



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

12 AUGUST 2014

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3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

The following submissions were made by persons in the Public Gallery:

1. Louise Wilson of 1/62 Brady St, Mount Hawthorn – Item 9.2.3 stated the following:
 - I've got notes and questions and a request.
 - Note 1 an email to bureaucrats and the City records section shows that at 16.44 on Monday 12 May the City had already decided to install fencing.
 - Note 2 a number of suggestions to install park lighting have been ignored.
 - Note 3 the report is incomplete as it provides no evidence of a genuine public safety issue and fails to address a number of legal policy and strategy issues brought to the Council's attention some time ago.
 - Note 4 the report is misleading as only the gate is costed, community consultation and a forum would utilize significant City resources.
 - Note 5 the thoroughfare is distinct on the strata plan so the local government act of 1995 permits for the thoroughfare to be evidenced by the plan in any legal proceedings.
 - Note 6 the local government act of 1995 permits lawful land use free from local government obstruction.
 - Note 7 a physical barrier would only route miscreants to the next complex.
 - Note 8 a physical barrier would be easy to breach and liable to vandalism and posing a high maintenance burden on the City.
Question 1 Who decided to install a barrier?
 - Question 2. Why did the City approach bureaucrats but not private land owners or residents.
 - Question 3. Why does the City claim the thoroughfare has no legal standing
 - Question 4. Does the City intend to obstruct local land use?
And my request is that Council to reject any notion of a physical barrier.

The Presiding Member Mayor Carey advised Ms Wilson that her questions would be taken on notice and a written response provided by staff.

2. Robert Engelbrecht of 11 Chamberlain Street North Perth – stated the following:
 - Thanks for taking the opportunity to hear me tonight. Last week I completed the sixth community consultation form relating to a privacy screen that has not been erected since the City of Vincent approved a building permit for the owners next door to me. A permit that required a privacy screen was a requirement and a condition.
 - On the 18 July 2011 we received from Helen Smith, Planning Building and Heritage Services a letter stating that a building licence would be issued to the owners as long as these conditions were met, that was three (3) years ago.
 - On the 13 September 2011 the owners submitted a version saying they wish to bring this screen within three hundred (300) millimetres of the boundary this was assess and rejected by the City of Vincent on the 2 October 2011.
 - On the 11 February 2013 we received another letter from the City of Vincent regarding reconsideration of privacy requirements by the owners this again was evaluated by the City of Vincent and rejected on the 18 February 2013. 29 May 2013 just on two (2) years since the privacy issue was raised we received a letter from the City of Vincent that advised that the previous proposals regarding privacy screens had been assessed the application was refused and a subsequent call to the City of Vincent advised us that the owners had one (1) month to appeal and that the owners chose not to do so.

- On November 2013 we once again contacted City of Vincent, City of Vincent advised us once again the neighbours were looking at adding screens on top of the fences; this application was assessed by the City and again refused. 7 April 2014 after following up City of Vincent we received a letter via email saying that a work order had been issued and the owners had one month to comply. Last week I completed another application, another community consultation form relating to the same screen.
- My questions are why has it taken three (3) years not to have a privacy screen erected. Why hasn't the City of Vincent made the owner comply with its original permit, how many times can someone continue not to comply and how many times does the City require community consultation for essentially the same thing.
- Why is the onus continually placed on the affected parties to justify why they should have a level of privacy yet the non compliant parties are free not to comply, and if it's taken three (3) years not to resolve a four (4) metre by two point six (2.6) metre privacy screen is the City of Vincent concerned about other non compliant construction that is going on in the City of Vincent. As a rate payer I am astounded at the time it's taken and I hope the City can address these questions.

The Presiding Member Mayor Carey advised Mr Engelbrecht that his question would be taken on notice and a written response provided by staff. Mayor Carey also advised that he would be prepared to arrange a meeting with the City's CEO regarding the compliance issue.

3. Allan Bruce of 277 Vincent Street, Leederville – Item 14.2 stated the following:
 - I am referring to a letter dated August 4, where an item listed for tonight's meeting under 14.2 is a confidential item so I understand that in that that point is going to be raised tonight at another time so I am not sure how that's going to go the vote on that but I would just like to reinforce that I understand the process of what SAT will do and there is plenty in the papers these days about how SAT manages things.
 - I work like a lot of people I don't have a lot of time to investigate matters that come up but I've lived in this Council area for a number of years now and I just cannot help but feel that in this particular property we are dealing with an issue where people before our time and I think in the case of you as Councillors and the Mayor where there were some practice put in place where the master plan showed that a construction on that particular area was restricted to seven hundred and fifty (750) square metres somewhere in the process that changed to five hundred (500) as I repeat one does not have the time to investigate I made phone calls to certain authorities that the Council employed and they were town planners and they refused to return my calls. So I cannot accuse anyone but I suspect there has been some injustices done there and I stand here tonight with my partner Jenny and I stand here amongst you Councillors to think there has been a grave miscarriage of what should be going on, we are talking about a block of land that's only five twenty eight (528) square metres we are also the owners of a block in Florence Street you would all be aware of the development up on the Corner of Carr and its two hundred (200) square metres and very very small but to be putting something up on that block that's ten (10) units with a number of cars is sadly disappointing.

- I support Local Government and all it stands for and I support all the comments that are made to try and retain, but if we have these sort of processes go on where there's self interest and letting these sort of developments go forward and I'm not anti development then it only supports the case for a bigger body to get hold of all these planning activities and make sure there's a standard practice and I am referring to State Government, don't read into that that I don't want Local Government's I certainly do but in this case there's no one here that can give us an accuracy on what actually happened in this time and why the plan was changed from seven fifty (750) to five hundred (500) to allow these developers in. So I would encourage the Council to clearly look at the size of these types of blocks and the change of coding for future residence. Thank you.

The Presiding Member Mayor Carey thanked Mr Bruce for his comments.

4. Lou Di Virgilio – Item 9.1.3 stated the following:
 - Proposed multiple dwelling at 6 Carr Street North Perth. I've actually read the report from the planners the planning department and I must thank them for the positive comments that have been written there. I've been involved in the Planning Department and a number of planners since May 2013 till today and the issues that I can see have been raised and we've redesigned a lot of the development proposal to comply as much as possible to the codes and to the Town of Vincent requirements. The two big issues that I think I would like to stipulate that we've made a lot of effort to comply with is our landscaping plans, I've realised and I understand we were only about six (6) percent short but we've introduced a lot of mature trees onto the site to enhance the development, beyond that we've kept all our mature trees on site and we've designed the proposal entirely around them.
 - The other comment I would like to introduce is we've had extensive discussion with our neighbours, the property belongs to my Mother she resides there at the moment and being a local community is as North Perth is we've had extensive discussions with neighbours of 4C which is on our southern boundary, and discussed on numerous occasions of what our intentions are and where our parapet walls are. We've designed our proposal around that particular home we've kept the height of the building the height of the parapet within keeping with that height so its equivalent to the same height of what's next door, and our overshadowing it's very hard to describe but you can see probably from the proposal from the survey what's actually been put on there where the existing residence of 4C has an approximate thirty (30) metre parapet wall of approximately six (6) metres in height so we've kept that development within that, overshadowing of our development is nil because we have a parapet wall on that and therefore it doesn't cover any private open space or affect any private open space of that neighbour. That particular residence has a private courtyard to the southern side and that's what they use for entertainment and their private outdoor living space.
 - Other than that I thank the Planners for assisting me and working with me very hard to get this over the line I hope tonight. We look forward to a development that my family's personally been in the Town of Vincent in North Perth for forty three (43) years and will continue to do so because it's a precinct where we saw grow and mature to where it is today, Thank you.

The Presiding Member Mayor Carey thanked Mr Di Virgilio for his comments.

5. Tony Friday CEO of the Pilbara Regional Council stated the following:
 - Just a courtesy to advise you that myself and one of my staff are here tonight to find out how Council meetings are run in the big smoke. Thanks very much.

The Presiding Member Mayor Carey thanked Mr Friday for his attendance.

6. Jenny McGilvray of 277 Vincent Street – Item 14.2 stated the following:
- Speaking against the Item on 14.2 of the Agenda. I would just like to sort of say that the proposal really doesn't fit in with the current environment. On either side of that proposal we've got single and double storey residences the four stories is just over the top and again I would like to sort of suggest that perhaps Council, planning guidelines be changed in the future to make the size of blocks seven hundred and fifty (750) square meters rather than five hundred (500) square metres for four (4) stories. In your consideration tonight I'd have to say to make sure that the application meets all R codes and Council planning guidelines and so I guess. Thank you.

The Presiding Member Mayor Carey thanked Ms McGilvray for her comments.

7. Debbie Saunders of 320 Oxford Street – Item 9.4.1 stated the following:
- The Beatty Park artwork as to why all the appendices are confidential?

The Presiding Member Mayor Carey advised Ms Saunders that some of the information is commercial in confidence because it relates to the artists costs, but Administration can provide an answer in writing.

- And in that item in the consultation/advertising section it describes how the artist's brief was advertised but nothing on consultation yet further down under the legal policy section the policies noted are 10.7 Art and 7.5.13 which is for percentage for public art in which there is requirement for community consultation with particular regards to the location for public art, why are those policies being stated but not followed?

The Presiding Member Mayor Carey advised Ms Saunders it's a good question and will be taken on notice, with a written response to be provided by staff.

- Second and I guess this one will be taken on notice and it's directed to the CEO. Privacy Policy what is the Privacy Policy in Vincent with regards to passing on private emails or correspondence to third parties?

The CEO stated, through the Presiding Member Mayor Carey, that the question would be taken on notice with a written response provided to Ms Saunders.

- And lastly second lastly the minutes from the previous meeting as I understand it Councillor Harley asked a few meetings ago the then Acting CEO, Mr Rootsey if the minutes were verbatim or not to which he answered they were, I would ask Councillors not pass the minutes from the last meeting as they clearly not a true and accurate reflection of what was said.
- And just lastly the Beaufort Street artwork when will the details of the cost of that be available?

The Presiding Member Mayor Carey advised Ms Saunders the sign is being painted right now, so the costs may be available next month.

- OK thank you.

There being no further speakers, Public Question Time closed at approx. 6.15.pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- [3.1](#) Letter sent to Mr D Maier relating to his various questions taken on notice at the Ordinary Meeting of Council held on 22 July 2014. That has been sent to Mr Maier.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Pintabona requested leave of absence request for 9 September 2014 due to personal reasons.

Moved Cr Topelberg, Seconded Cr Cole.

That Cr Pintabona's request for leave of absence on 9 September 2014 be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Deputation under Standing Orders clause 2.22

My name is Belinda Moharich thank you Mayor and Councillors for allowing me to speak this evening. I am a planning and environmental lawyer and I act on behalf of the owners of land at 60-62 Cheriton Street. This lot is the subject of Item 14.1 on your Agenda this evening.

The application before you is for the demolition of the buildings at 60-62 Cheriton Street and the purpose of my deputation this evening is to outline what my client has done and the investigation it has undertaken in relation to the buildings on the site. I should also note that I have my client here this evening and to the extent possible through the deputation process we are happy to answer any questions that the Council may have.

The first thing to note is that when the site was purchased at due diligence did not show that the land was on the municipal inventory and it was on that basis that the Lot was purchased.

It has since come to light through the State Administrative Tribunal process and through the receiving of documents from the now Metropolitan Redevelopment Authority that the previous studies that were undertaken by EPRA in relation to this site, this site having previous being within the EPRA redevelopment area, showed that the studies themselves were confined to the essential elements sufficient to make it credible and no more. What that means is that the assessment undertaken in relation to this particular site did not include a review of the premises itself or an internal review of the premises.

On that basis my client has undertaken and engaged two heritage consultants separately to undertake a report in relation to the site. One report was provided by Hocking Studio and the other by Stephen Carrick who are both well regarded heritage architects. Both were engaged without the other knowledge and asked whether they can review the site for the purpose of determining whether they could support demolition. They were told that they would be paid for their reports regardless of their opinion and indeed if it was their opinion that the building should remain that they were advised that they would be engaged to consider how the fabric could be retained and development aims achieved.

So to put another way the absolute extent possible we tried to ensure that their opinions were unbiased. The reason we did that was to ensure that if the matter did go to SAT that their position would be unable to be questioned. Interestingly they both came back separately using almost identical language both said the houses had some ascetic significance, however both noted that the internal amendments to the houses had led to the loss of its historic integrity and thereby had affected their significance as being representative of the housing stock in the City of Vincent.

However overwhelmingly their views were that the actual streetscape and what had recently been approved in that streetscape diminished any value that the buildings might retain and to give you some context immediately next door to this site is a new four (4) storey office building which is built almost to the front setback and to the side setback adjoining this property. In light of all of this during this process the new Town of Vincent local planning scheme number 2 was advertised, now this plan shows this street having a ten (10) story height limit on the side of the street where my client's property is located and twelve (12) stories on the opposite side of the road. The buildings are already dwarfed by the office building next door but will be completely suffocated by the form of development that is contemplated under your new planning scheme.

Given Cheriton Street is a no through road there does not appear to be any utility in their preservation in a street which becomes an otherwise high density area. Coupled with this what could the buildings be usefully used for if they remained, they have very little car parking available because of the configuration of the building on the site and therefore using the buildings for an office would be difficult to obtain approval for.

Already the residential amenity of the building has been significantly affected by the office building next door, the plant room is located immediately adjacent to the bedrooms in the house and there is a constant hum emanating from the plant room. When other buildings are constructed in accordance with your new planning scheme there will be further impacts in terms of noise and overlooking.

Given the planning scheme proposed a form of development which is significantly incompatible with both the use and built form of these buildings it seems difficult to reconcile the two. Now I know most local governments have a preference in circumstances where they might allow demolition to know what exactly what is going to be built in its place and I understand that position.

You would note that the application for demolition in the first instance was lodged by my client's architects, by Meyer Shircore who will be preparing for the plans for any new development on the site, there has been a slight hiatus in applying for new development because of course with your new planning scheme being advertised there is now a greater opportunity for development potential in this area and my client looks forward to working with the City in order to assist the Council in achieving its objectives under the new planning scheme when it finally is adopted. For these reasons we respectfully request the Council to reconsider its position and allow the demolition of the buildings. Thank you.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 22 July 2014.

Moved Cr Harley, Seconded Cr Cole

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

Debate Ensued

The Presiding Member Mayor Carey invited the CEO to comment on the public question raised by Ms Saunders regarding the Minutes of Council's last meeting. The CEO advised that he had personally reviewed the digital recording of the last Council Meeting Question Time at the point where Ms Saunders had asked questions and that the Minutes accurately reflected Ms Saunders' comments. Nevertheless, the CEO invited Ms Saunders to provide the particulars of any part of the Minutes which she considered to not be a true and correct record of decisions, statements or events at the meeting.

CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey made the following announcements:

7.1 Town Planning Scheme 2

The Town Planning Scheme 2 is moving along, Councillors received last night an initial briefing and I just want to flag that we will be looking at October for the new Town Planning Scheme to come to Council for approval. That was an exhaustive process of more than thirty (30) community workshops and forums; I attended twenty nine (29) of them. There were over two hundred (200) individual submissions on a range of different issues it has been quite an exhaustive process and the Council is from that briefing considering some changes in relation to some of the suggestions and also in terms of the community expectations regarding two (2) storey height. That will be debated in full and everyone who has made submission will be able to attend that meeting.

7.2 Bike Plan on Vincent and Oxford Street

The bike plan - we are now getting to the phase of moving to construction for the bike plan on Vincent and Oxford Street and I believe that starts in the next two (2) weeks and we will be rolling out that plan. I want to thank the hundreds of residents via social media, phone call and emails showing their strong support for the bike plan and Vincent's strong investment in that.

7.3 Withdrawal of Item 9.2.1

There has been a withdrawal of Item 9.2.1 which relates to Braithwaite Park. We are looking at some more design considerations, that will be withdrawn and deferred to the next meeting.

8. DECLARATIONS OF INTERESTS

Nil.

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

Nil.

10. REPORTS

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

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

Items 9.1.3, 9.2.3, 9.4.1, 14.2

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

Items 9.2.2, 9.3.1, 9.5.2

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

Nil

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	Nil
Cr Buckels	Nil
Cr Cole	Nil
Cr Harley (Deputy Mayor)	9.2.2
Cr McDonald	Nil
Cr Peart	Apology
Cr Pintabona	Nil
Cr Topelberg	Nil
Cr Wilcox	Nil

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

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

Items 9.1.1, 9.1.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.2, 9.5.1, 9.5.2 (Absolute Majority Required), 9.5.3, 9.5.4 & 9.5.5.

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

Item 14.1 and 14.2

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, 9.1.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.2, 9.5.1, 9.5.2 (Absolute Majority Required), 9.5.3, 9.5.4 & 9.5.5.
- (b) **Those being the subject of a question and/or comment by members of the public during “Question Time”;**
9.1.3, 9.2.3, 9.4.1.
- (c) **Those items identified for discussion by Council Members;**
9.2.2.
The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.
- (d) **Confidential Items – to be considered (“Behind Closed Doors”).**

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

ITEMS APPROVED “EN BLOC”:

The following Items were adopted unopposed and without discussion “*En Bloc*”, as recommended:

Moved Cr McDonald, Seconded Cr Harley

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

Items 9.1.1, 9.1.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.2, 9.5.1, 9.5.2 9.5.3, 9.5.4 & 9.5.5.

**CARRIED UNANIMOUSLY (8-0)
(And therefore by Absolute Majority in respect of Item 9.5.2)**

(Cr Peart was an apology for the Meeting.)

