Roads would not be in a position to expand this service onto other local roads at this stage. The opportunity to expand this service would be based on the following:

- *A successful implementation of Clearway – tow-away zones in the Perth CBD;*
- *State Government endorsement to expand the service;*
- *The availability of funding and resourcing (cost neutral); and*
- *A clearly identifiable and demonstrated marked impact on traffic flow and existing road network capacity as a consequence of vehicles parking in Clearways on local roads."*

Should an agreement for expansion of the proposed service be considered, the City would need to provide evidence of the congestion levels that currently have an adverse impact on the road network and confirm that the City will ensure cost-neutrality.

Investigations have not identified any other municipality within Western Australia who immediately tow vehicles from roads with Clearway restrictions. In 2009/2010, the City of Perth introduced a trial programme, where vehicles that parked in a Clearway, could be towed to a holding yard. However, the problems that were inherent in this process proved too difficult and the trial was abandoned, after around 8 months. In discussion with an Officer from the City of Perth at the time of the termination of the trial, comment was made *"Perth is not Melbourne and we do not experience the type of congestion that is the norm in Victoria"*.

Holding Facilities

The City of Vincent Depot was previously used as the location for storage of impounded vehicles, but was considered unsuitable for storage due to the lack of security in the evening and on weekends. The Depot does have a CCTV and intermittent after-hours patrols; however, vehicles have been known to be damaged and vandalised while in storage in the past. Since a number of offenders could be driving cars of significant value, the City's Depot would need to have its security increased, with measures such as increased perimeter fence heights, better illumination, upgraded detectors to cover the impound yard and improved CCTV coverage.

The current process for the redemption of an impounded vehicle requires the owner to come to the Administration and Civic Centre and to provide proof of vehicle ownership. When the City is satisfied that that person is the owner of an impounded vehicle, they are asked to pay the impounding and towing costs, before being given a notification to take to the impound yard at Redcliffe to recover their vehicle. It is envisioned that a similar process would be adopted for vehicles that are impounded for a Clearway offence.

Even if the only action taken by the City is to increase the modified penalty for a Clearway offence, while there is likely to be an initial "spike" in the level of complaints from drivers whose vehicles have been issued with an infringement notice, it is suggested that, with appropriate advertising and with the maintenance of clear, concise and prominent signage, the driving public are likely to realise that the City is serious about Clearway offences. It will further demonstrate that the City is prepared to take immediate and decisive action against an offending vehicle.

CONSULTATION/ADVERTISING:

It is believed that this action is likely to generate substantial interest and complaints, so it is recommended that the proposal be extensively advertised, over a number of weeks, before the programme is implemented, as a way to canvas public opinion and to garner public support.

LEGAL/POLICY:

Under Section 3.39 of the Local Government Act 1995, a local government may impound "Goods", where they are engaged in "*a contravention that can lead to impounding*". Section 3.38 defines "Goods" to include a vehicle and Section 3.37 of that Act allows for Regulations to prescribe "*a contravention that can lead to impounding*".

Regulation 29(1) of the Local Government (Functions and General) Regulations 1996 defines "*a Contravention that can Lead to Impounding*" as being a contravention of a local law. Since stopping in a Clearway contravenes clause 5.1(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007, the City is empowered to impound any vehicle parked in a public place in contravention of this legislation.

RISK MANAGEMENT IMPLICATIONS:

Depending on how the tow-away process is formalised, there is a risk that staff will be abused and possible even assaulted, when irate drivers return to find their vehicles have been impounded. Since Section 19(1) of the Occupational Safety and Health Act 1984 requires that the City of Vincent provides a safe working environment for staff, it is important that the City puts adequate measures in place and adequate training is provided, to afford protection for staff, while continuing to meet statutory obligations.

There is also likelihood that there will be adverse publicity from the media, if tow-away measures are introduced.

STRATEGIC IMPLICATIONS:

In accordance with the objective of *Strategic Plan 2011-2016* – Objective 1 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

It is difficult to assess a likely cost for towing vehicles from Clearway restricted streets, because this will to some extent be dependent on a number of factors, such as publicity of the process and decisions by Rangers as to whether towing is an appropriate action. However, since the only expenditure which will be additional to the normal Budgeted amount will result from the towage costs and all of this will almost certainly be reclaimed from the owner of the towed vehicle, it is unlikely that there will be any appreciable difference in the net budget for Abandoned Vehicles.