9.1.1 Proposed Multiple Dwellings Policy in Areas Zoned R40 and Below – Progress Update; Appointment of Consultant

Ward:	Both	Date:	5 August 2014
Precinct:	All	File Ref:	SC417/SC411
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J O’Keefe, A/Manager Strategic Planning, Sustainability & Heritage Services		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the appointment of Rowe Group for the purposes of drafting a new Local Planning Policy relating to Multiple Dwellings in areas zoned R40 and below for the total cost of \$12,450 (exc GST).

COUNCIL DECISION ITEM 9.1.1

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the Council with a progress report on the appointment of a town planning consultancy to draft a new local planning policy to guide the future development of multiple dwellings on land zoned R40 and below across the whole City.

BACKGROUND:

Date	Comment
17 December 2013	The Council resolved that ‘investigations be undertaken into the potential to restrict multiple dwelling developments in areas zoned R30 in Mount Hawthorn, Leederville and North Perth.
11 February 2014	The Council approved the implementation of two options put forward by the investigation including a Scheme Amendment on <i>selected</i> streets throughout these areas and the progression of a local planning policy which would propose a suite of design guidelines for this type of development in these areas.
27 May 2014	A report which would recommend the appointment of a town planning consultant to prepare a scheme amendment and local planning policy was withdrawn on the basis the WAPC were about to commence consultation on amendment to the R Codes which would impact this project.
17 June 2014	City officers presented to a Council Member Forum to discuss the implications of the proposed R Codes amendment on the project and issues facing residents of Mount Hawthorn.
24 June 2014	The initiation of a scheme amendment is deferred but the A/CEO is requested to write to the town planning consultants who had previously provided quotes to revise their scope and fee proposal to include the preparation of a local planning policy only.

Date	Comment
22 July 2014	Scheme Amendment 39 is initiated which will allocate multiple dwellings a 'SA' use in Mount Hawthorn meaning the use is not permitted unless the matter has been advertised and the Council has exercised its discretion and approved it.

Previous Reports to Council:

This matter was previously reported to the Council on the following dates;

- 17 December 2013;
- 11 February 2014;
- 24 June 2013; and
- 22 July 2014.

The Minutes of these items is available on the City's website at the following link:

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

The most recent resolution relating to this matter was made by the Council, at its Ordinary Meeting on 24 June 2014 (in part) as follows:

- “...6. *INITIATES a new Policy relating to Design Guidelines for Multiple Dwellings in Areas Coded R40 and Less, to be prepared by an external Consultant; and*
7. *AUTHORISES the Acting Chief Executive Officer to write to the Town Planning Consultants to request a revised scope for the preparation of a new local planning policy relating to Multiple Dwellings in low to medium density residential areas, as outlined in the details section of this report.*”

DETAILS:

Following the investigation which was undertaken into the potential to restrict multiple dwellings in areas zoned R30 in Mount Hawthorn, Leederville and North Perth and the confirmation from the Council how to proceed on the matter, the City is now in a position to appoint a town planning consultant who will assist with the preparation of the new Local Planning Policy relating to *Design Guidelines for Multiple Dwellings in areas zoned R40 and below*.

Following the quotes received in April, Consultants were asked to revise the scope of their quote to include only the local planning policy component. Only three were received back with RPS Australia East advising they would not be submitting.

The assessment of the quotations included the following criteria:

- Fee proposal (20%)
- Understanding of the project and Methodology (40%)
- Relevant experience and expertise (30%)
- Available Resources (10%)

Three City Officers independently assessed each of the quotes received and the results have been combined and tabulated as follows to provide an understanding of the extent to which each quote met the brief.

Rowe Group	77.2%
GHD	75.9%
Hames Sharley	59.4%

On the basis of the above combined assessment, it has been recommended that Rowe Group be appointed to undertake the work required as part of this Request for Quote.

Whilst the quotes were generally competitive, the submission by Rowe Group provides a particularly clear and comprehensive understanding of the project requirements and recommended approach, coupled with extensive experience in the field.

The submission from Rowe Group has an excellent breakdown of relevant technical issues associated with the issues facing development of multiple dwellings in medium density residential areas. Identifying issues such as how to maximise the use of different lot typologies, understanding existing development controls and how they will relate to new controls required as well as how to address specific community perceptions to this *type* of development.

The submission is recommending a two phased approach as follows:

Phase 1 - Audit and Review

Following the inception meeting, the Project Team will undertake an audit of the affected areas to define:

- The existing statutory and strategic provisions applicable to low density multiple dwelling development;
- Review the streetscape policy documentation and associated research which we understand to encompass substantial detail on specific streets and existing housing stock;
- Confirm any gaps in the current suite of information.

Given the standardised street block configurations within each precinct and the limited variations to this form, identifying generic lot typologies and understanding the potential multiple dwelling design responses will also provide an additional layer for appropriate design outcomes for this form of development. Informed by the gap analysis, site visits will be undertaken and will be documented.

Following this review, the Rowe Group will undertake the following:

- An assessment plan – comprising of a series of plan overlays to identify the performance of each affected area against the agreed criteria;
- A briefing note on the audit referencing outcomes of the investigation and application of design outcomes;
- Identification of generic lot typologies and potential multiple dwelling response in the form of diagrammatic representation; and
- A photo library of existing housing stock specifically relating to the delivery of design outcomes. This will provide a reference tool for the project team and the City when consulting with the community.

Phase Two – Design Guidelines

The lot typologies and potential multiple dwelling design outcomes explored in Phase 1 will be utilised to refine the current planning framework and develop a local planning policy which will specifically address small scale multiple dwelling developments in these low density zones.

In preparing the Design Guidelines Rowe Group will consider:

- The existing provisions available to the City through the Scheme and Policies, to avoid any duplication and/or inconsistencies in the existing planning framework; and
- The current R Codes provisions and opportunities to amend provisions, exploring the impact any variation would have upon sites within the study areas.

Phase Two will also take into account the current review of the City's Residential Design Elements and Design Guidelines for Multiple Dwellings Policies. It is proposed Rowe Group would work with the city and the consultants where appropriate to reduce the complexity and the duplication which already occurs within the City's suite of policy provisions as well as provide clear direction for development outcomes.

LEGAL/POLICY:

- Planning and Development Act 2005; and
- Town Planning Regulations 1967.
- Town Planning Scheme No. 1.

The development of a local planning policy is the responsibility of the local government. If the policy contradicts State Planning Policy, it is required to be endorsed by the Western Australian Planning Commission.

RISK MANAGEMENT IMPLICATIONS:

The Chief Executive Officer's appointment of a consultant to assist with the progression of the local planning policy will mitigate the requirement to divert any staff resources from other priority projects including the City's Draft Local Planning Strategy and Town Planning Scheme No. 2. A priority itself, this project will be well advanced by consultants within the required timeframe.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

FINANCIAL/BUDGET IMPLICATIONS:

The following table summarises the quotes that were received by the City.

GHD	\$10,528
Rowe Group	\$12,450
Hames Sharley	\$46,850

Although this is an unbudgeted item, Administration will determine where the funds will be made available to facilitate this project in 2014/2015 budget.

COMMENTS & CONCLUSION:

On the basis of the assessment undertaken by city officers, the appointment of Rowe Group by the City will be made shortly to undertake this work.

With a set fee proposal of \$10,528 (exc GST) to undertake the works required, this proposal is considered to represent value for money while ensuring the outcomes desired by the City are well understood and will be achieved within the allocated time frame.

Once the work has been progressed adequately, the Council will then be asked to endorse the new Local Planning Policy. It is anticipated that a report will be presented to an Ordinary Meeting of the Council in October 2014 for public consultation.

9.1.2 No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn (Proposed Demolition of Existing Single House and Construction of Two (2) Two - Storey Residential Dwellings

Ward:	North	Date:	1 August 2014
Precinct:	Mount Hawthorn, P1	File Ref:	PRO6022; 5.2014.202.1
Attachments:	001 – Property Information Report 002 – Additional Information from Applicant 003 – Department of Planning Comment		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, 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 T Quach on behalf of T Quach & S Quach for the Demolition of an Existing Single House and Construction of Two (2) Two-Storey Residential Dwellings at No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn as shown on amended plans stamp dated 2 July 2014 subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 60 Hobart Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the City's satisfaction; and
2. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City;
 - 2.1 **Privacy Screening**

The unit 2 (front dwelling) upper bedroom 3 on the northern elevation and the unit 1 (rear dwelling) ground floor study and bedroom windows to be compliant with the privacy provisions of the Residential Design Codes of WA 2013;
 - 2.2 **Street Walls and Fencing**

The proposed street walls and fencing along Hobart Street and London Street are to be a maximum height of 1.8 metres, with the piers to a maximum height of 2.0 metres. The solid section of wall to be a maximum height of 1.2 metres from natural ground level fronting Hobart Street within the front setback area in accordance with the City's Policy No. 7.2.1 in relation to Residential Design Elements; and
3. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning; and
4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, either because they are designed integrally with the building, or as they are located so as not to be visually obtrusive from London or Hobart Streets.

ADVICE NOTES:

1. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
2. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
3. With regard to condition 2, the windows being screened with a permanent obscure material are to be non-openable to a minimum height of 1.6 metres above the finished first floor level at any point within the cone of vision less than 3.0 metres (bedroom windows) and 4.5 metres (habitable rooms) respectively from a neighbouring boundary. Permanent obscure material does not include self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR the subject windows do not exceed one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013; and
4. The above lot is known to be subject to flood risk during a 1 in 5 year storm event. It is therefore recommended that the applicant seek assessment from a Hydraulics Consultant to review the risk factors.

COUNCIL DECISION ITEM 9.1.2

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to the Council as the proposed density does not comply with the provisions of the Residential Design Codes. In addition the previous development application, approved for the site, was determined at the Ordinary Meeting of Council of 24 September 2013.

BACKGROUND:

The property is located within the North Perth Precinct (P8) and subject to the Sunset Clause contained in Clause 20 (4) (c) (ii) of the Town Planning Scheme No. 1. The Clause applied to the site notes the following:

"After 29 March 2015 development and subdivision of land coded Residential R20 will be determined in accordance with the Residential R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct."

The current zoning of the property is Residential R20 in which the following applies:

Design Element:	Density
Requirement:	Residential Design Codes Clause 6.1.1 A1.1 Site Area Requirements Residential R20 Zoning Minimum – 350 square metres Average – 450 square metres The subject lot is 645 square metres
Applicant's Proposal:	Two (2) dwellings on site Both Lots proposed to be 300 square metres and 320 square metres (Remainder of area for ROW resumption)

The proposed density does not comply with the provisions of the Residential R20 code. According to the City's Draft Town Planning Scheme No. 2, the subject lot is proposed to be coded Residential R40. Under the provisions of a Residential R40 coded lot, the average lot area required is 220 square metres and the minimum lot area would be 180 square metres.

Under the R40 coding the proposal would comply and this is the basis on which the development was approved in September 2013.

While the Residential Design Codes 2013 specify minimum lot areas, it also includes provisions which allow the WAPC in consultation with the local government to vary the provisions. In addition to this variation ability in the Codes, the City's Town Planning Scheme No 1 under Clause 40 allows the exercise of discretion in relation to provisions in the scheme. These provision allow the density coding in this instance to be varied from the present Residential R20.

History:

Date	Comment
9 July 2013	The Council at its Ordinary Meeting deferred an application for a Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwelling.
27 August 2013	The Council at its Ordinary Meeting deferred an application for a Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwelling.
10 September 2013	The Council at its Ordinary Meeting deferred an application for a Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwelling.
24 September 2013	The Council at its Ordinary Meeting approved an application for a Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwelling.

DETAILS:

Landowner:	T & S Quach
Applicant:	T Quach
Zoning:	Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	645 square metres
Right of Way:	Rear (northern), 5.0 metres width, Sealed, Public

The proposed application is for two (2) x two-storey grouped dwellings on the existing property.

The proposal varies from the September 2013 approval as follows:

Unit 2 (Front Unit – Hobart Street)

- Incorporation of an extended alfresco with balcony above on the south east corner of the building. The front dwelling has also incorporated a balcony fronting Hobart Street.

Unit 1 (Rear Unit – London Street)

- Addition of a second floor.
- Reworking of rear of building to incorporate additional area for access to garage and ROW widening.

Both dwellings incorporate a significantly greater amount of activation and articulation to both Hobart Street and London Street than previously approved by the Council.

ASSESSMENT:

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

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density			✓
Streetscape	✓		
Street Walls and Fencing			✓
Street Setback			✓
Lot Boundary Setbacks			✓
Right of Way Setbacks			✓
Dual Street Frontages			✓
Minor Incursions			✓
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Access & Parking	✓		
Roof Forms			✓
Privacy			✓
Solar Access	✓		
Site Works	✓		
Outdoor Living Area			✓
Utilities and Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Density
Requirement:	<p>Residential Design Codes Clause 6.1.1 A1.1 Site Area Requirements Residential R20 Zoning Minimum – 440 square metres Average – 500 square metres</p> <p>The subject lot is 645 square metres</p>
Applicants Proposal:	<p>Two (2) dwellings on site Lots proposed to be 300 square metres and 320 square metres respectively. (Remainder of Area ROW resumption area.</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.1 P1.1 Site Area Requirements</p> <p>P1.1 Development of the type and density indicated by the density code designated in the scheme.</p> <p>P1.2 The WAPC may approve the creation of a lot, survey strata lot or strata lot of a lesser minimum and/or average site area than that specified in Table 1, and the WAPC in consultation with the local government may approve the creation of a survey strata lot or strata lot for a single house or a grouped dwelling of a lesser minimum site area than that specified in Table 1 provided that the proposed variation would be no more than five per cent less in area than that specified in Table 1; and</p> <ul style="list-style-type: none"> facilitate the protection of an environmental or heritage feature;

Issue/Design Element:	Density
	<ul style="list-style-type: none"> • facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention; • facilitate the development of lots with separate and sufficient frontage to more than one public street; • overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; • allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or • achieve specific objectives of the local planning framework. <p>P1.3 The WAPC, in consultation with the local government, may approve the creation of a survey strata lot or strata lot for an existing authorised grouped dwelling or multiple dwelling development of a lesser minimum and average site area than that specified in Table 1, where, in the opinion of the WAPC or the local government, the development on the resulting survey strata or strata lots is consistent with the objectives of the relevant design elements of the R-Codes, and the orderly and proper planning of the locality.</p>
Applicant justification summary:	<i>See attached applicant justification document.</i>
Officer technical comment:	<p>Supported. The applicant previously received Planning Approval at the Ordinary Meeting of Council on 24 September 2013 for lots with a land area of 314 square metres respectively. This approval was granted contrary to the current Residential R20 density coding, but approved under Clause 40 of the Town Planning Scheme and the sunset clause contained within the Town Planning Scheme under the North Perth Precinct given that an Residential R40 density coding is proposed in Draft Town Planning Scheme No. 2.</p> <p>As part of the previous proposal it was established that the City has the authority to determine a development of greater density under Clause 40 of the Town Planning Scheme and in coordination with the sunset clause under Clause 20 (5) of Town Planning Scheme No. 1.</p> <p>The proposed lot areas are similar in size to that previously approved by the City (300 square metres and 320 square metres respectively).</p>

Issue/Design Element:	Street Walls and Fencing
Requirement:	<p>Residential Design Elements Policy 3.2.1 SADC 13 Width of Piers – 0.355 metres Maximum Height of Piers– 2.0 metres</p>
Applicants Proposal:	<p>Width of Piers - 0.4 metres Maximum Height - 2.361 metres</p>

Issue/Design Element:	Street Walls and Fencing
Design Principles:	<p>Residential Design Elements Policy 7.2.1 SPC 13</p> <p>(i) Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Applicant justification summary:	<i>See attached applicant justification document.</i>
Officer technical comment:	Not Supported. The applicant is to comply with the fencing height requirements and the recommendation for approval is conditioned to comply accordingly.

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy Clause SADC 5 Street Setbacks</p> <p>Unit 2 (Front)– 7.1 metres</p> <p>Upper Storey – (2.0 metres behind Ground Floor) - 9.1 metres</p> <p>Balcony – (1.0 metre behind Ground Floor) – 8.1 metres</p>
Applicants Proposal:	<p>Unit 2</p> <p>4.98 metres – 6.00 metres (Variation of 1.1 - 2.12) metres</p> <p>Upper Storey - Directly above – 1.0 metre behind (Variation of 1.0 - 2.0 metres)</p> <p>Balcony - 2.0 metres – 2.6 metres in Front (Variation of 3.0 – 3.6 metres)</p>
Design Principles:	<p>Residential Design Elements Policy Clause SPC 5 Street Setbacks</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:	Street Setbacks
Applicant justification summary:	<i>See attached applicant justification document.</i>
Officer technical comment:	<p>Supported. The proposed front setbacks are considered similar to that previously approved by the Council in September 2013. The front setbacks address the street whilst allowing for sufficient open areas on the Hobart Street frontage of the property. The applicant has incorporated a large open alfresco area and associated open yard area which can ultimately serve as a recreational area with associated landscaping.</p> <p>The upper storey presents as an open articulated front façade which allows for surveillance and maintains the existing streetscape along this section of Hobart Street. The north-south orientation of the block ensures that any overshadowing or bulk and scale created by the lot is largely offset and falls over the Hobart/London Street frontage.</p>

Issue/Design Element:	Right-of-Way Setbacks
Requirement:	Residential Design Elements Policy 7.2.1 SADC 9 Unit 1 (ROW) Upper Floor – 1.0 Metre behind Ground Floor
Applicants Proposal:	Upper Floor Facing ROW 0.6 metres (minimum) (Variation of 0.4 metres)
Design Principles:	Residential Design Elements Policy 7.2.1 SPC 9 (i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way. (ii) The minimum width of a right of way is to be 6 metres, in accordance with the Western Australian Planning Commission's Policy DC 2.6 – 'Residential Road Planning'. However, there are a number of rights of way within the Town that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.
Applicant justification summary:	<i>See attached applicant justification document.</i>
Officer technical comment:	Supported. The proposed section of wall facing the ROW provides for only a minimal section of the upper floor wall which does not comply with the requirement (1.5 square metres). Based on this minimal variation in setbacks and the non compliant area, it is considered the proposed upper storey setback is compatible with the setbacks along the ROW.

Issue/Design Element:	Dual Street Frontages
Requirement:	Residential Design Elements Policy 7.2.1 SADC 9 Unit 1 (London Street) Secondary Street – Upper 1.5 metres (behind) – Balcony – 3.0 metres Unit 2 (Hobart Street) Secondary Street (Upper) – 0.5 metres behind Lower Floor

Issue/Design Element:	Dual Street Frontages
Applicants Proposal:	Unit 1 Secondary Street Upper – 1.2 – 1.4 metres behind (minimum) (Variation of 0.1 -0.3 metres) Balcony – 1.856 metres (minimum) (Variation of 1.144 metres) Unit 2 Directly Above (minimum) (Variation of 0.5 metres)
Design Principles:	Residential Design Elements Policy 7.2.1 SPC 9 (i) Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
Applicant justification summary:	<i>See attached applicant justification document</i>
Officer technical comment:	Supported. The proposed section of wall for Unit 1 (rear) maintains an attractive wrap around design to London Street and with the presence of open balconies allows for increased activation than was previously provided in the earlier approval. The proposed section of wall for Unit 2 (front) also allows for a wrap around design with an overall staggering of height and setbacks.

Issue/Design Element:	Minor Incursions
Requirement:	Residential Design Elements Policy 7.2.1 SADC 6 1.0 metre Projection
Applicants Proposal:	Unit 2 (Hobart Street) 2.0 metres (Porch)
Design Principles:	Residential Design Elements Policy 7.2.1 SPC 6 (i) Minor incursions and projections may be permitted where it will not detract from the character of the streetscape or dominate the appearance of the existing dwelling.
Applicant justification summary:	<i>See attached applicant justification document</i>
Officer technical comment:	Supported. The proposed porch fronting Hobart Street is of a minor nature when considered over the width of the lot. The structure is not a dominant feature of the dwelling and will not detract from the character of the area.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Clause 7.2.1 Policy BDADC 3 Roof Pitch Units 1 & 2 – 30-45 degrees
Applicants Proposal:	19 degrees- 24 degrees

Issue/Design Element:	Roof Forms
Design Principles:	<p>Residential Design Elements Clause 7.2.1 Policy BDPC 3</p> <p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	See attached applicant justification document.
Officer technical comment:	Supported. The proposed roof pitch maintains the characteristic appearance of the dwellings to the street and due to the north-south orientation of the lots, will not create undue overshadowing (compliant) to adjoining and adjacent properties. The reduced roof pitch will also allow for reduced bulk to the adjoining properties.

Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes Clause 5.4.1 C1.1</p> <p>Bedrooms – 3.0 metres Habitable Rooms – 4.5 metres</p>
Applicants Proposal:	<p>Unit 2 (Front) Upper Floor (Northern Elevation) – Bedroom 3 – 2.8 metres</p> <p>Unit 1 (Rear) Ground Floor (Western Elevation) – Bedroom 1 – 1.5 metres Study – 1.5 metres</p>
Design Principles:	<p>Residential Design Codes Clause 5.4.1 P1.1 & P1.2</p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	See attached applicant justification document
Officer technical comment:	Not Supported. The applicant to comply with the privacy requirements, which have been conditioned accordingly.

Issue/Design Element:	Outdoor Living Area
Requirement:	Residential Design Codes Clause 5.3.1 C1.1 Minimum Area of 30m ² Not within Front Setback Area
Applicants Proposal:	Unit 1 (London Street) Minimum area of 27.99m ² behind front setback area. Unit 2 (Hobart Street) Minimum area of 27.74m ² behind front setback area.
Design Principles:	Residential Design Codes Clause 5.3.1 P1.1 & P1.2 P1.1 Outdoor living areas which provide spaces: <ul style="list-style-type: none"> • capable of use in conjunction with a habitable room of the dwelling; • open to winter sun and ventilation; and • optimise use of the northern aspect of the site. P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.
Applicant justification summary:	<i>Front courtyard has access to habitable room, has access to northern light and winter sun.</i>
Officer technical comment:	Supported. Although marginally smaller than the requirement, the proposed outdoor living areas provide adequate space for the two dwellings and are capable of receiving northern light and winter sun. In addition both properties incorporate balconies which allow for increased outdoor living.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	26 May 2014 – 10 June 2014
Comments Received:	Nil

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy No. 7.1.1
- Residential Design Codes WA 2013;
- Residential Design Elements Policy No. 7.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the two dwellings allows for adequate light and ventilation.	

SOCIAL	
Issue	Comment
The dwellings will create additional housing availability within the area.	

ECONOMIC	
Issue	Comment
During the construction of the dwellings it will help create job opportunities for the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

The City previously supported a similar development for two (2) grouped dwellings at the Ordinary Meeting of Council on 24 September 2013. This was in part due to the City's Draft Town Planning Scheme No. 2 provisions proposing the site to be recoded to Residential R40. The proposed lot areas are in accordance with the minimum and average lot area requirements of the R40 coding.

Although this proposal has more variations proposed it aligns closely with the previous approval. On balance the proposal is considered acceptable as the proposed two (2) two-storey dwellings address both street frontages more effectively than the previously approved proposal as well as present more opportunities for living accommodation to the owners of the sites. The variations proposed to the street setbacks, including dual street and ROW setbacks, and outdoor living areas are considered relatively minor. The variations can therefore be supported.

CONCLUSION:

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

9.2.4 Vincent Schools Safe Cycling Program 2014

Ward:	Both	Date:	1 August 2014
Precinct:	All	File Ref:	SC1475
Attachments:	Nil.		
Tabled Items:	Nil.		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES the success of the 2013 Vincent Schools Safe Cycling series;**
2. **APPROVES funding to the 2014 Vincent Schools Safe Cycling series to Primary Schools in the City of Vincent up to the value of \$1,000 per primary school; and**
3. **AUTHORISES the Chief Executive Officer to contact the Local Primary Schools to invite them to apply for the program.**

COUNCIL DECISION ITEM 9.2.4

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the funding of a 2014 series of Cycle Education programs for Primary Schools in the City of Vincent.

BACKGROUND:

The City of Vincent developed a Safe Cycling program in conjunction with West Cycle (previously known as Cycling WA) in 2013 that was offered to all primary schools in Vincent. This was developed in response to enquiries from local schools and also from an online survey undertaken as part of the Draft 2013 Bike Network Plan, with 'cycling education classes for primary schools' seen as being an important initiative by respondents.

Working with schools to improve the abilities and confidence of children riding to school would then lead to the greater likelihood of them considering active transport as part of their everyday travel options.

The initiative was overwhelmingly well received, with schools also mentioning the initiative on their online blogs. Four schools took part, with several hundred school children in Vincent receiving some form of bike skills education, between September and December 2013.

Comments received prior to the 2013 program:

We have had many positive comments about the cycling course that was offered to the students. One parent commented that if it was not for the cycling course their child would never have learnt to ride a bike. The child is now riding to the park with friends. I think we have had an increase in children riding to school as well. Overall the course was a great opportunity for the students. *Prue Livesey – Deputy Principal, Kyilla Primary*

Yes the Cycle Safely series was very well received by the students who loved the educational, hands-on and fun sessions. As a result we are definitely seeing more bikes in the bike racks, which is great. *Andrew Stretton – Deputy Principal, North Perth Primary.*

In order to subsidise the series, the City applied to the RAC Community Grass Roots Grants and successfully received a \$2,000 grant. Schools who took part in the 2013 Series indicated that a certain amount of tailoring was preferred in order to suit each school's needs. Some schools chose a single three (3) hour workshop, which covered basic skills for the greatest number of students. Other schools preferred to have a more detailed session over a three (3) week period.

Coordinating the program and acting as a conduit between the schools and the bike education supplier West Cycle, was a time consuming task for City staff. In future, it may be more efficient for schools to work with the suppliers directly.

DETAILS:

Following on from the success of the 2013 initiative, the City's Administration would like to develop a 2014 Safe Cycling Series.

There has been some change in the suppliers of Bike Education skills in the recent future. Cycling WA has been absorbed by West Cycle and a new supplier is now offering an affordable theory only program to very young children in schools. As a result, it is possible that a range of bike skills education suppliers be offered to schools and that they tailor their own package.

It is recommended that, in future, the City provide funds up to an amount of \$1,000 per school per annum and that the schools would directly liaise with the bike education supplier to coordinate timing and the level of course needed. In communicating with schools, the City will provide a list of supplier options.

Schools will need to provide evidence of the funds being spent on bike education and provide for media opportunities and appropriate accreditation of the City's funding.

The City has already received a request from North Perth Primary School to co-fund an extensive Bike Skills education series in the imminent future (they have committed \$9,000 to a six (6) week bike education program).

Co Funding Options:

In preliminary discussions, the RAC have advised that they would not be funding the City to provide this program, but would prefer schools to apply directly to the RAC.

In addition, schools can also apply to the Department of Transport's TravelSmart to Schools program which can provide many resource materials as well as rewards including the funding of bike education classes.

CONSULTATION/ADVERTISING:

All primary schools in Vincent will be contacted by the City and advised of the initiative.

LEGAL/POLICY:

Schools will need to provide evidence that the Safe Cycling courses will be delivered by professionals with all the appropriate insurance and working with children certifications.

STRATEGIC IMPLICATIONS:

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

*"1.1: Improve and maintain the natural and built environment and infrastructure
1.1.5 Take action to improve transport and parking in the City and mitigate the effects of traffic.
(d) Promote alternative methods of transport."*

*"3.1 Enhance and promote Community Development and Wellbeing.
3.1.5 Promote and provide a range of community events to bring people together and to foster a community way of life"*

In accordance with the City's Sustainable Environment Strategy 2011-16 states:

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

SUSTAINABILITY IMPLICATIONS:

This initiative will encourage and promote Active Transport to school age children, giving them the skills and confidence to use active transport in the future.

RISK MANAGEMENT IMPLICATIONS:

Low: The onus will be on the schools to source an accredited bike skills program for delivery.

FINANCIAL/BUDGET IMPLICATIONS:

The initiative is to be funded from the TravelSmart Community Programs budget. If all primary schools in Vincent took advantage of the full program, it would total \$7,000.

TravelSmart Community Programs budget	\$63,000
Spend to date	\$ 0

COMMENTS:

Supporting school age children to cycle will encourage those children to consider active transport habits in later life. Courses which can give children bike skills and a better understanding of road rules will increase their confidence and reduce the risks to them.

It is recommended that the Council approves the provision of funding of Safe Cycling courses for primary schools in the City of Vincent.

9.2.5 Traffic Management – Proposed ‘Black Spot’ Treatment Trial at the Intersection of Richmond and Loftus Streets, North Perth, Progress Report No. 2

Ward:	South	Date:	1 August 2014
Precinct:	Smiths Lake (6)	File Ref:	SC168, SC1248
Attachments:	001 - Plan No 3087-CP-01 (seagull island) 002 - Plan No. 3098-CP-01 (alternate Loftus Centre exit)		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** conducting a six (6) month trial of a left in/left out only ‘Seagull’ island at the intersection of Richmond Street and Loftus Street as shown on attached Plan No. 3087-CP-01 and advises all affected residents of the trial;
2. **UNDERTAKES** a traffic impact assessment of Richmond, Thompson, Barnet and Morriston Streets during the course of the trial;
3. **CONSULTS** with residents in Richmond, Thompson, Barnet and Morriston Streets at the conclusion of the trial seeking their comments on the proposal; and
4. **FURTHER** considers the matter at the conclusion of the trial and following the consultation with residents as per clause 3 above.

COUNCIL DECISION ITEM 9.2.5

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Councils approval to conduct a six (6) month trial of a left in/left out only ‘seagull’ island in Richmond Street, corner of Loftus Street, North Perth as a Black Spot Improvement Project.

BACKGROUND:

A ‘Black Spot’ is a location whereby there have been five (5) or more accidents over a five (5) year period. The accidents are analysed and a treatment to address the predominant accident type is designed, costed, a cost benefit ratio (CBR) determined (in accordance with the funding guidelines) and if the CBR is above a certain threshold, the project is submitted for funding.

The Richmond and Loftus Streets intersection was submitted for Black Spot funding in July 2013 in light of thirteen (13) accidents over five (5) years, eight (8) of which involved movements into and out off the eastern (Smiths Lake) leg of the intersection.

The proposal is to install a 'Seagull' island in Richmond Street, on the eastern leg, to restrict the movements to left in and left out only.

Officers Comments:

The latest five (5) year data period data, 1 January 2009 to 31 December 2013, indicates that the number of accidents at this location had risen to twenty-one (21) of which eleven (11) involved movements into and out off the eastern (Smiths Lake) leg of the intersection and would have been prevented by the proposed treatment.

Integrated Transport Advisory Group (ITAG) Meeting of 12 September 2013:

The ITAG duly considered the 'Seagull' proposal at its meeting of 12 September 2013 where it passed the following motion:

"Recommend to Council to 'Approve in Principle' to put the 'Seagull' option out to consultation to see if the majority of people agree to proceed."

Ordinary Meeting of Council 3 December 2013:

At the above meeting the Council considered a report on a number of ITAG referred matters one of which was the intersection of Richmond and Loftus Streets.

Specific to the above intersection Council decided (in part) the following:

"That the Council;

3. *DEFERS proceeding with the seagull island on the eastern side of Richmond Street, Leederville at the intersection of Loftus Street, as shown on the attached Plan No. 3087-CP-01, for the reasons outlined in the report;*
4. *CONSIDERS possible alternative options for Richmond Street, as shown on attached Plan No. 3098-CP-01 which will ensure that access to and from Richmond Street and the Loftus Centre is not compromised while improving safety;*
5. *REFERS the following traffic matters back to the Integrated Transport Advisory Group for its consideration;*
 - 5.1 *Richmond Street; and..."*

DETAILS:

Concerns about the safety of the intersection were initially raised by a deputation of residents from Richmond Street as a result of a number of car accidents within a short space of time. While the accidents were typically rated as 'minor damage', i.e. vehicle damage only with no injuries, the City's Technical Services officers undertook a review of the intersection, traffic movements and accident statistics, with the findings presented to the ITAG.

ITAG was advised that a Black Spot submission for a 'Seagull' island on the eastern leg restricting traffic to left in/left out only had been lodged for the 2014/2015 financial year as the BCR (benefit cost ratio) score was high enough to suggest that it had a good chance of success.

Officer's comments:

While the City is still yet to be officially notified of the Black Spot funding approval (a State contribution of \$20,000 based upon a 2/3 – 1/3 funding arrangement for a \$30,000 project) the money has been allocated in Main Roads 2014/15 road safety budget.

However, the proposal would potentially have an adverse impact upon the surrounding streets with increased traffic likely in Thompson, Barnet and Morrision Streets, as motorists/residents would no longer be able to turn right into Richmond Street from Loftus Street north bound. As a result a significant percentage of the east bound Richmond Street traffic (residents and local traffic) would likely use Thompson, Barnet (between Thompson and Richmond Street) and Morrision Street as the alternative route.

Public consultation was subsequently undertaken in October 2013. Seventy seven (77) letters were distributed to residents in the Richmond Street area. At the close of the consultation on 7 November 2013, six (6) responses were received with two (2) in favour of the proposal and three (3) against the proposal and one (1) with other comments.

Ordinary Meeting of Council 3 December 2013:

In addition to the proposed 'seagull' island on the eastern leg of the intersection the report presented to the above meeting of Council also suggested an alternate proposal to restrict access to Richmond Street on both legs/sides off Loftus Street to 'left out' only. However, in order to compensate for loss of egress from the Loftus Centre, and therefore the potential adverse impact upon surrounding streets, such as Fleet Street, a new exit to Loftus Street was proposed from the Loftus Centre mid-way between Vincent and Richmond Street, as shown on drawing 3098-CP-01.

As a result Council made the aforementioned decision.

"That the Council;

4. *CONSIDERS possible alternative options for Richmond Street, as shown on attached Plan No. 3098-CP-01 which will ensure that access to and from Richmond Street and the Loftus Centre is not compromised while improving safety;*
5. *REFERS the following traffic matters back to the Integrated Transport Advisory Group for its consideration;*
 - 5.1 *Richmond Street; and..."*

Integrated Transport Advisory Group (ITAG) Meeting 30 April 2014:

In accordance with Councils decision the intersection was again referred to the ITAG for consideration and specifically the alternate proposal, as per clause 4 above, at its meeting of 30 April 2014.

After some discussion the Group were of the conclusion that while another exit from the Loftus Centre would be desirable, and take traffic off the surrounding local road network, it is would potentially create an more hazardous situation than currently exists and would be significantly more expensive.

The proposed location, as shown in plan 3098-CP-01, is below the crest of hill, on a 60kph District Distributor Road, which carries in the order of 25,000 vehicles per day. Vehicles wanting to turn right out of the Loftus Centre, into Loftus Street south bound, would have cross two lanes of traffic approaching at 60 kph from over the crest, resulting in a substandard sight distance and therefore reaction time. While there is ample room for two cars to prop/queue in the cut through in the median there is a restricted view to the left of the approaching south bound traffic, again travelling at 60 kph. The proposed right turn pocket would also require the removal of at least one large peppermint tree.