The 2011/2012 Budget for 'Abandoned Vehicles' showed a total expenditure of \$197,995, which includes 'Staff Costs', 'Accommodation Expenses' and 'General Administration Allocation'.

COMMENTS:

The request for introduction of tow-away zones to Clearway areas has been researched and, while there are conflicting views of the appropriateness of such a measure, it is recommended that the Council approve tow-away zones, in principle, to allow for further investigations to take place. Main Roads WA, in conjunction with the Department of Transport and the City of Perth are currently progressing their own tow-away provisions for Freeways and the Graham Farmer Tunnel, but this is unlikely to be implemented until the beginning of 2013. As a result, it is suggested that an appropriate time to commence the introduction of the City of Vincent's tow-away provisions would be at the same time as the Main Roads WA programme starts.

Since an amendment to a local law takes around 12 weeks to complete, in anticipation that the Council will approve the towing of vehicles from a Clearway, early in 2013, it is suggested that the City should commence the process to increase the current penalty amount for stopping in a Clearway from \$125 to \$270, which is the penalty amount that Main Roads WA intend to introduce. Even if the Council ultimately decides not to introduce tow-away provisions for Clearways, the result of the increased penalty may have the required preventative effect.

It should be noted that the enforcement of a tow-away procedure could result in better road and traffic management, but will unquestionably also result in a substantial increase in conflict with Rangers and complaints about impounded vehicles.

9.5.1 City of Vincent Dogs Local Law No.2, 2012 – Consideration of Submissions and Adoption of Amendment to Allow Companion Dogs in Outdoor Eating Areas

Ward:	Both	Date:	17 August 2012
Precinct:	All	File Ref:	LEG0009
Attachments:	001 – Local Law Amendment		
Tabled Items:			
Reporting Officer:	J. Highfield, Executive Assistant		
Responsible Officers:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that pursuant to Section 3.16 of the Local Government Act 1995 the City has advertised its local law and that no submissions were received at the close of the statutory six (6) week public consultation period; and
2. pursuant to section 3.12 of the Local Government Act 1995 **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** a new Local Government Dogs Amendment Local Law No.2, 2012 as shown in Appendix 9.5.5 to provide for the regulation, control and management of the keeping of dogs within the district.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that no submissions were received at the close of the public consultation period and to seek approval to amend the City's Dogs Local Law 2007, to allow companion dogs to be in an approved Outdoor Eating Area.

BACKGROUND:

In May 2012, the City recently received information from Food Standards Australia and New Zealand, seeking the City's views to amend Legislation to allow companion dogs in registered outdoor eating areas.

DETAILS:

In October 2010, the Western Australian Environmental Health Directorate, Public Health Division, issued *Food Act 2008* Regulatory Guideline No. 2, in which it states that compliance by a food business with Standard 3.2.2, clause 24, paragraphs (a) and (b), in relation to an alfresco dining area, is only to be actively enforced by enforcement agencies when there is evidence of a present risk of unsafe or unsuitable food being sold by a particular food business. A food business that has appropriate procedures in place to effectively manage any risk posed by the presence of live animals in an alfresco eating area, should be considered by the enforcement agency to comply with Standard 3.2.2 clause 24(1), paragraphs (a) and (b), in relation to that alfresco dining area.

While the Code refers to "*Alfresco Dining Areas*", this term is synonymous with the City of Vincent's term "*Outdoor Eating Areas*" and should be read as meaning the same thing.

The Term "Outdoor Eating Area" is prescribed in the City of Vincent Trading in Public Places Local Law 2008.

As a result of considering the *Food Act 2008* Regulatory Guideline No. 2, it is proposed that the City of Vincent supports a liberalisation of the rules and a move toward food premises being permitted to allow companion dogs to be in their registered and approved Outdoor Eating Areas. However, to achieve this, it will be necessary to amend clause 5.1(c) of the City of Vincent Dogs Local Law, 2007. Currently, the City's Dogs Local Law 2007 expressly prohibits dogs from being in or on food premises and this has been the case since the (then) Town of Vincent introduced the Town of Vincent Dogs By-law, which was approved in 1994.

As well as the need to change the legislation, to conditionally approve dogs in Outdoor Eating Areas, there is a need to remove the reference to the superseded *Health (Food Hygiene) Regulations 1993*, since that legislation has been repealed and to refer to the *Food Act 2008* and the Australian and New Zealand Food Standard Code, Standard 3.2.2.

To ensure consistency, there is also a need to separate food businesses, which use premises to serve and sell food and a food business that uses a vehicle to conduct their business, since it is considered to be inappropriate for dogs to be permitted in a vehicular food business.

As indicated at Part 3, clause 3.3 of the *Food Act 2008*, Regulatory Guideline No. 2, it is the owner of a Food Business that should be held responsible for ensuring that appropriate measures are in place to minimise any risk, posed by the presence of live animals in an Outdoor Eating Area. Provided the food business has suitable procedures in place to manage food safety and suitability risks, associated with animals in the food business and these procedures are working, there should be no need for action by an enforcement agency.

CONSULTATION/ADVERTISING:

The process to amend a local law requires a period of not less than 6 weeks, public consultation. This will provide an opportunity to gauge whether there is general support for the proposal. Following the consultation process, a further report will be provided to the Council, including any comments received and the Council can then make an informed decision.

The proposed amendment to the Local Law was advertised on a Statewide basis on 6 July 2012 and submissions closed on 17 August 2012.

No submissions were received.

LEGAL/POLICY:

- Food Act 2008;
- Australian and New Zealand Food Standard Code, Standard 3.2.2;
- Dog Act 1976; and
- City of Vincent Dogs Local Law 2007 (as amended).

Section 22 of the *Food Act 2008* (the Act) requires food businesses in Western Australia to comply with any provision imposed on that business by the Food Standards Code, Standard 3.2.2 (the Code).

Section 22(1) of the Act states:

“22. *Compliance with Food Standards Code*

- (1) *A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.”*

Clause 24 of the Code requires that a food business does not permit live animals in areas in which food is handled with the exception of “assistance animals” in dining and drinking areas.

Clause 24 of the Code states:

“24. *Animals and pests*

- (1) *A food business must –*
 - (a) *subject to paragraph (b), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish;*
 - (b) *permit an assistance animal only in dining and drinking areas and other areas used by customers;*
 - (c) *take all practicable measures to prevent pests entering the food premises; and*
 - (d) *take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food.*
- (2) *In subclause (1), ‘assistance animal’ means an animal referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth.”*

The Disability Discrimination Act 1992 Section 9 prescribes an ‘assistance animal’ as follows:

- “(1) *For the purposes of this Act, an assistance animal is a dog or other animal:*
- (a) *accredited under a law of State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or*
 - (b) *accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or*
 - (c) *trained:*
 - (i) *to assist a person with a disability to alleviate the effect of the disability; and*
 - (ii) *to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.”*

Note: For exemptions from Part 2 for discrimination in relation to assistance animals, see section 54A

There is no legal impediment to this recommendation being approved.

RISK MANAGEMENT IMPLICATIONS:

There is a requirement for a food premises to put appropriate measures in place to manage food safety and suitability risks that may result from the presence of dogs in the premises.

STRATEGIC IMPLICATIONS:

The above recommendation aligns well with the City of Vincent’s Strategic Plan 2011 – 2016, at Objective 2.1.1(b) – *“Capitalise on the City’s strategic location, its centres and commercial areas and ensure appropriately located and adaptable centres of economic activity within the City that provide a complimentary range of business opportunities and services for the community”.*

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications, associated with this report.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this recommendation.

COMMENTS:

As a result of a change in the State Government’s approach to Outdoor Eating Areas, it has been necessary to amend the City’s Dogs Local Law 2007, which currently prohibits dogs being in a food business.

As no submissions were received, approval of the Officer Recommendation is requested.

9.5.2 City of Vincent Policy No. 2.2.8 – Rights of Way - Naming

Ward:	-	Date:	17 August 2012
Precinct:	-	File Ref:	ADM0023
Attachments:	001 Amended Policy No. 2.2.8		
Tabled Items:	Nil		
Reporting Officers:	John Giorgi, Chief Executive Officer; and R Lotznicker, Director Technical Services		
Responsible Officers:	John Giorgi, Chief Executive Officer; and R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 9.5.2

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

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

PURPOSE OF REPORT:

For the Council to consider the one (1) submission received and to adopt the amended Council Policy No. 2.2.8 – "Rights of Way".