In order to improve sight distances the crest could be excavated but the costs would rise notably and far in excess of the current budget. Further, it would not be eligible for any Black Spot funding, which is location specific.

Further resident meeting:

Following the ITAG meeting, the resident of Richmond Street who initially approached Council, but who was unable to attend the ITAG meeting of 30 April, met with the Mayor and the Manager Asset and Design Services, after which undertook his own 'door knock' of residents to ascertain if they support the 'Seagull' island as originally proposed.

The following are the comments provided:

"Following our meeting I performed a door knock at this end of Richmond Street to canvas opinions on the proposed modifications. I explained the proposal and asked for a response of "yay", "nay" or "no opinion". I didn't offer an opinion until after a response had been given and recorded. I was surprised at the unanimity of the results, of the seven households who answered the door all were in favour of the proposal. Taking my opinion into account that's just under half of the total households. Most people said "Isn't it happening, I saw the letter but..." followed by a reason for not sending a reply. The strongest opinions perhaps naturally were offered by the residents of the houses on the corner with Loftus Street who have to put up with the bangs and crashed on an all too regular basis. Most people when asked also expressed a concern about speeding.

Given the strength of opinion I see no justification for further delay."

In respect of the comments about speeding a summary of the most recent data collected is provided below. The resident also provided some suggestions about a second alternate exit location/ configuration from the Loftus Centre.

The third and final point raised was to question the necessity for the parking restrictions in Morrision and Emmerson Streets, and the subsequent impact it had upon Richmond Street.

Richmond Street traffic data

	Loftus to Barnet		Barnet to Morrision		Morrision to Campsie		Campsie to Elven	
	<i>kph</i>	<i>AWT</i>	<i>kph</i>	<i>AWT</i>	<i>kph</i>	<i>AWT</i>	<i>kph</i>	<i>AWT</i>
May 2014*	48.6	871	42.1	1578	47.2	629	43.6	463
May 2013**	44.6	1243	33.1	1689	n/a	n/a	n/a	n/a

85% Speed and Average Weekday Traffic (AWT)

As can be seen from the data above traffic volumes have actually dropped in Richmond Street (between Loftus and Morrision Streets) over the twelve month period between May 2013 and May 2014. Further, while the 85% speed has increased, it is still below the 50kph urban speed limit. Ironically the increase may be attributable, in part, to the reduction in volume, i.e. fewer cars coming the other way.

Officers Comments:

As indicated above an alternate Loftus Centre exit and the speed concerns fall outside the Black Spot criteria, which is intended to resolve/improve road safety issues at a specific location. Therefore to progress the black spot improvement the issues have been separated. The traffic data indicates that speed is not an issue while the parking matter would require its own public consultation and potentially a Council rescission motion.

While the resident's 'door knock' survey indicates a general level of support for the 'seagull' it is not borne out by the formal public consultation undertaken in October 2013. Further, the low response rate (<8%) makes it difficult to make an informed decision of the residents acceptance, or otherwise, of the proposed treatment.

Therefore, is it recommended that given the significant increase in the accident rate that the left in/left out 'seagull' island be trialed for a period of six (6) months. And that additional data collection is undertaken during this period to determine the impact of the change on both the safety of the intersection and the surrounding road network.

CONSULTATION/ADVERTISING:

The residents of Richmond Street and the streets immediately abutting were consulted in October 2013, with a summary of the results contained within the main body of the report. Further, the respondents will be advised of the Council's decision.

LEGAL/POLICY:

Richmond Street is classified as an Access Road and Loftus Street is a District Distributor A Road in accordance with the Functional Road Hierarchy. Both roads are under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Black Spots are based upon a five (5) year accident history. For the period 1 January 2008 to 31 December 2012, upon which the original Black Spot submission was based, the intersection recorded thirteen (13) accidents of which eight (8), would have potentially been prevented with the proposed treatment. For the period 1 January 2009 to 31 December 2013, the five (5) year accident rate had risen to twenty-one (21) of which eleven (11) would have been prevented.

STRATEGIC IMPLICATIONS:

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

- "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:

Improved safety for residents and road users.

FINANCIAL/BUDGET IMPLICATIONS:

The project has approved State Black Spot funding of \$20,000, while the City's contribution is \$10,000 (total project budget \$30,000). The cost of the trial will be in the order of \$8,000.

If made permanent, the total costs will still be within the budget and therefore eligible for the Black Spot funding. If it does not proceed and was removed the cost would have to be absorbed by the City and no claim lodged.

COMMENTS:

As can be seen from the chronology of events outlined above the matter has taken some considerable time to reach this point. It also appears that there is no clear mandate from the residents most likely to be affected by the proposed treatment to proceed. However, the accident data is undeniable and the issue needs to be addressed. Therefore in the interest of safety it is requested that the officer recommendation be supported.

9.2.6 Parking Management: Waugh Street, North Perth - Proposed Two (2) Hour Parking Restrictions from Charles Street to Magnolia Street

Ward:	North	Date:	1 August 2014
Precinct:	North Perth (8)	File Ref:	SC1211, SC991
Attachments:	001 – Plan No. 3157-PP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

1. That the Council APPROVES the introduction 2P Parking Restrictions, 8.00am to 5.30pm Monday to Friday in Waugh Street, North Perth from Charles to Magnolia Streets, as shown on attached Plan No. 3157-PP-01; and
2. PLACES a moratorium on issuing infringement notices in Waugh Street, North Perth from Charles to Magnolia Streets, for a period of two (2) weeks from the installation of the new parking restriction signage.

COUNCIL DECISION ITEM 9.2.6

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the public consultation undertaken in regards the proposed installation of timed parking restrictions in Waugh Street, North Perth between Charles and Magnolia Streets.

BACKGROUND:

On the 2 May 2014 the City received a petition from sixteen (16) residents of Waugh Street, North Perth, in regards the difficulties they are experiencing with parking in their street, exert below;

“Petition Summary and Background:

Citizens are using Waugh Street, North Perth, to park their cars freely. They use all available options on the named street so they can commute to and from work using the bus (closest stop located on Charles Street). They also use the named street for parking when they are employed by one of the businesses in the MacDonald’s corner location. The residents of Waugh Street, due to it’s design, use all street parking for personal parking as most property’s have no or limited driveways. With available options to park used by the general public, local residents have nowhere left to park their vehicles.

Action Petitioned For:

We, the undersigned, are concerned citizens who urge our leaders to act now to create and enforce a "Residents Only" parking policy that will ensure residents, with an approved permit, be the only citizens permitted to park on Waugh Street, North Perth as per side streets in Leederville and Highgate."

DETAILS:

Consultation:

As has been common practice and in accordance with the Council's *Community Consultation Policy*, the City wrote to the residents of Waugh Street, between Charles and Magnolia Streets, on 26 June 2014.

Based upon the concerns raised in the petition the following is the background information provided to the residents:

"As you would be aware Waugh Street is not currently subject to parking restrictions. As a result residents voiced their concerns, in a petition presented to Council, that commuters (catching the bus to the City) are using Waugh Street as a convenient free parking zone making it both difficult and hazardous to access the Charles Street end of the street during the week.

Therefore it is proposed to install a 2P (two hour) restriction between Charles and Magnolia Streets, on both sides of Waugh Street, to control parking demand and ensure that parking is readily available for residents through-out the day. The proposal only extends to Magnolia Street to limit the impact upon residents. Past experience shows that a walk in excess of 200m will usually result in most commuters looking elsewhere to park. Although the petition sought 'Resident Only' parking it is not generally supported by the Council."

Sixty (60) letters were sent out to which the City received fifteen (15) responses by the close of the consultation period on 15 July 2014.

The suggested parking restrictions were 2P, 8.00am to 5.30pm, Monday to Friday.

Of those who responded twelve (12), or 80%, were in favour, two (2), or 13.3% were against while one (1) response (6.7%) was neither in favour nor against the proposal. A summary of the comments received are below.

Related Comments *In Favour* of the Proposal (12):

- 2 x in favour no comments
- ...the daily congestion on Waugh Street needs to be dealt with as:
 - 1. on a number of occasions I have been unable to exit our property...
 - 2. our rubbish collection days have seen our bins end up on neighbouring properties...
 - 3. the congestion has created safety problems...
- This addressed the daytime problem. However we also have many patrons of "The Class Room" parking on evenings and weekends, particularly during the warmer months...
- Good idea, but may need to extend further up the road. Many of the current 'Day Parkers' seem to be from the new building on Charles St, next to Liquorland. Why don't they have their own parking?
- I support this as parking has been awful lately. I do however believe that even if we have off street parking we should be entitled to have permits issued for each car in a household...Please consider this!
- I...support his fully...I would greatly appreciate if something can be done..

- As stated in our original petition the street (Waugh Street) is congested with cars that are left on the street and people either catch the bus, walk to the City of work around the area. It is a traffic hazard where you cannot even reverse from your driveway sometimes....
- Residents in the affected area should be able to apply for more than 2 visitor permits and residential permits for all vehicles registered to the house...should benefit from the 2P parking, not be penalised. It is intended to improve our parking access. Restrictions should also be introduced for the verge parking outside Kennards to improve the amenity. There is sufficient room within the Kennards site for employee parking.
- ...The increase in parked cars along the street and hence increased traffic through Waugh Street has made reversing from the carport onto the street dangerous due to restricted views of the street....Turning in and out of the street onto Charles Street has become dangerous as the overflow of commuter vehicles on both sides of the street is parked with cars who park too close to the intersection corner.
- As Waugh St becomes narrow from Magnolia St to Norham St, there is likely to be increased parking problems on these streets. By restricting this section of Waugh Street only, there may be displacement of the problem to adjoining streets and the remainder of Waugh St. However, I accept that commuters may not walk further than 200m – but I expect people will be willing to walk that bit further if it means they will not have to pay for parking.
- The consistent use of Waugh Street as an all-day parking facility by commuters and staff from a local business has recently become quite a problem for residents, infringing on our amenity....

Related Comments *Against* the Proposal (2):

- 2 x Against with no further comment.

Related Comments *Neither for or Against* the Proposal (1)

- 1 neither for nor against with no further comment.

Officers Comments:

While the response rate was only 25%, of those who took the opportunity to comment, twelve (12) of the fifteen (15) respondents supported the installation of the timed parking restrictions as proposed.

Random site surveys support the petitioner's contention that issue is primarily confined to the western or Charles Street end of the street. Further, given the narrow road pavement width, the timed restrictions will assist services vehicles, and specifically the City's Waste Collection trucks, to safely traverse the street.

Therefore it is recommended that the Council approve the proposed parking restrictions.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5. All residents will be informed of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors.

STRATEGIC IMPLICATIONS:

Car Parking Strategy:

The Strategy Sect 4.4.2 states that. *"the provision of some long stay/unrestricted parking for employees working in the general area is both reasonable and necessary.... This parking should be 5 mins (400m) walk or more from the place of employment"*..

Recommendation 12 of the consolidated recommendations states the following:

"The City limits the supply of park and ride or supports park and ride only where a paid parking regime is implemented to discourage people who work in Vincent from using park and ride facilities in the area.. the recommendation in the City of Vincent Car Parking Strategy (2002) that residential streets should be protected from non-residential parking and commuters seeking to park for free and ride into the city, with the implementation of residential parking zones and time limits on affected streets, should be upheld"...

City's Strategic Plan 2011-2023:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The inclusive cost to install the appropriate Australian Standards signage is in the order of \$600.

COMMENTS:

As discussed in the report the majority of those who responded to the City's consultation package supported the introduction of parking restrictions in Waugh Street between Charles and Magnolia Street. If in the future the same issue arises east of Magnolia Street (to Norham Street), or in Hunter Street, the restrictions can easily be extended.

9.2.7 Hyde Park – Western Australian Tree Climbing Championships

Ward:	South	Date:	4 August 2014
Precinct:	Hyde Park (12)	File Ref:	SC551
Attachments:	001 – Event Location Map 002 – Event Management Plan		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- NOTES** that a request from Tree Climbing Western Australia Inc. (TCWA) has been received requesting approval to hold the annual tree climbing championships (WA) in Hyde Park; and
- APPROVES** the event to be held in Hyde Park over three (3) days from Friday 10 October 2014 to Sunday 12 October 2014.

COUNCIL DECISION ITEM 9.2.7

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to seek the Council's approval to hold the 2014 Western Australian Tree Climbing Championships in Hyde Park.

BACKGROUND:

Tree Climbing Western Australia Inc. (TCWA) is a not for profit organisation created specifically to manage and coordinate the annual tree climbing championships within Western Australia. The annual tree climbing championships have been held at various significant sites around the state including Kings Park in 2011.

On 24 July 2014 the TCWA president met with the Manager Parks and Property Services to discuss the potential to hold the 2014 championships at Hyde Park. The mature trees and associated facilities at Hyde Park make this site ideal for the competitors, spectators, families and the general community to witness some spectacular tree climbing techniques.

It was evident after looking at the trees identified and how the event works that it could be held safely and without a significant impact on the general community or patrons using Hyde Park for weekend passive recreational activity.

DETAILS:

Set up:

Eight (8) trees (as shown on the attached Plan) have been identified within Hyde Park as suitable for the various activities required. Exclusion zones are set up/bunted off around each tree and each specific site is monitored by a supervisor, judges and ground staff.

The stage or undercover area has been earmarked as the event day headquarters, for officials, event scoring and a first aid station. Only one vehicle will be permitted to enter the park, a St John Ambulance which will be located on the hardstand area adjacent the gardener's compound. The hardstand area has also been identified as a potential area for static sponsor displays.

Events:

There are six (6) individual events for competitors including:-

- Throw line
- Work climb
- Speed belay
- Foot lock
- Aerial rescue
- Masters challenge

The events are described in more detail in the attached Event Management Plan.

Tree and site preparation:

Modern arboricultural techniques and industry approved tree protection equipment will be used during events therefore no trees will be damaged or affected. Some minor tree remedial works may be required at no cost to the City and this will involve removal of any dead or epicormic (watershoot) growth from within the canopy, a task that the City usually undertakes annually.

Safety bunting and event targets will be installed in trees by 6.30am each day and removed at the end of the day as the events are finalised around 5pm.

CONSULTATION/ADVERTISING:

Should the event be approved by the Council, advertising will be undertaken by TCWA. During the day and at the presentation of the awards the City of Vincent will be highlighted as a valuable event supporter.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low - Medium: This event is very well organised and safety to the public and competitors is of paramount importance. Any potential risks associated with this event have been documented and will be managed responsibly as outlined within the attached Risk Assessment.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2023 Objective 3:*

"3.1 Enhance and Promote Community Development and Well Being.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

No costs associated with this event being held at Hyde Park will be incurred by the City. The provision of wheelie bins for additional rubbish collection is already provided on a weekly basis to cater for the many family gatherings and parties occurring within the park.

A rate of \$235.00 per day will be charged for TCWA using the immediate area around the eight (8) identified trees within Hyde Park and the stage area following the event for presentation of awards and prizes.

COMMENTS:

This event will provide some free interesting entertainment for patrons at Hyde Park over the weekend and it is therefore recommended that the Council approve the event to be held at Hyde Park between the 10th – 12th October 2014.

9.4.2 Crime Prevention Through Environmental Design (CPTED) Award

Ward:	South	Date:	1 August 2014
Precinct:	Beaufort (13)	File Ref:	SC1465
Attachment:	001 – Photo of Purchased Food Truck		
Tabled Items:			
Reporting Officers:	R Hill, Customer Service Officer S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	J. Anthony, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the allocation of the Crime Prevention Through Environmental Design (CPTED) award won by the City of Vincent, in the amount of \$1,250, to Manna Inc towards the purchased cost of a food truck.

COUNCIL DECISION ITEM 9.4.2

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to allocate the Crime Prevention Through Environmental Design (CPTED) award (in the amount of \$1250) won by the City of Vincent to Manna Inc towards the food truck that has been purchased, from which their volunteers can safely serve meals to disadvantaged people.

BACKGROUND:

The City of Vincent applied for the Crime Prevention Through Environmental Design (CPTED) award and won first place. The CPTED awards are funded by the Western Australian Police Community Engagement Division run through the Sellenger Centre for Resource in Law, Justice and Social Change Edith Cowan University and have been created to help improve community safety throughout Australia. The CPTED competition sought submissions of designs to reduce crimes such as theft, anti-social behaviour, burglary, graffiti, wilful damage, trespass, violence, assault, vandalism and terrorism.

The City’s submission detailed the CPTED principles incorporated into the redevelopment of Weld Square, which was supported by the WA Police Perth Police Station and Noongar Patrol. The City’s submission acknowledged the many contributions to the redevelopment of Weld Square and the actions of the Safer Vincent Crime Prevention Partnership to various service areas of the City of Vincent, whom have all contributed to designing and activating this public space in positive ways. The City was awarded \$1250 for first prize.

DETAILS:

Manna Inc began as the simple act of feeding a few homeless people in a park. Manna Inc has grown to become one of the largest providers of meals for disadvantaged people in Perth. Along the way they have seen other issues that needed to be addressed and so began the School Breakfast Program, Winter School Uniform program, the School Cooking Facility, Special functions for seniors, as well as thousands of food parcels delivered each year.

Manna Inc has had quite a few challenges in the past few months as winter has progressed. It is a difficult time of year and a small percentage of disadvantaged people that Manna Inc provide meals to turn to different substances to get through the winter months. This has made it unsafe for volunteers in the park on some evenings and their safety is compromised.