BACKGROUND:

The Council adopted in Principle a draft Policy at the Ordinary Council Meeting held on 26 June 2012.

The draft Policy was advertised on 5 July 2012, for twenty one (21) days, and at the close of the consultation period the one submission received, is as follows;

"I agree wholeheartedly with the proposed amendment to naming rights of way and laneways. Will those ROW names recently posted without community consultation, eg: loppolo Lane, be reviewed according to this policy?"

If the policy is not be applied retrospectively to a date, and the name to remain, can we be advised please on the background to the name.

Thanks"

Chief Executive Officer's Comment:

The amended Policy cannot be applied retrospectively. Previously named Rights of Ways and Laneways have been processed and approved in accordance with the guidelines and procedures applicable at the time. The names have been approved by the Geographic Names Committee. The Director Technical Services will research the previous ROW names and will respond to the ratepayer who lodged the submission.

CONSULTATION/ADVERTISING:

The draft Policy was advertised on 5 July 2012, for twenty one (21) days, and at the close of the consultation period one (1) submission was received.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 – Key Result Area “4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner”.

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

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

9.5.3 Appointment of Community Representatives to City of Vincent Sustainability Advisory Group

Ward:	-	Date:	20 August 2012
Precinct:	-	File Ref:	ORG0079
Attachments:	001 – Terms of Reference 002 – Confidential Nominations		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPOINTS two (2) Community Representatives to the City's Sustainability Advisory Group for the term from date of appointment until 12 October 2013 from the following nominees;**
 1. **Mr David Aitcheson**
 2. **Mr Alex Bruce; or**
 3. **Mr Marc Drexel; or**
 4. **Ms Chiara Pacifici; or**
 5. **Mr Sid Thoo; and**
2. **APPROVES BY AN ABSOLUTE MAJORITY to amend the Terms of Reference to;**
 - 2.1 **Allow for four (4) Community Representatives.**
 - 2.2 **The City's Officers as follows;**
 - 2.2.1 **Director Planning Services;**
 - 2.2.2 **Director Technical Services;**
 - 2.2.3 **Sustainability Officer; and**
 - 2.2.4 **Project Officer - Environment.**

COUNCIL DECISION ITEM 9.5.3

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Topelberg

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 11 September 2012, to allow for further consideration of the nominations.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint a Community Representative to the City's Sustainability Advisory Group for the term from date of appointment until 12 October 2013 (unless otherwise specified).

BACKGROUND:

In July 2012, a vacancy occurred in the City of Vincent's Sustainability Advisory Group (SAG), due to the resignation of a former community representative.

An advertisement calling for nominations from the community was placed in the local newspaper on 31 July 2012 and nominations closed on 20 August 2012.

At the close of the advertising period, five (5) nominations were received.

The following is a summary of each nominee. A copy of the nominees' Application Forms (including personal details/information) is attached as a confidential appendix. *(For privacy reasons, personal contact details have been deleted.)*

Name	Suburb	Membership of Community Organisations	Summary of Comments
Mr David Aitcheson	Leederville	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Interested in sustainable development, to get involved and give something back to the community. • Recently completed a Diploma of Sustainability and is eager to develop these skills.
Mr Alex Bruce	Leederville	<ul style="list-style-type: none"> • Western Subiaco Rugby Club 	<ul style="list-style-type: none"> • Feels that the City is in a fantastic and exiting position to provide leadership in sustainable community development. There are many opportunities to explore innovative ways to provide quantifiable environmental and economic benefits to residents. • Would like to be part of realising some of the ambitious environmental goals of the SAG and believes has the skills, experience and contacts to make this happen. • Also been involved in the Subiaco Sustainability Committee.
Mr Marc Drexel	Perth	<ul style="list-style-type: none"> • REIWA • UDIA • Cultural Corridors 	<ul style="list-style-type: none"> • As a Sustainable Property Consultant and an inner-city resident, is keen to be involved in the future direction of the City. • Being proactive to planning, current and future Council policy has always been a great interest. • Impressed with the position the City has taken with real issues confronting the Local residences and intern the leadership Council is showing. • Has been involved in all aspects of the property cycle for many years. Wishes to share this knowledge with the Council and fellow advisory group members and assist in advising on the City's vision and strategic objectives.