With these circumstances, Manna Inc has decided to purchase a food truck as shown in appendix 9.4.2A. From this food truck, volunteers can continue to serve the meals to disadvantaged people.

Manna Inc is seeking to raise funds for the food truck and modifications that have been made to get the food truck ready to provide meals to disadvantaged people in the park. Sufficient funds required to purchase the food truck are not available within their current budget.

The service Manna Inc provides to the homeless and struggling people of Perth is vital and must continue. The van is used for the pickup of donated goods during the day and then at the park every afternoon.

At the Safer Vincent Crime Prevention Partnership meeting held on 23 July 2014, the members recommended that the prize money of \$1,250 be donated to Manna Inc to assist with the purchase of the food truck.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

RISK MANAGEMENT IMPLICATIONS:

LOW: Given the homelessness issue in the inner city area, the service is imperative to ensure the wellbeing of those affected. Supporting this initiative assists in minimising the risk of volunteers servicing the affected client group.

STRATEGIC IMPLICATIONS:

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

- 3.1 *Enhance and Promote Community Development and Wellbeing:*
 - 3.1.2 *Promote and foster community safety and security.*
 - 3.1.3 *Promote health and wellbeing in the community.*
 - 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
 - 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.*

SUSTAINABILITY IMPLICATIONS:

The issue of homelessness and why people continue to present in the City's parks and public spaces is ongoing and extremely complex, with no apparent quick or easy solutions. Participating in collaborative approaches to reduce the negative issues associated with homelessness such as the purchase of the food truck for Manna Inc, is a sustainable way for the City of Vincent to continue to play an important role in this area.

FINANCIAL/BUDGET IMPLICATIONS:

There is \$6,000 allocated to Manna Inc for operational costs in the 2014/15 Budget as approved at the Ordinary Meeting of Council on 20 May 2014. The funds for the CPTED award were granted in 2013. These funds have been carried forward to the 2014/15 Budget.

COMMENTS:

The City's Officers recommend the allocation of the Crime Prevention Through Environmental Design (CPTED) award to Manna Inc to assist in financing the food truck from which their volunteers can safely continue to serve meals to disadvantaged people.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	1 August 2014
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.5.1

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Peart was an apology for the Meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
01/07/2014	Lease Agreement	2	City of Vincent and Leederville Gardens Inc of 37 Britannia Road, Leederville 6007 and Mrs S M Stevenson re: Unit 41, Leederville Gardens, 37 Britannia Road, Leederville
10/07/2014	Scheme Amendment Document	3	City of Vincent Town Planning Scheme No. 1, District Zoning Scheme, Amendment No. 37 relating to the re-zoning of areas zone dR80 within the Hyde Park Precinct and the Cleaver Precinct, where multiple dwellings are not permitted, to residential R50 - Scheme Maps 5 and 12 - <i>As per Council approval of the Ordinary Meeting of Council held on 24 June 2014</i>
11/07/2014	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth 6000 re: No. 331 (Lot 800; D/P: 65363) Bulwer Street, West Perth (<i>Caveat L267804 registered on the Certificate of Title in March 2010, as Lots have now been amalgamated and as such the Caveat is no</i>

Date	Document	No of copies	Details
			<i>longer required)</i>
18/07/2014	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth 6000 re: No. 5-7 (Lots 1 & 2; D/P: 71729) Robinson Avenue, Perth - Proposed Change of Use (Backpackers Hostel) to Consulting Rooms (Medical) to Associated Alterations and Additions - <i>To satisfy Clause (b) of Conditional Approval of Council dated 19 April 2011</i>
18/07/2014	Lease	3	City of Vincent and Western Australian Swimming Association (Inc), C/o Beatty Park Leisure Centre, 220 Vincent Street, North Perth 6006 re: Portion of Grandstand Mezzanine and the Aerobics Rom and Portion of the old Administration Offices at Beatty Park Leisure Centre - <i>Three (3) Years from 1 January 2014, with option to extend for a further Three (3) years from 1 January 2017 to 31 December 2019 - As per Council approval of Ordinary Meeting of Council held on 5 November 2013</i>
22/07/2014	Withdrawal of Caveat	2	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: Nos. 450-454 (Lot: 8 D/P: 32) Beaufort Street, Highgate - Proposed Change of Use from Warehouse to Offices - <i>To satisfy Clause 6.1 of Conditional Planning Approval dated 19 July 2012</i>
24/07/2014	Deed of Covenant	3	City of Vincent and Norwindsor Pty Ltd of 15 Ord Street, West Perth WA 6005 re: Deed of Covenant (<i>where lots to be amalgamated</i>) for Nos. 272-282 Lord Street, Perth - Development of a Six Storey Mixed Use Development comprising of Two (2) Offices, One (1) shop, One (1) Eating House, Four (4) Three Bedroom Multiple Dwellings, Thirty-Four (34) Two Bedroom Multiple Dwellings and Twenty One (21) One Bedroom Multiple Dwellings and Associated Basement Car Parking - <i>To satisfy Clause 7.1 'Amalgamation' of Conditional Approval issued by the Development Assessment Panel (DAP) on 15 August 2013</i>
31/07/2014	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 47 (Lot 124 D/P: 3784) Clieveden Street, North Perth - Partial Demolition of and Alterations and Second-Storey Addition to existing Single House and Additional Two-Storey Single House - <i>To satisfy Clause (c) of Conditional Approval dated 1 July 2010</i>
31/07/2014	Deed in Relation to Conservation of Existing Dwelling	2	City of Vincent and Mr A P Brooks of 30/70 Terrace Road, East Perth WA 6004 re: re: No. 47 (Lot 124 D/P: 3784) Clieveden Street, North Perth - Partial Demolition of and Alterations and Second-Storey Addition to existing Single House and Additional Two-Storey Single House - <i>To satisfy Clause (c) of Conditional Approval dated 1 July 2010</i>

9.5.2 Delegations for the Period 1 April 2014 to 30 June 2014

Ward:	Both	Date:	1 August 2014
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Tabled Items:	Nil		
Reporting Officers:	S Butler, Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the delegations for the period 1 April 2014 to 30 June 2014 as shown at Appendix 9.5.2; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$49,330 for the reasons as detailed below:

Description	Amount
Failure to Display Resident or Visitor Permit	\$15,810
Ranger/Administrative Adjustment	\$12,475
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,290
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$5,250
Signage Incorrect or Insufficient	\$2,440
Details Unknown/Vehicle Mismatched	\$1,505
Equipment Faulty (Confirmed by Technicians)	\$1,250
Interstate or Overseas Driver	\$1,145
Pound Fees Modified	\$895
Unenforceable through Fines Enforcement Registry	\$865
Breakdown/Stolen (Proof Produced)	\$805
Dog Act	\$600
Litter Act	\$0
Planning Act	\$0
Health Act	\$0
TOTAL	\$49,330

COUNCIL DECISION ITEM 9.5.2

Moved Cr McDonald, **Seconded** Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC”
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 April 2014 to 30 June 2014 and to obtain Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area where most Infringement Notices are withdrawn is a resident or visitor not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. Copies of these for the quarter are shown at Appendix 9.5.2.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2013-2017* where Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices either cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

COMMENTS:

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

9.5.3 Strategic Plan 2013-2023 – Progress Report for the Period 1 April 2014 – 30 June 2014

Ward:	-	Date:	1 August 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2013-2023 for the period 1 April 2014 – 30 June 2014, as shown in Attachment 9.5.3.

COUNCIL DECISION ITEM 9.5.3

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City’s Strategic Plan for the period 1 April 2014 – 30 June 2014.

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.5.4 Information Bulletin

Ward:	-	Date:	1 August 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 1 August 2014, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 1 August 2014 are as follows:

ITEM	DESCRIPTION
IB01	Minutes of the Design Advisory Committee Meeting held on 2 July 2014
IB02	Minutes of the Design Advisory Committee Meeting held on 16 July 2014
IB03	Minutes of the Sustainability Advisory Group Meeting held on 14 July 2014
IB04	Minutes of Leederville Town Centre Enhancement Working Group
IB05	Minutes of Beaufort Street Enhancement Working Group
IB06	Ranger Services Statistics for April, May and June 2014
IB07	Local History Collection – January to June 2014 – Progress Report No. 26
IB08	Register of Petitions – Progress Report – August 2014
IB09	Register of Notices of Motion – Progress Report – August 2014
IB10	Register of Reports to be Actioned – Progress Report – August 2014
IB11	Register of Legal Action (Confidential – Council Members Only) - Monthly Report (July 2014)
IB12	Register of Order and Notices Issued (Confidential – Council Members Only) - Monthly Report (July 2014)
IB13	Register of State Administrative Tribunal Appeals – Progress Report – As at 31 July 2014
IB14	Register of Applications Referred to the Design Advisory Committee – July 2014
IB15	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB16	Forum Notes – 15 July 2014
IB17	Notice of Forum – 19 August 2014

9.5.5 LATE ITEM: Budget Deficit

Ward:	-	Date:	12 August 2014
Precinct:	-	File Ref:	-
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that in the City of Vincent 2014/15 adopted annual budget, an estimated \$3,199,779 deficit was incorrectly transposed as a surplus;
2. **REQUIRES** the Chief Executive Officer to submit a report to the 26 August 2014 Ordinary Meeting of Council to identify and implement measures to address the adjusted 2014/15 budget deficit with a view to achieving a balanced position by 30 June 2015; and
3. **ADVISES** the Director General of the Department of Local Government and Communities of Council's decision.

COUNCIL DECISION ITEM 9.5.5

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

To inform Council of a transposing error recently identified in the City's 2014/15 adopted annual budget and the resultant financial impact of that error.

BACKGROUND:

By letter dated 31 July 2014, the Mayor received correspondence from the Department of Local Government and Communities regarding a transposing error identified in the City's 2014/15 adopted annual budget (on page 4.4), which incorrectly listed a \$3,199,779 deficit as a surplus. The Department has required a response from the City by 31 August 2014, outlining measures to be implemented to redress the deficit and achieve a balanced position by 30 June 2015.

Since receiving the above correspondence:

- The Mayor and Chief Executive Officer met with senior Departmental staff on Tuesday 5 August 2014 to discuss this matter;
- The Mayor has written to the Director General of the Department advising of this report being presented to the 12 August 2014 Ordinary Council Meeting, with a further, more detailed report to be presented to the 26 August 2014 Ordinary Council Meeting, identifying strategies to reduce the deficit; and
- The Chief Executive Officer has commenced a review of the Operating and Capital Budgets to identify options for reducing the deficit.

DETAILS:

In the 2014/15 annual budget presented to and adopted by Council, Administration incorrectly transposed a \$3,199,779 estimated deficit as a surplus. As a result of this error, the adopted budget incorrectly reflected a balanced position at 30 June 2015, on the basis that \$26,909,021 was to be raised from rates. If not addressed, this transposing error could result in an estimated deficit of \$6,399,558 at 30 June 2015.

If the \$3,199,779 deficit had been accurately transposed in the budget then:

- (a) To achieve a balanced budget, the budget should have identified \$33,308,579 needing to be raised from rates, being \$6,399,558 more than actually budgeted; or
- (b) The budget could have reflected an estimated deficit at 30 June 2015 of \$6,399,558 in order to maintain the revenue to be raised from rates of \$26,909,021; or
- (c) The budget could have reflected an estimated deficit at 30 June 2015 of \$3,369,531 with \$29,599,923 needing to be raised from rates, being \$2,690,902 more than actually budgeted and representing 110% of the budget deficiency.

The City's Chief Executive Officer (CEO) is currently reviewing the impact of this error on the 2014/15 budget and intends to submit a detailed report to the 26 August 2014 Ordinary Council Meeting, outlining strategies to address the budget deficit with a view to achieving a balanced position by 30 June 2015.

CONSULTATION/ADVERTISING:

Nil

LEAL/POLICY:

The City's budget and financial management practices must comply with the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

RISK MANAGEMENT IMPLICATIONS:

MEDIUM/HIGH: The \$6.4M revised budget deficit must be addressed through cost savings in the City's operating and capital budgets. This will impact the City's 2014/15 capital works program and may also impact some of the City's services and initiatives. There is a risk that some core services and programs may be affected by these budget measures. Although the Department of Local Government and Communities has requested the City to implement strategies to eliminate the deficit and achieve a balanced budget position by 30 June 2015, there is some risk that this will not be achievable due to the size of the deficit to be recovered.

STRATEGIC IMPLICATIONS:

The following objectives of Council's *Strategic Community Plan 2013 – 2023* are relevant to this matter:

- 4.1 *Provide good strategic decision-making, governance, leadership and professional management*
 - 4.1.1 *Manage the organisation in a responsible, efficient and accountable manner.*
 - 4.1.4 *Plan effectively for the future.*

SUSTAINABILITY IMPLICATIONS:

Cost savings required to address the budget deficit may result in a reduction of some core services, programs and projects that were intended to be carried out in the 2014/15 financial year for the benefit of the community.

FINANCIAL/BUDGET IMPLICATIONS:

The financial/budget implications of this transposing error have been outlined earlier in this report.

COMMENTS:

The recent correspondence received from the Department of Local Government and Communities has brought to light the fact that the Department has previously (in correspondence from January 2014, April 2013 and January 2013) raised questions regarding the City's financial position and reporting discrepancies. This has prompted the CEO to review the forecast end of year and actual end of year position of recent budgets. The results of this review are summarised in the table below:

Financial year	Adopted Budget Forecast	End of Year Actual
	Surplus/(Deficit)	Surplus/(Deficit)
2009/10	0	(2,644,360)
2010/11	0	(2,296,766)
2011/12	0	(3,005,281)
2012/13	0	(3,803,161)
2013/14	0	(3,693,071)*

* End of year position for 2013/14 is yet to be finalised.

The above table illustrates that the past five adopted annual budgets intended to achieve a balanced end of year position, but in each case the actual end of year position was in deficit, ranging from \$2.2M to \$3.8M. If this trend were to continue in the 2014/15 financial year, it would only exacerbate any budget deficit resulting from the transposing error discussed earlier. The CEO is therefore investigating measures to prevent a recurrence of this trend, such as applying increased control over budget variances and improving the City's forecasting model. These measures will be outlined in the report to Council on 26 August 2014.

9.2.1 FURTHER REPORT - Rescission Motion Braithwaite Park Design and Construct a Nature Play Area (with a water element) - Tender No. 485/14

Item **WITHDRAWN** by the Chief Executive Officer to provide additional time for the Administration to review the detailed design concept for the park, in consultation with the contractor (Phase 3) and the Mayor.

9.2.3 Lynton Street Reserve, No. 39-41 Lynton Street, Mount Hawthorn – Possible extension of the Western Boundary Fence

Ward:	North	Date:	1 August 2014
Precinct:	Mt Hawthorn	File Ref:	SC486
Attachments:	001 – Location of access way		
Tabled Items:	Nil.		
Reporting Officers:	K Godfrey, Technical Officer Parks Services J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that;
 - 1.1 this report deals with a possible extension of a portion of the western boundary fence on the Lynton Street Reserve, to improve safety and protect residents amenity; and
 - 1.2 not all in the immediate area are in favour of the proposal;
2. **CONSULTS** with the local community, and stakeholders, including holding a public meeting during the consultation period, regarding the proposal; and
3. **RECEIVES** a further report at the conclusion of the consultation period.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to consult the local community, including holding a public forum in regard to the proposal to extend the fence and install a lockable gate on the western boundary of Lynton Street Reserve playground.

BACKGROUND:

A number of complaints have been received from residents of Lynton Street, Mount Hawthorn claiming that Lynton Street Reserve and Lynton Street are unsafe areas due to some persons accessing Lynton Street through the park adjacent to Lynton Street via the privately owned property on Brady Street comprising Brady Gardens (60-64 Brady Street).

It has been claimed that a number of homes and vehicles have been broken into recently and the latest report was received from a resident whereby their car window was smashed along with an attempted break and enter of their home.

DETAILS:

Access from Brady Street via Brady Gardens (60-64 Brady Street):

No.s 60-64 Brady Street comprises an allotment with 20 Strata Dwellings 14 of which are owned by the Department of Housing and works and 6 which are privately owned. There is an access path on the lot which runs east/west through this property and terminates at the Lynton Street park (land owned by the City). Also there is no lighting along the pathway (within the private property) and there is dense vegetation comprising trees and shrubs. There is a fence either side of the path also.

Officers Comments:

It has been claimed that the land comprising the footpath can be referred to as a thoroughfare however regardless of how the residents are making use of the land, it remains common property within Strata Plan 30419, and has no legal status as a "thoroughfare".

The common property within the Strata Scheme is for the use of all Strata Lot owners, and does not have any designated purpose. The fact that a footpath has been formed within the common property does not create a legal right of access to the adjacent parkland. Although currently developed as a park, the Lynton Street park land is in fact 3 freehold lots, owned by the City of Vincent.

Lot 1 (#60-64) Brady Street is subject to Strata Plan 30419, and was formerly known as Lot 2. The Strata Plan is divided into 20 Strata lots, which must be titled together with the Strata Plan Number i.e. Lot 20 on Strata Plan 30419 and these lot numbers have no meaning in isolation.

Fencing/gate:

Initial discussions with the Department of Housing and Works (the majority property owner) were held where it was considered that fencing off the park would be a quick fix to resolve the reported antisocial issues.

Following further discussion it was decided that a lockable gate should be installed to allow occupiers of Brady Gardens to access the park and Lynton Street if desired.

However, the Council of Owners from Brady Gardens who regularly use this park for recreational purposes expressed concerns as they believe it will have a direct affect on their occupiers and they have objected to this proposal as follows:

- *They are not in favour of a fence or a gate as it would not deter persons climbing over it.*
- *They would consider the regular pruning of trees/shrubs located along the common area walkway that provides access to the park should the City of Vincent install lighting within the park.*
- *They note that lack of lighting in the park is a major safety concern and maybe contributing to the issue of anti-social behaviour.*

Officers Comments:

Measures to address ongoing safety and security issues have been discussed/investigated i.e. fencing a portion of the western boundary of the reserve. There is no obligation on the City to allow an opening from private land onto a reserve if this is causing adverse issues for some residents. A lockable gate was suggested to still protect the amenity of the Brady Gardens residents. The Department of Housing and Works agreed to fund the cost of the lockable gate. To move this matter forward it is suggested that the community be consulted.

CONSULTATION/ADVERTISING:

The local community around Lynton Street Reserve will be consulted and advised of the Council decision at the conclusion of the consultation period.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A physical barrier may improve the amenity/safety of all park users and local community members.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Should the proposal to install a fence be progressed, the estimated cost for the installation is \$2,028 of which the Department of Housing and Works has agreed to pay \$734 being the cost of the gate. Therefore the total cost to the City will be \$1,294.

COMMENTS:

It is therefore recommended that the local community around the park be consulted in relation to this proposal prior to Council making a final decision on whether to fence/gate the access way between Brady Street and Lynton Street Reserve.

9.1.3 No. 6 (Lot 8; D/P 29637) Kayle Street, North Perth – Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	1 August 2014
Precinct:	Smiths Lake, P6	File Ref:	PRO6018; 5.2013.599.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, 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 Lou Di Virgilio on behalf of the owners, R Di Virgilio, for Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking at No. 6 (Lot 8; D/P 29637) Kayle Street, North Perth and as shown on amended plans stamp-dated 22 July 2014, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 231 Charles Street and No. 4C Kayle Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the City's satisfaction;

2. **Car Parking and Accessways**

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

2.2 The car park area for visitors shall be shown as common property on any strata plan; and

2.3 Visual Truncations shall be provided at the exit of the car parking area in accordance with the City's Visual Truncation requirements;

2.4 The proposed dividing island on the driveway shall be contained within the lot boundary and no part of the grassed area should encroach into the road reserve; and

2.5 The proposed crossover shall be no wider than 5.0m where it meets the concrete footpath;

2.6 Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width;

3. Existing trees marked on approved plans to be retained, shall be protected during construction work, and retained in perpetuity. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

4. PRIOR TO THE ISSUE OF A BUILDING PERMIT APPLICATION, revised plans shall be submitted to and approved by the City addressing the following;

4.1 The roof of the visitor car bay shall be removed or the roof structure amended to ensure that no part of the support for the structure is located in easement area;

4.2 Privacy Screening

The windows to the kitchen/dining/living area of Unit 3 on the north facing elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 6 metres from a neighbouring boundary.

4.3 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge. 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:

4.3.1 The location and type of existing and proposed trees and plants;

4.3.2 All vegetation including lawns;

4.3.3 Areas to be irrigated or reticulated;

4.3.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

4.3.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

4.4 Acoustic Report

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

4.5 Construction Management Plan

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

4.6 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:

4.6.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. The on-site car parking was in accordance with the requirements of the Residential Design Codes of WA 2013, the City's Policy No. 7.7.1 relating to Parking and Access; and

4.7. 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 Kayle Street;

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

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

5.2 The Section 70A Notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

5.3 Bicycle Parking

One (1) Class three bicycle facilities shall be provided at a location convenient to the entrances of the development. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility;

5.4 Clothes Drying Facility

Each multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

5.5 Store Room

Each multiple dwelling shall be provided with a store room with a minimum dimension of 1.5m, and a minimum area of 4 square metres, in accordance with the Residential Design Codes of WA 2013; and

5.6 Car Parking

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

ADVICE NOTES:

1. With regard to condition 4.2, a permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; the subject windows shall not exceed one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013;
 2. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 3. A bin store is required to be constructed to match the 360lt recycle waste bin footprint of 0.8m x 0.95m, and be of sufficient size to accommodate the City's maximum bin requirement; *General Waste 3 x 240lt bins, Recycle 2 x 360lt bins*, The bin store is to be constructed in accordance with the City's Technical Services Directorate specification; and
 4. A demolition permit shall be obtained from the City prior to commencement of any works on the site.
-

COUNCIL DECISION ITEM 9.1.3

Moved Cr Buckels. , Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Topelberg

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to the Council for determination as the proposal is for multiple dwellings.

BACKGROUND:

Nil

DETAILS:

Landowner:	R Di Virgilio
Applicant:	Lou Di Virgilio Designs
Zoning:	Residential R40
Existing Land Use:	Single House
Use Class:	"P"
Use Classification:	Multiple Dwellings
Lot Area:	804 square metres
Right of Way:	Not Applicable

The proposed application is for the Demolition of the Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

ASSESSMENT:

Town Planning Scheme/Residential Design Codes Assessment

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Plot Ratio	✓		
Streetscape	✓		
Street Walls and Fencing	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Building Height	✓		
Landscaping	✓		
Open Space			✓
Roof Forms			✓
Bicycles			✓
Access & Parking			✓
Privacy			✓
Solar Access			✓
Site Works	✓		
Utilities & Facilities			✓
Surveillance	✓		
Outdoor Living Area			✓

Town Planning Scheme/Residential Design Codes Assessment

Issue/Design Element:	Street Setbacks
Requirement:	Residential Design Elements SADC 5 Ground Floor– 11.1 metres Upper Floor – 2.0 metres behind lower floor (13.1 metres) Balcony – 1.0 metre behind lower floor (12.1 metres)
Applicants Proposal:	Ground Floor - 6.0m (Variation of 5.1 metres) First Floor – 1.0m behind (Variation of 6.1 metres) Balcony – 1.6m in front to 1.7m behind ground floor (variation between 4.4m and 7.7m)

Issue/Design Element:	Street Setbacks
Design Principles	<p>Residential Design Elements SPC 5 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>
Applicant justification summary:	<p><i>“The existing residence is approximately 6.0m from the front boundary. The new building is setback 6.0m from the front boundary at the southern side and 8.6m from the northern side of the new building. Additionally the upper floor is setback 7.0m and 9.6m from the front boundary.</i></p> <p><i>The southern adjacent property is setback at approximately 5.5m from the front boundary and the northern adjacent property at approximately 9.3m from the front boundary.</i></p> <p><i>This demonstrates that the setbacks are consistent with the existing streetscape and in addition the landscaping is equivalent to what is existing”</i></p>
Officer technical comment:	<p>The existing single residence to be demolished has a setback of approximately 6.0m from the front boundary. The proposal has been designed with a ground floor setback that reflects the relationship with the dwellings on each side (to the north and south).</p> <p>The average setback in this section of the street is 11.1 metres not taking into account garages/carports and 7.36 metres including garage/carports already built within the street setback area.</p> <p>The design of the proposal has created articulation on the front elevation to take into account the shape of the site. The first floor has been setback, and some balconies partly forward and others partly behind the ground floor setback. The proposal has been designed in such a way to take into account the existing character of the street and is considered acceptable.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.3 C3.1</p> <p>Building on the Boundary. Maximum height – 3.5 metres Average Height – 3.0 metres One side only Up to two-thirds the length of the boundary (south 23.3m, east 9.8m)</p>
Applicants Proposal:	<p>Building on the Boundary Variation – building on boundary proposed on two sides (east and south)</p> <p><u>East</u> Wall length – 9.8m Maximum height – 3.0m Average height – 3.0m</p> <p><u>South</u> Wall length – 28.2m Maximum height - 6.3m Average height – 5.0m</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.3 P3.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>‘The building height of the proposed parapet walls is the same as the existing parapet wall of the adjoining property.</i></p>
	<p><i>The adjoining southern property has a window to an upper bathroom. This window is facing west (not north) and achieves light and westerly sun at all times.</i></p> <p><i>With reference to the existing parapet wall of the adjoining southern property, it is a length of 28m and a height 6.6m above natural ground level and the roof of this property is at the parapet. Therefore, whichever development is proposed the overshadowing will cast onto the existing roof of the adjoining property”</i></p>
Officer technical comment:	<p>The proposed boundary wall has a section at two storey height but this has been positioned to match the existing two storey boundary wall at No. 4C Kayle Street and therefore minimises the impact on adjoining properties at No. 4C Kayle Street</p> <p>The application site also has a drainage easement along the northern side of the site which prevents structures being built over this, therefore any development proposal would be pushed to the southern side of the</p>

Issue/Design Element:	Lot Boundary Setbacks
	site, and be impacted by the existing two storey boundary wall of No. 4C Kayle Street.
	The proposed position of the boundary wall is a sensible design solution given the restrictions on the northern side of the site therefore it is considered acceptable to have an additional parapet wall of this length and height.

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Multiple Dwellings Policy No. 3.4.8 4.2</p> <p>30% of the total site area is to be provided as landscaping – 241.2 square metres 10% of the total site area as soft landscaping within common property area development – 80.4 square metres 5% of the total site area as soft landscaping within private outdoor areas – 40.2 square metres</p>
Applicants Proposal:	<p>Overall – 192.13 square metres (24%) Soft landscaping (common areas) – 102.19 square metres (13%) Soft landscaping (private areas) – 50.07 square metres (6%)</p>
Design Principles:	<p>Development Guidelines for Multiple Dwellings Policy No. 3.4.8 4.2</p> <ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality; • Assists in providing a landscaped setting for the building; • Assists in the protection of mature trees; • Maintains a sense of open space between buildings; • Assists in increasing tree and vegetation coverage
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	Although a variation, the applicant proposes the retention of mature vegetation including a number of trees within the front setback, as well as one to the rear of the site. It is considered that approx 25% provision of landscaping, and compliant levels of soft landscaping is acceptable as effort has been made to retain mature landscaping features, as well as proposing to plant a number of new trees and shrubs, not just grassed areas.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy BDADC 3 30-45 degrees
Applicants Proposal:	Main building 5 degrees Carport 15 degrees
Design Principles	<p>Residential Design Elements Policy BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>“The proposal has been provided with a flat skillion roof that is lower than the existing adjacent roof lines.</i>

Issue/Design Element:	Roof Forms
	<i>Therefore as a bulk and height issue, the proposal is relatively complementary and in keeping with the streetscape”</i>
Officer technical comment:	The proposed roof pitch is contemporary in nature and complements the existing streetscape. The low roof pitch also reduces the scale of the building to the street and therefore is acceptable.

Issue/Design Element:	Visual Privacy
Requirement:	Residential Design Codes Clause 6.4.1 Other Habitable Room - 6.0 metres cone of vision setback
Applicants Proposal:	Unit 3 Living room and kitchen – 3.7m
Design Principles	Residential Design Codes Clause 6.4.1 P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	The variation as proposed is not acceptable, but privacy can be achieved by the addition of a screening condition to ensure that the windows on the north facing elevation do not overlook the property to the north.

Issue/Design Element:	Solar Access
Requirement:	Residential Design Codes Clause 6.4.2 Adjoining Property’s Density R40 – maximum overshadowing 35% of the site area
Applicants Proposal:	No. 4C Kayle Street – 64% (221.03 square metres)
Design Principles	Residential Design Codes Clause 6.4.2 P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing: <ul style="list-style-type: none"> • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors.
Applicant justification summary:	<i>‘The building height of the proposed parapet walls is the same as the existing parapet wall of the adjoining property.</i> <i>The adjoining southern property has a window to an upper bathroom. This window is facing west (not north) and achieves light and westerly sun at all times.</i> <i>With reference to the existing parapet wall of the adjoining southern property, it is a length of 28m and a height 6.6m above natural ground level and the roof of this property is at the parapet. Therefore, whichever</i>

Issue/Design Element:	Solar Access
	<p><i>development is proposed the overshadowing will cast onto the existing roof of the adjoining property.</i></p>
	<p><i>The rear open garden to the adjacent property is not affected as there is an existing limestone fence which currently is higher than normal.</i></p> <p><i>Overshadowing does not affect the adjacent property's private open space as there is a covered private patio area on their southern side (away from the proposed development).</i></p> <p><i>In addition the overshadowing does not affect any major openings due to the existing parapet wall on the boundary. The adjacent property does not have any balcony or verandahs"</i></p>
<p>Officer technical comment:</p>	<p>The adjoining lot has already been subdivided and as a result has a lot size of only 345 square metres which contributes to the high percentage of overshadowing on this individual lot. The dwelling also already has a two storey wall on the boundary, which the proposed development at No. 6 proposes to mimic.</p> <p>The orientation of the application site results in almost all of the overshadowing falling onto the existing roof of the dwelling at No. 4C Kayle St and not over any outdoor living area or windows and therefore the impact to the amenity of occupiers of this dwelling would be minimal.</p> <p>The proposal has been reduced in height to reduce the amount of overshadowing to 64%, but overshadowing of the property in excess of permitted standards is unavoidable due to the small size of the adjoining lot.</p>

Issue/Design Element:	Utilities and Facilities
Requirement:	Residential Design Codes Clause 6.4.6 C6.1 Storeroom Minimum dimension 1.5m Minimum area 4 square metres per dwelling C6.3 Drying Area 3 lineal metres of clothes line per dwelling
Applicants Proposal:	Units 1 – 4 Store area - 3.9 square metres each Nil drying area provided
Design Principles	Residential Design Codes Clause 6.4.6 P6 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> • convenient for residents; • rubbish collection areas which can be accessed by service vehicles; • screened from view; and • able to be secured and managed
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	There is sufficient area on site for the store rooms to be made larger to meet the minimum area criteria and for the drying areas to be accommodated. Conditions are therefore recommended to any approval to this effect.

Issue/Design Element:	Outdoor Living Areas
Requirement:	Residential Design Codes Clause 6.3.1 Minimum area 10 square metres Minimum dimension 2.4 metres
Applicants Proposal:	Unit 3 and 4 Minimum dimension 2.3 metres
Design Principles	Residential Design Codes Clause 6.3.1 P1 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	Supported. The proposed balcony(s) for Unit 3 and 4 have an area of approximately 11 square metres, however the minimum dimension is 2.3 metres in lieu of 2.4 metres. The minor variation is considered to be acceptable given the minimum area has been met

Proposed Car Parking

Residential Car Parking	
Large Multiple Dwelling (>110 square metres)- 1.25 bays per dwelling (4 dwellings)= 5.0 car bays Visitors= 0.25 per dwelling (4 dwellings) = 1.0 car bay Total Required = 6.0 car bays (5 Residential/1 Visitors)	5.0 Car bays proposed (4.0 Residents/1.0 Visitors)
Deficit	1.0 car bay (dwelling)

The original proposal included an additional car parking bay (6 in total including 1 visitor bay) which would have met the parking requirements of the Residential Design Codes. However due to the location of the easement along the northern boundary, and the requirement for 30% landscaping across the entire site, the proposal was amended to allow for more landscaping provision, which resulted in the removal of one bay. On balance it is considered that the proposal is acceptable in its current form with one bay per dwelling, as the additional bay would have had to be shared amongst the four dwellings, and it is considered that an increased level of landscaping would have more amenity value to the occupants of the development than one apartment having one additional car bay.

Residential Bicycle Parking		
Bicycle Parking	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (4 dwellings – 1.33 bays or 2 bays required) and 1 bicycle space to each 10 dwellings for visitors (4 dwellings – 0.4 or 1 bicycle bay):	Nil shown on site

There is sufficient space on site for bicycle provision to be accommodated. Each dwelling has an allocated storeroom which would allow for the storage of any bicycle parking should the occupants wish.