Name	Suburb	Membership of Community Organisations	Summary of Comments
Ms Chiara Pacifici	Leederville	<ul style="list-style-type: none"> • Western Subiaco Rugby Club 	<ul style="list-style-type: none"> • Passionate about making a difference in the Community, especially in improving the sustainability and affordability of housing. • “Lives, works, eats and plays” within the boundaries of the City and keen to support the many small business in the area. • Has previously worked as a consultant for regional Councils and Federal Government sustainability and awareness programs, which has helped developed an understanding of delivering information at grass root levels. • Feels strongly that she can represent the interest of the business community, the youth, owners, property developers and help inform Policy to better guide decision makers (all these groups), towards making a change that will work for them and the environment.
Mr Sid Thoo	Leederville	<ul style="list-style-type: none"> • Australian Institute of Architects (AIA) • Association of Building Sustainability Assessors (ABSA) • Alternative Technology Association (ATA) • AccuRATE Software User Group 	<ul style="list-style-type: none"> • As a resident in Leederville for the past 8 years and as an architect and educator working in the area of eco-effective building design and sustainability, welcomes the opportunity to make a positive contribution to the Group. • Believes that we have a great responsibility to improve and enhance the sustainability of our built environment. • Is a NatHERS accredited assessor and able to provide star ratings for new homes and renovations, also a Director of eTool – Software tool that can calculate the total carbon and energy impact of buildings. • Conducts regular seminars for the general public on sustainable design, many of which are delivered on a volunteer basis. • Looks forward to the opportunity to assist the City in developing its sustainable vision for the future.

The objectives of the Sustainability Advisory Group are to act in an advisory capacity relating to sustainability and natural and built environmental matters and provide advice and make recommendations relating to the formulation of a community and Council vision of sustainability, sustainability initiatives and programs, etc.

CONSULTATION/ADVERTISING:

Expressions of Interest were advertised in the local newspaper for three (3) weeks.

Emails were also sent to five community representatives who had previously expressed an interest or who the City felt would be interested in joining the Group.

LEGAL/POLICY:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the City has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees.

The Terms of Reference allow for the composition of the Advisory Group, as follows:

1.1 Four (4) Council Members

Four (4) Council Members, as follows;

1. Mayor Hon. Alannah MacTiernan (*Chair*)
2. Cr Matt Buckels
3. Cr Warren McGrath
4. Cr Dudley Maier

1.2 Up to Three (3) Community Representatives (incl. Business)

Having specialist knowledge and interest in the sustainability of the City of Vincent.

The current community representatives are as follows;

1. Ms Caroline Easton, North Perth
2. Ms Jodie Ferdinando, Mount Hawthorn
3. *Vacant*

1.3 Council Staff

1. Director Planning Services
2. Director Technical Services
3. Sustainability Officer*
4. Project Officer - Environment
5. Council Officers (*as required*)

* *Responsible Officer.*

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups are not specifically itemised in the City's budget, they are absorbed within the administration costs and allocated to the various sections.

COMMENT:

The appointment of up to four (4) community representatives will ensure that the Advisory Group can continue to function, with input from the community's perspective. The City's officers have been amended to reduce the number for four, which is considered most adequate. It is considered that the revised composition provides a more balance Advisory Group.

10.1 Notice of Motion – Cr Dudley Maier – Adoption of a new Policy No: 3.2.2 Residential Streetscapes

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt new Policy No: 3.2.2 “*Residential Streetscapes*” as shown in Appendix [10.1](#);
2. **ADVERTISE** the policy for a period of twenty –eight (28) days, in accordance with the Town Planning Scheme seeking public comment;
3. **After the expiry of the period of submissions:**
 - 3.1. **REVIEWS** the Draft Policy 3.2.2 “*Residential Streetscapes*” having regard to any written submissions;
 - 3.2. **DETERMINES** to proceed with, or not to proceed with, the Policy 3.2.2 “*Residential Streetscapes*”, with or without amendment; and
4. **AUTHORISES** the Chief Executive Officer to include the above policy in the City’s Policy Manual if no submissions are received from the public.