A condition should be applied to provide for visitor bicycle parking on site.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	25 March 2014 – 15 April 2014
Comments Received:	Eight (8) comments received with four (4) objections, two (2) comments with concerns, and two (2) comments in support of the proposal.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Building Height</u></p> <ul style="list-style-type: none"> 7.0m maximum height should be adhered to as it will already impact the views of the City's skyline, any increase over the 7.0m will obstruct this further 	Supported. The proposal has been reduced in overall height to 7.0m to meet the deemed to comply criteria.
<p><u>Issue: Landscaping</u></p> <ul style="list-style-type: none"> Landscaping should not be compromised as it would diminish the existing greenery level in the area. Reduced soft landscaping could impact on the flood levels of Smiths Street Lake 	Supported. The applicant has increased the amount of landscaping provided on site to approximately 25% as well as retaining a number of mature trees on site and the addition of two small sections of green roof. Soft landscaping in common and private areas meets the policy requirements
<p><u>Issue: Overshadowing</u></p> <ul style="list-style-type: none"> Overshadowing of adjacent property is significant and should not be accepted as it would have a negative impact to the adjoining property 	<p>Not Supported. The adjoining lot has already been subdivided and as a result has a lot size of only 345 square metres which contributes to the high percentage of overshadowing on this individual lot. The dwelling also already has a two storey wall on the boundary, which the proposed development at No. 6 proposes to mimic.</p> <p>The orientation of the application site results in almost all of the overshadowing falling onto the existing roof of the dwelling at No. 4C Kayle St therefore has no impact.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Roof Form</u></p> <ul style="list-style-type: none"> Proposed building style would be an eye-sore in the existing Kayle Street streetscape and would be highly visible from Smith's Lake. The proposal would not fit with the character of the area 	<p>Not Supported. The character of the area is not protected and therefore a different style of property with a different roof form is considered to be appropriate. The proposed roof form has a maximum height of 7.0m which reduces the visual impact as a pitched roof could be up to 9.0m high</p>
<p><u>Issue: Street Setbacks</u></p> <ul style="list-style-type: none"> Concern that the proposed reduced front setback would create a negative impact on the current streetscape and would sit a long way forward of existing properties. Allowing a reduced setback could impact future development of adjacent properties to have reduced setback The entrance to the adjacent property would be completely overshadowed by the first floor of the proposal which would block all northern light Some windows on the upper floor of the adjacent property would lose light due to the proposal being set forward of the required setback 	<p>The existing dwelling has a setback of approximately 6.0m from the front boundary. The proposal has been designed with a similar setback that reflects the existing properties on either side. The proposal includes a significant amount of landscaping within the street setback area including a number of matures trees which will act as additional screening of the proposal from the street.</p> <p>The adjoining property has a parapet wall to a length of approx 28m with no north facing windows. Any overshadowing from the proposal would fall onto the roof of the adjoining dwelling with minimal impact on the amenity of the occupants.</p>
<p><u>Issue: Lot boundary setbacks</u></p> <ul style="list-style-type: none"> Reduced boundary setbacks combined with reduced street setback reduces openness of streetscape and has a negative visual impact as well as loss of daylight and direct sunlight to adjoining properties 	<p>The proposed two storey parapet wall would be positioned directly adjacent to the existing two storey boundary wall of No. 4C Kayle Street. The proposal is two storey overall and is not considered to reduce the open character of the streetscape and due to the existing situation of the property at No. 4C, a two storey boundary wall would not affect the access to sunlight or daylight of this property.</p>
<p><u>Issue: Car Parking</u></p> <ul style="list-style-type: none"> Car parking is likely to be insufficient for 4x 3-bed apartments, as it is likely that each apartment would have at least 2 cars each, which would result in overflow car parking into the street 	<p>Not Supported. The Residential Design Codes requires 1.25 car parking bays per dwelling for dwellings of this size. In this instance 1 bay per dwelling is proposed plus one visitor bay. Overall the proposal is short by one car bay but a visitor bay has been provided. It is considered that the proposed car parking provision is acceptable in this instance.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposal was referred to the City's DAC on the 1 May 2013 and again on 18 September 2013.

DAC 1 May 2013:

Discussion:

- *Appears to be grossly overdeveloped.*
- *Reduce built area.*
- *Overshadowing Excessive*
- *Garages at the back means loss of usable open space to parking and long access road.*
- *Excessive overshadowing on neighbouring site.*
- *Dwellings do not have sufficient access to northern light.*
- *Dwellings do not have sufficient access to ventilation.*
- *Most glazing is to the west. Where east and west windows, provide protection from low angle summer sun.*
- *Redesign to have living areas to north and full size windows where feasible to north.*
- *Increase setback to the North to allow full size windows or use translucent glazing.*
- *Increase windows on southern upper floor.*
- *Upper floor units need private balconies.*
- *Consider communal open space at ground.*
- *Boundary walls excessive.*
- *High levels of amenity required for retirement living – as occupants spend more time at home.*
- *Improve amenity – solar access, ventilation, private open space for all dwellings.*
- *Significant landscaping needs to be added to design.*
- *Layout means a large amount of area given over to parking and access instead of landscaping.*
- *Break down façade treatment into portions to relate to the streetscape. Front façade requires better articulation*
- *Improve design treatment to look residential rather than commercial.*
- *Low pitched roof at second floor will rarely be visible giving the appearance of a flat roof further exacerbating commercial appearance.*
- *Communal – consider privacy for front courtyards.*
- *Rooms with no windows is unacceptable. Set in to achieve light and air.*
- *Generosity of the lot should allow light and ventilation into all spaces.*
- *Relocate stairs to make access more efficient.*
- *Consider redesigning the lobby so that access for public/visitors when the lift is not working*
- *Consider opening up the front entry to ensure stairs and lift are both accessible at all times from front and rear.*
- *Lobby very large, yet narrow. Could be redesigned to be more efficient.*
- *Redesign lobby and apartments so that entry from the carpark/rear lobby (more likely) does not have to be via laundries – allow choice.*
- *Vegetable garden is a great idea. Consider bringing into courtyards or communal spaces at ground.*
- *Reduce boundary wall to reflect adjoining parapet and development.*
- *Introduce landscape buffer between rear building and car park.*
- *Fundamental statutory planning issues require redesign.*
- *So many changes are required to address design quality issues - will require a redesign.*

Mandatory:

- *Amend plans to be compliant with statutory planning requirements.*
- *Ensure all rooms have windows to provide access to ventilation and daylight.*
- *Redesign to maximize northern light to living areas for all dwellings.*
- *Provide high quality private open space to all dwellings.*
- *Protect east and west windows from undesirable low angle summer sun.*
- *Redesign building form and front façade to be more residential in character*
- *Improve materiality and articulation to reduce building mass, provide visual interest and to better relate to existing street character.*

- *Increase landscaping to create a high level of residential amenity*
- *So many changes are required to address design quality issues raised - will require a significant redesign.*
- *So many changes are required to address technical and design quality issues raised – it is suggested that a significant redesign is required.*

Design Considerations:

- *Reduce bulk of building.*
- *Reduce overshadowing impact.*
- *Incorporate landscaped communal open space at ground floor to encourage social interaction amongst residents – consider relocating vegetable garden here.*
- *Open up lobby area to provide better access to visitors and residents.*

Technical:

- *Carpark to be redesigned to have minimum 3 metre driveway and meet City's Engineering requirements.*

DAC Reconsideration 18 September 2013:

Discussion:

- *Consult Adaptable Housing Guidelines to address design requirements for the aged or people with limited mobility. Whilst it is understood the development is not solely for aged care, these are modest requirements (wider hallways and doorways etc) that may add value to the investment in a lift.*
- *New design still does not address all of the recommendations from the previous DAC meeting. Those issues that have been given attention have not been resolved well.*
- *Street activation could be improved.*
- *Numerous non-compliant issues.*

Mandatory:

The DAC is concerned that the previous recommendations have not been addressed and that a significant amount of design quality and non compliant issues remain. The proposed design remains unacceptable and requires a significant re-design, as was previously recommended, to successfully address these concerns.

The applicant has amended the design and made the majority of the non-compliance issues conform.

Given the proposal is a two (2) storey development, no design excellence is required in this instance.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Single Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8; and
- Smiths Lake Precinct Policy No. 7.1.6.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

ENVIRONMENTAL

The design of the building allows for adequate light and ventilation.

SOCIAL

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

ECONOMIC

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Heritage Comments

The proposed development application involves the demolition of the existing property at No. 6 Kayle Street, North Perth. The subject property is not listed on the City's Municipal Heritage Inventory (MHI) or the MHI Review List.

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

It is considered that approval should be granted for demolition subject the standard condition stating that a demolition licence is to be obtained.

Building Comments

- Building Permit required for Class 2.
- BCA conditions to apply.
- To be privately certified

Technical Services Comments

- Crossover to be no wider than 5.0m where it meets the footpath.
- Driveway 'island' to be contained within lot boundary and not to encroach onto road reserve
- Bin store to be constructed to required standard and to accommodate bin numbers as per requirements
- No additional comments
- Also standard conditions to be applied

Health Comments

- No additional comments
- Also standard conditions to be applied

Planning Comments

The proposed development proposes a number of variations, however these have been reduced to as small a variation as possible given the constraints on the site such as the easement along the northern boundary. The proposal has been reduced in height to meet the deemed to comply criteria, and as much landscaping as possible has been provided, whilst ensuring that mature vegetation including trees are retained and more provided.

It is considered that whilst the proposal is larger than the existing dwelling on the site, the site could have been developed for one single large dwelling. The proposed multiple dwelling development is positioned on the southern side of the site due to the position of the easement and the existing two storey development with boundary wall to the south.

The reduced front setback reflects the existing scenario of properties immediately to the north and south, as well as the existing dwelling's position on the lot.

The plot ratio complies. As the proposal is for four large multiple dwellings which therefore reduces the car parking requirements than if a higher number of smaller multiple dwellings had been proposed. It is considered that the provision of 1 car parking bay in lieu of 1.25 car parking bays is acceptable in this instance.

The variation to overshadowing of the adjoining property to the south is unavoidable and would occur due to the small lot size whether a single dwelling or multiple dwelling were proposed. The proposal has been designed to ensure that overshadowing falls mainly onto the existing roof of No. 4C Kayle Street, and does not affect the access to light or ventilation to any existing windows of this property, and does not impact northern light to any outdoor living areas of this property.

It is considered that the proposed development continues to allow light and ventilation to adjoining properties, and maintains privacy of the subject site and surrounding properties. The variations to the roof form is also considered minor and will not impact the existing streetscape.

Conclusion

Overall, the proposed development is considered to result in a positive addition to the street. The applicant has increased the amount of landscaping and retained some of the existing mature trees on site which is considered to result in a significantly improved proposal. Proposed variations to street and lot boundary setbacks and carparking are considered to be acceptable and not to result in a detrimental impact to the amenity of surrounding residents.

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

9.4.1 Major Artwork for Beatty Park Leisure Centre – Progress Report No.2

Ward:	Both	Date:	1 August 2014
Precinct:	All	File Ref:	SC1460
Attachments:	001 – Public Art Concept Design – Artist Lorena Grant 002 – CONFIDENTIAL Attachments (COUNCIL MEMBERS ONLY)		
Tabled Items:	Nil		
Reporting Officer:	A Birch, A/Manager Community Development		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 2 relating to the Beatty Park Major Artwork;
2. **APPROVES** the;
 - 2.1 appointment of the Artist Lorena Grant, as the successful tender; and
 - 2.2 commissioning of the Public Art Concept as detailed in Confidential Appendix 9.4.1A for the Beatty Park Major Artwork;
3. **NOTES** that a further report will be presented to Council once further work has been progressed on the project.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Pintabona

“That the current Clause 2 be deleted and a new Clause 2 be inserted to read as follows:

2. **Consults for a period of twenty (21) days in line with Clause 2.7 of the City’s Percent for Public Art Policy;**

Debate ensued.

AMENDMENT PUT AND LOST (0-8)

(Cr Peart was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Topelberg

“That a new Clause 3 be inserted to read as follows:

- 3. In line with Clause 2.7 consults with the Community for a period of twenty one (21) days and;**

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for the appointment of Artist Lorena Grant and the commissioning of her Public Art Concept, as detailed as shown in Confidential Appendix 9.4.1A, for the Beatty Park Major Artwork.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013, Council resolved to contract a Public Art Consultant for the project management of the Procurement of Major Artwork for Beatty Park Leisure Centre.

At the Ordinary Meeting of Council held on 27 August 2013, Council resolved to contract Jenny Beahan to manage the Beatty Park Percent for Art project.

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

“That the Council;

1. *RECEIVES the Progress Report No. 1 relating to Major Artworks;*
2. *APPROVES the recommended location near the main entrance of Beatty Park Leisure Centre as detailed in the report as shown in Appendix 9.4.1A and 9.1.4C;*
3. *AUTHORISES the Chief Executive Officer to;*
 - 3.1 *provide direction to the Arts Consultant on the process for commissioning the artwork, as outlined in the report, as shown in Appendix 9.4.1B; and*
 - 3.2 *co-opt persons with specialist and relevant Arts qualifications, industry knowledge and professional experience for the Major Artwork Selection Panel which may comprise City Officers, Council Members, and members of the City’s Arts Advisory Group; and*
3. *NOTES that a further report will be presented to Council once further work has been progressed on the project.”*

DETAILS:

The City's Officers have been working with Jenny Beahan, Arts Consultant, to undertake the Beatty Park Percent for Art project.

On Thursday 8 May 2014, the Artist Brief for the Beatty Park Percent for Art was advertised on the City's website, through the City's social media avenues and through the Artsource E Bulletin. The Artsource E Bulletin is the preferred site for advertising the majority of public art commissions in Western Australia, including those undertaken as part of the State Government's Percent for Art Scheme. Arts Consultant, Ms. Beahan, also distributed the Artist Brief to her extensive data base of professional artists.

The deadline for submissions by Artist Teams was 2:30pm on Wednesday 28 May 2014 and seventeen (17) submissions were received from Artist Teams.

On Wednesday 11 June 2014, a panel consisting of Manager Beatty Park Leisure Centre, Acting Director Community Services, Acting Manager Community Development, Interior Architect Mr. Gary Giles, Director of Turner Galleries Ms. Helen Turner and Arts Consultant Ms. Jenny Beahan met to shortlist three (3) Artist Teams to develop their concepts and submit in response to the Request For Tender.

In order to shortlist three (3) Artist Teams, the selection panel reviewed applications from each of the seventeen (17) Artist Teams and a total of 220 images of their previous work. Informed discussion was also completed, led by Arts Consultant Ms. Beahan. The shortlisting selection criterion was weighted as follows:

Criteria	Weighting
Quality of previous work	40%
Relevant experience	30%
Response to the brief	30%

The three (3) Artist Teams shortlisted were:

- Pamela Gaunt;
- Lorenna Grant; and
- Tony Jones and Angela McHarrie.

On Wednesday 18 June 2014, a site visit at Beatty Park Leisure Centre was held with the three (3) shortlisted Artist Teams. Acting Director Community Services, Acting Manager Community Development and Acting Manager Beatty Park Leisure Centre were in attendance to provide information and answer any queries raised by the Artist Teams.

The three (3) shortlisted Artist Teams were requested to submit their Public Art Submissions in response to the Request For Tender by 4pm Wednesday 23 July. All three (3) Artist Teams submitted their applications on time and in accordance with requirements. The three (3) submissions can be found at shown in Confidential Appendix 9.4.1A, 9.4.1B and 9.4.1C.

On Wednesday 30 July, the selection panel reconvened, with Acting Manager Beatty Park Leisure Centre standing in for Manager Beatty Park Leisure Centre. The selection panel reviewed the submissions prior to the three (3) Artist Teams, separately, presenting their Art Concepts to the panel. Once all three (3) Artist Teams had presented their Art Concepts to the panel, the panel again reviewed the submissions and discussed each at length prior to scoring the Artist Teams. The selection criterion was weighted as follow:

Criteria	Weighting
Response to the brief	40%
Demonstrated ability to realise concept	30%
Value for money	30%

Upon review of the submissions, presentations by the Artist, discussion and subsequent scoring, Artist Loreнна Grant was weighted the highest scoring and recommended to be the Artist and Art Concept to be commissioned for the Beatty Park Major Artwork.

Loreнна Grant's concept, as detailed in Confidential Appendix 9.4.1A, was for a landmark abstract metal sculpture inspired by water rivulets and transposed into a cluster of undulating linear metal forms arching upwards towards the sky. These rivulets trace the gravity trails of drops of water trickling down a glass window and echo the rivulets that wash over swimmers and the children in the play pools, down the glass in the steam room and sauna, down the face of users of the gymnasium. The metal forms would be created in a colour palette of selected blues and finished intermittently in mirror stainless steel. Inset up lighting would cause the form to reflect back in multiplication.

The plinth would be a faceted surface, a gently sloping plane intersecting with the vertical planes that form the corner behind. Cut out elements would create a light filled seating nook for people to sit in and interact with the reflections created by the forms of this sculpture. Materials to be used include mild steel, mirror polished stainless steel and Tessemat.

Of the three (3) presented concepts, the panel resolved that Artist Loreнна Grant's concept was imaginative, vibrant and was the most responsive to the issues raised in the brief. It was also considered to be the best the best value for money. Loreнна Grant's concept embodied the spirit of Beatty Park Leisure Centre; it captured a multiplicity of experiences, was dynamic and interactive, provided a strong day and night time presence with visibility from a variety of locations, was sensitive to the contemporary and historical architecture and will endure the test of time.

The recommendation of the selection panel is for the commissioning of artist Loreнна Grant and her Public Art Concept, as detailed in the body of this report and as shown in Confidential Appendix 9.4.1A, for the Beatty Park Major Artwork.

CONSULTATION/ADVERTISING:

The Artist Brief was advertised through various avenues including the City's website, the City's social media including E-Newsletters and Facebook, Artsource E Bulletin and the Arts Consultant's extensive database.

LEGAL/POLICY:

- Policy No. 1.2.3 Purchasing;
- Policy No. 3.10.7 Art;
- Policy No. 7.5.13 Percentage for Public Art; and
- WALGA Purchasing and Tender Guide.

RISK MANAGEMENT IMPLICATIONS:

Low: The commissioning of recommended Artist for the Beatty Park Major Artwork has been considered and deemed to be low risk.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

The selected Artist will be required to adhere to the sustainability principles and policies that are endorsed and in practice at the City.

FINANCIAL/BUDGET IMPLICATIONS:

The artwork for this project is budgeted at \$100,000.

COMMENTS:

The major artwork for Beatty Park will enhance the facility, providing a level of cultural interest and intrigue for the benefit of the community and patrons.

Artist Loreнна Grant's submission was the most responsive to the Artist Brief and will provide ongoing enjoyment and aesthetic experiences for the users of Beatty Park Leisure Centre, pedestrian and vehicular traffic on a continuing basis.

9.2.2 YMCA HQ, Frame Court, Leederville - Proposed Fence Removal and Improvement Works at Skate Park

Ward:	South	Date:	1 August 2014
Precinct:	Oxford centre (4)	File Ref:	SC633
Attachments:	001 – Proposed Improvement Plan 002 – Fencing (Playground type fence) 003 – Proposed bollard		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that the at its Ordinary Meeting held on 13 May 2014 (Item No. 9.3.3) it approved the removal of the fence surrounding the YMCA HQ recreational (skate park and basketball court) facility;
2. **APPROVES** the following works, associated with the above decision, estimated to cost \$26,600 as detailed in the report and as shown on ~~the attached plans~~ attachments 1, 2 and 3:
 - 2.1 supply and installation of ~~pool-type~~ fencing along the edge of the existing half pipes and repairs to a half pipe;
 - 2.2 supply and installation of bollards along northern boundary of skate park; and
 - 2.3 supply and installation of new gates; and
3. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of \$26,600 from the Capital Miscellaneous Initiatives account to fund the works.