Chief Executive Officer Comments:

As this Policy is proposed to be adopted under the City’s Town Planning Scheme, it is required to be advertised of a minimum twenty eight (28) days in accordance with the Town Planning Scheme. (As opposed to twenty one (21) days for non Town Planning Policies.)

A letter will be required to be sent to all residential property owners in the City.

Moved Cr Maier Seconded Cr Topelberg

That the motion be adopted.

Cr Dudley Maier spoke for five minutes.

The Chief Executive Officer informed the Presiding Member Mayor Hon. Alannah MacTiernan that Cr Maier had spoken for five minutes.

PROCEDURAL MOTION

Moved Cr Buckels Seconded Cr Topelberg

That Cr Maier be permitted to continue speaking for a maximum of a further five minutes.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Cr Maier continued speaking.

Debate ensued.

Cr Carey departed the Chamber at 7.33pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.35pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr McGrath Seconded Cr Pintabona

“That Clauses 1 and 2 be amended to read as follows:

- 1. SUPPORTS in principle the approach of community instigated streetscape protection; and**
- 2. REQUESTS a report to be provided to the Council by 23 October 2012, with a presentation by Officers at the September Forum, regarding a policy addressing the officer’s recommended approach for protection of residential streetscape.”**

AMENDMENT NO 1 PUT AND CARRIED (8-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr McGrath,
Cr Pintabona, Cr Topelberg, Cr Wilcox
Against: Cr Harley

Debate ensued.

AMENDMENT NO 2

Moved Cr McGrath Seconded Cr Pintabona

“That Clause 3 and 4 be deleted as follows:

- 3. After the expiry of the period of submissions:**
 - 3.1. REVIEWS the Draft Policy 3.2.2 “Residential Streetscapes” having regard to any written submissions;**
 - 3.2. DETERMINES to proceed with, or not to proceed with, the Policy 3.2.2 “Residential Streetscapes”, with or without amendment; and**
- 4. AUTHORISES the Chief Executive Officer to include the above policy in the City’s Policy Manual if no submissions are received from the public.”**

AMENDMENT NO 2 PUT AND CARRIED (8-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr McGrath,
Cr Pintabona, Cr Topelberg, Cr Wilcox
Against: Cr Harley

Debate ensued.

AMENDMENT NO 3

Moved Cr Topelberg Seconded Cr Wilcox

“That a new Clause 3 be added as follows:

- 3. REQUESTS the presentation to the September Forum, include a variety of options for Community Consultation on any proposed Streetscape Policy.**

AMENDMENT NO 3 PUT AND CARRIED (8-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr McGrath,
Cr Pintabona, Cr Topelberg, Cr Wilcox
Against: Cr Harley

MOTION AS AMENDED PUT AND CARRIED (8-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr McGrath,
Cr Pintabona, Cr Topelberg, Cr Wilcox
Against: Cr Harley

COUNCIL DECISION ITEM 10.1

That the Council;

- 1. SUPPORTS in principle the approach of community instigated streetscape protection;**
 - 2. REQUESTS;**
 - 2.1 A report to be provided to the Council by 23 October 2012, with a presentation by Officer's at the September Forum, regarding a policy addressing the Officer's recommended approach for protection of residential streetscape; and**
 - 2.2 The presentation to the September Forum, include a variety of options for Community Consultation on any proposed Streetscape Policy.**
-

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF CR. CAREY – CHAIR OF THE BEAUFORT STREET ENHANCEMENT WORKING GROUP, TO ALLOW THE GROUP TO FURTHER CONSIDER THE ITEM.

14.1 CONFIDENTIAL REPORT: Beaufort Street Enhancement Working Group – Progress Report No. 5

Ward:	South	Date:	17 August 2012
Precinct:	Beaufort (13)	File Ref:	TES0067
Attachments:	Nil		
Tabled Items	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services; J Anthony, Manager Community Development; and C Wilson, Manager Asset and Design		
Responsible Officer:	R Lotznicker, Director Technical Services		

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 7.55pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant

Media

Lauren Stringer	Journalist – “ <i>The Guardian Express</i> ”
David Bell	Journalist – “ <i>The Perth Voice</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 28 August 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012