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

Moved Cr Harley, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Cole

“That Clauses 2 and 3 be amended to read as follows:

2. **APPROVES** the following works, associated with the above decision, estimated to cost up to \$26,600 as detailed in the report and as shown on ~~the attached plans~~ attachments 1, 2 and 3;
3. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of up to \$26,600 from the Capital Miscellaneous Initiatives account to fund the works.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

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

(Cr Peart was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **NOTES** that the at its Ordinary Meeting held on 13 May 2014 (Item No. 9.3.3) it approved the removal of the fence surrounding the YMCA HQ recreational (skate park and basketball court) facility;
2. **APPROVES** the following works, associated with the above decision, estimated up to cost \$26,600 as detailed in the report and as shown on attachments 1, 2 and 3;
 - 2.1 **supply and installation of fencing along the edge of the existing half pipes and repairs to a half pipe;**
 - 2.2 **supply and installation of bollards along northern boundary of skate park; and**
 - 2.3 **supply and installation of new gates; and**
3. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of up to \$26,600 from the Capital Miscellaneous Initiatives account to fund the works.

PURPOSE OF REPORT:

The purpose of the report is to seek the Council's approval to undertake various improvements at YMCA HQ including removal of the fencing as approved at the Ordinary Meeting of Council held on 13 May 2014 (Item NO. 9.3.3) and to source the funding from the Miscellaneous Initiatives Capital account.

BACKGROUND:

At the Ordinary Meeting held on 13 May 2014 it was resolved (in part) as follows:-
"That the Council;

1. *RECEIVES* the report regarding the removal of the fence currently surrounding YMCA HQ; and
2. *APPROVES*;
 - 2.1 *The removal of the fence surrounding the YMCA HQ recreational (skate park and basketball court) facility;."*

DETAILS:

As noted above the Council has previously approved the removal of the fence surrounding YMCA Head Quarters (HQ) and officers have outlined various installations and improvement works that are required to maintain security and safety at this facility.

Supply and install ~~pool~~ Playground type fencing along edge of half pipes:

On the west side of the facility there are two (2) skate ramps with open sides adjacent to the Oxford Street Reserve. To prevent children running through the open sides and into the path of skaters it is recommended to install a small fence across these openings.

~~It is considered that the proposed fencing be in keeping with the general park colour theme.~~

In view that this fencing is directly adjacent to the park it is recommended that the design of the fence is in keeping with the design currently being installed around the new nature playground within the park. This fencing is shown in Attachment 002.

Supply and install bollards along northern boundary of skate park:

As the recreation facility is adjacent to the Frame Court car park, it is recommended to install bollards along the north side of the facility to prevent vehicle access. The design of the proposed bollard is shown in the Attachment 003.

Supply and install new gates:

HQ is concerned about the security of the main office building if the fence around the facility is removed leaving no barrier between the public and their front entrance. HQ has requested that security gates are installed between the recreation facility and their leased area to block access to the main office building after hours whilst the recreational facility remains open to the public.

Repairs to existing half pipe:

Some urgent minor repairs are required to one of the existing half pipes before this becomes a major problem and a significant expense to the City.

CONSULTATION/ADVERTISING:

As advised in the previous report to the Council in regards to this matter the Leederville Town Centre Enhancement working group and YMCA HQ have both been consulted with in regards to the above recommendations; both groups are supportive of the recommendations.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Upon liaising with the City's insurers, and the performing a risk assessment on site at HQ, this project has been deemed as medium risk.

STRATEGIC IMPLICATIONS:

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

- "1.1 *Improve and maintain the natural and built environment and infrastructure;*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment; a*
 - 1.1.6 *Enhance and maintain the City's parks, landscaping and the natural environment."*
- "2.1 *Progress economic development with adequate financial resource;*
 - 2.1.4 *Implement the Leederville and North Perth Masterplans."*
- "3.1 *Enhance and promote community development and wellbeing;*
 - 3.1.2 *Promote and foster community safety and security;*
 - 3.1.3 *Promote health and wellbeing in the community;*
 - 3.1.4 *Continue to implement the principles of universal access;*
 - 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

Removing the fence surrounding the recreational facilities at YMCA HQ would help incorporate the facility into the new Oxford Street Reserve, further activating the town centre. This would assist in the long term sustainability of the facilities for the general community.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the works outlined above are as follows:-

Removal and disposal of existing chain mesh fencing	\$ 2,250
Supply and install pool type <u>playground type fencing*</u> along edge of half pipes	<u>\$ 10,000</u>
Supply & install bollards along northern boundary of skate park	\$ 7,850
Supply & install new gates	\$ 4,940
Repairs to existing half pipe	<u>\$ 1,560</u>
Total cost	<u>\$26,600</u>

Note:* The Contractor has advised that the fence manufacturer has supplied some additional playground type fence panels extra over the initial order and that these can be purchased and installed for around \$10,000.

A total of \$85,000 has been included in the 2014/2015 budget under 'Capital Miscellaneous Initiatives'

COMMENTS:

As noted in previous reports these works will assist in incorporating the current facility into the newly developed Oxford Street Reserve and further activating the Leederville Town Centre. It will also open the recreational facility to be accessible to all of the community and meet the community's requests for a free community skate park.

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

9.3.1 Adoption of Additional Fees and Charges 2014/15

Ward:	Both	Date:	1 August 2014
Precinct:	All	File Ref:	SC245
Attachments:	001 – 2014/15 Additional Fees and Charges Schedule		
Tabled Items:	Nil		
Reporting Officer:	B Tan, A/Director Corporate Services		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ADOPTS BY ABSOLUTE MAJORITY** the additional Fees and Charges to be included in the Schedule of Fees and Charges for the City of Vincent Annual Budget 2014/15, as shown in Attachment 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

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

(Cr Peart was an apology for the Meeting.)

PURPOSE OF REPORT:

To obtain the Council's approval of the Additional Fees and Charges which were received after the adoption of the Schedule of Fees for the Financial Year 2014/15.

BACKGROUND:

At the Special Meeting of Council held 1 July 2014 the Council resolved the following in part:

"1. *BUDGET:*

To ADOPT in accordance with Section 6.2(1) of the Local Government Act 1995 the City of Vincent Annual Budget 2014/15 for the year ending 30 June 2015, as distributed with this Agenda, "Tabled Item" and incorporating the:

...

1.5 *Schedule of Fees and Charges, as shown in Section 8 of the Annual Budget 2014/15;*

..."

DETAILS:

Subsequent to the adoption of the fees and charges the City was advised of the following additional fees and amendments for Health Services, Waste Management Services and Planning Services.

Additional fees recommended for 2014/15:

Health Services:

		2013/14	2014/15	GST
Floor Area Charge	Per square metre		\$85.00	N
Charge per Chair – First 6 Chairs		\$70.00	\$73.00	N
Charge per Chair – all Chairs over 6		\$90.00	\$94.00	N
PERMITS				
Licence for Screens for Outdoor Eating	Per screen	\$40.00	\$40.00	N

Waste Management Fees:

At the OMC 27 May 2014 (Item 9.2.1) the Council resolved in part:

“ ...

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

...”

	2013/14	2014/15	GST
Mattress Recycling Fee		\$10.00	N

Planning Fees:

Applications for Building Permits

			2014/15 Fee	Minimum	GST
Item	Form	Application			
1	FORM BA1	Certified application for a building permit (s. 16(l))			
		(a) for building work for a class 1 or class 10 building or incidental structure	Estimated Value (GST inc) x 0.19%	\$90.00 \$92.00	N
		(b) for building work for a class 2 to class 9 building or incidental structure	Estimated Value (GST inc) x 0.09%	\$90.00 \$92.00	N
2	FORM BA2	Uncertified application for a building permit (s. 16(l))			
		(a) for building work for a class 1 or class 10 building or incidental structure	Estimated Value (GST inc) x 0.32%	\$90.00 \$92.00	N
3	FORM BA22	Application to extend the time during which a building permit has effect (s. 32(3)(f))	\$90.00	\$90.00 \$92.00	N

Application for Demolition Permits

			2014/15 Fee	GST
Item	Form	Application		
1	FORM BA5	Application for a demolition permit (s. 16(l))		
		(a) for demolition work in respect of a class 1 or class 10 building or incidental structure	\$90.00 \$92.00	N
		(b) for demolition work in respect of a class 2 to class 9 building	\$90 for each storey of the building	
2	FORM BA22	Application to extend the time during which a demolition permit has effect (s. 32(3)(f))	\$90.00 \$92.00	N

Application for Occupancy Permits - Class 2-9 Buildings

			2014/15 Fee	Minimum	GST
Item	Form	Application			
1	FORM BA9	Application for an occupancy permit for a completed building (class 2-9) (s. 46)	\$90.00	\$90.00 \$92.00	N
2	FORM BA9	Application for a temporary occupancy permit for an incomplete building (class 2-9) (s. 47)	\$90.00	\$90.00 \$92.00	N
3	FORM BA9	Application for modification of an occupancy permit for additional use of a building on a temporary basis (class 2-9)(s. 48)	\$90.00	\$90.00 \$92.00	N
4	FORM BA9	Application for a replacement occupancy permit for permanent change of the building's use, classification (class 2-9)(s. 49)	\$90.00	\$90.00 \$92.00	N
5	FORM BA9	Application to replace an occupancy permit for an existing building (class 2-9) (s. 52(1))	\$90.00	\$90.00 \$92.00	N
6	FORM BA9	Application for an occupancy permit for a building in respect of which UNAUTHORISED work has been done (class 2 to 9) (s. 51(3))	Estimated Value (GST inc) x 0.18%	\$90.00 \$92.00	N
7		Application to extend the time during which an occupancy permit or building approval certificate has effect (class 2-9) (s. 65(3)(a))	\$90.00	\$90.00 \$92.00	N

Application for Building Approval Certificates - Class 1 & 10

			2014/15 Fee	Minimum	GST
Item	Form	Application			
1	FORM BA13	Application for a building approval certificate for a building in respect of which UNAUTHORISED work has been done (class 1 or 10) (s. 51(3))	Estimated Value (GST inc) x 0.38%	\$90.00 \$92.00	N
2	FORM BA13	Application for a building approval certificate for an existing building where unauthorised work has not been done (class 1 or 10) (s. 52(2))	\$90.00	\$90.00 \$92.00	N
3		Application to extend the time during which a building approval certificate has effect (class 1 or 10) (s. 65(3)(a))	\$90.00	\$90.00 \$92.00	N

Application for Strata

			2014/15 Fee	Minimum	GST
Item	Form	Application			
1	FORM BA11	Application for an occupancy permit for registration of strata scheme, plan of re-subdivision (class 2-9) (s. 50(1) and (2))	\$10 for each strata unit covered by the application	\$100.00 \$102.00	N
2	FORM BA15	Application for building approval certificate for registration of strata scheme, plan of re-subdivision (class 1-10) (s. 50(1) and (2))	\$10 for each strata unit covered by the application	\$100.00 \$102.00	N

Other Planning Fees

		2014/15 Fee	Minimum	GST
Item	Application			
4	Inspections for occupancy permits for completed buildings class 2-9	Subsequent inspection fees of officers in the event initial visit is inconclusive or the works incomplete	\$120.00	N
2	Inspections for occupancy permits - strata	Subsequent inspection fees of officers in the event initial visit is inconclusive or the works incomplete	\$120.00	N
3	Inspections for building approval certificates - strata	Subsequent inspection fees of officers in the event initial visit is inconclusive or the works incomplete	\$120.00	N
4	Application as defined in regulation 31 (for each building standard in respect of which a declaration is sought)		\$2,000.00 \$2,040.00	N
5	Applications for copies of Permits and Building Approval Certificates	To be advised - City provides a Building Plan Archive Search Service	-	N
6	Applications to inspect and obtain a copy of the Building Records	To be advised - City provides a Building Plan Archive Search Service	-	N

	2013/14	2014/15	GST
DEVELOPMENT APPLICATIONS			
<u>Liquor Licence Application & Inspection Request Fee (Section 40 Certification)</u>		<u>\$73.00</u>	N
Home Occupation <u>(includes Home Business)</u> Initial	\$222.00 And, if the home occupation has commenced or been carried out, an additional amount of \$444 by way of penalty.	\$222.00 And, if the home occupation has commenced or been carried out, an additional amount of \$444 by way of penalty.	N

	2013/14	2014/15	GST
DEVELOPMENT APPLICATIONS			
Town Planning Scheme Amendment/Rezoning and Structure Plan Application	\$2,600.00	<u>Deposit: \$2,800.00</u> <u>Cost of work calculated at the following hourly rates:</u> <u>Director: \$88.00</u> <u>Manager/Senior Planner: \$66.00</u> <u>Planning Officer: \$36.86</u> <u>Other Staff eg Environmental Health Officer: \$36.86</u> <u>Secretary/administrative clerk: \$30.20</u>	N

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

In accordance with the *Local Government Act (1995)*, Sections 6.16, 6.17 and 6.18.

RISK MANAGEMENT IMPLICATIONS:

Low: The fees and charges are supported by the City. The risk is that the budgeted level of revenue from the fees and charges may not be attained in any one financial year.

STRATEGIC IMPLICATIONS:

The new and amended fees and charges have been included in the preparation of the Draft Annual Budget 2014/15.

SUSTAINABILITY IMPLICATIONS:

The fees and charges represent a significant component of the City's revenue and require to be adjusted annually to ensure the City's financial sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

The revenue received from the proposed fees and charges will be included in the revenue component of the financial statements for 2014/15.

COMMENTS:

It is recommended that these additional fees and charges are included in the fees and charges for 2014/15 as both categories of fees are required by legislation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 7.00pm **Moved Cr Topelberg, Seconded Cr Pintabona**

That the Council proceed “behind closed doors” to consider confidential item 14.1 and confidential item 14.2 as these matters contain information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield and Julie Lennox-Bradley departed the meeting.

Media – David Bell departed the Meeting.

PRESENT:

Mayor John Carey Presiding Member

Cr Roslyn Harley (*Deputy Mayor*) North Ward

Cr Matt Buckels North Ward
Cr Emma Cole North Ward
Cr Laine McDonald South Ward
Cr John Pintabona South Ward
Cr Joshua Topelberg South Ward
Cr Julia Wilcox North Ward

Len Kosova Chief Executive Officer
Rick Lotznicker Director Technical Services
Jacinta Anthony Acting Director Community Services
Bee Choo Tan Acting Director Corporate Services
Gabriela Poezyn Director Planning Services

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

14.1 CONFIDENTIAL ITEM: Nos. 60, 62 and 62A (Lot: 141 D/P: 32175, and Strata Lots 1 and 2 on Strata Plan 44480) Cheriton Street, Perth – Review (Appeal) State Administrative Tribunal (SAT) DR 95 of 2014 – Demolition of Existing Grouped Dwelling

Ward:	South	Date:	1 August 2014
Precinct:	EPRA (15)	File Ref:	DA 5.2013.438.1; PR50533, PR50888
Attachments:	Confidential – Development Application Plans Confidential – Allerding Associates Report		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	Gabriela Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to Proposed Demolition of Existing Grouped Dwelling at Nos. 60 and 62 (Lot: 141 D/P: 32175, and Strata Lot 1 on Strata Plan 44480) Cheriton Street, Perth - State Administrative Tribunal Review (Appeal) DR 95 of 2014, and as shown on plans stamp-dated 3 October 2013 as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Buckels

That the item be DEFERRED to and subsequently reported to the Ordinary Meeting of Council to be held on 26 August 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

DETAILS:

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

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

The confidential report is provided separately to the Council Members, the Chief Executive Officer and Directors. In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL ITEM: No. 277 (Lot: 19 D/P: 1561) Vincent Street, Leederville – Proposed Demolition Of Existing Building and Construction Of Four (4) Storey Multiple Dwelling Comprising Ten (10) Multiple Dwellings With Associated Car Parking – Reconsideration under Section 31 of the State Administrative Tribunal Act 2004 (DR 142 of 2014)

Ward:	South	Date:	1 August 2014
Precinct:	Oxford Centre, P4	File Ref:	PRO3238; 5.2013.553.1
Attachments:	Confidential – Property Information Report & Development Application Plans Confidential – Applicant Justification Report Confidential – Further Information and amended plans from Applicant		
Tabled Items:	Nil		
Responsible Officer:	Steve Allerding – Allerding & Associates (engaged consultant)		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to Proposed Demolition Of Existing Building Construction Of Four (4) Storey Multiple Dwelling Comprising Ten (10) Multiple Dwellings With Associated Car Parking – Reconsideration under Section 31 of the State Administrative Tribunal (SAT) Act (DR 142 of 2014) at No. 277 (Lot: 19 D/P: 1561) Vincent Street, Leederville as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.2

Moved Cr Buckels, Seconded Cr McDonald

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

DETAILS:

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

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

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The confidential report is provided separately to the Council Members, the Chief Executive Officer and Directors. In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 7.30pm **Moved Cr Buckels, Seconded Cr Cole**

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 7.30pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Len Kosova	Chief Executive Officer
Rick Lotznicker	Director Technical Services
Jacinta Anthony	Acting Director Community Services
Bee Choo Tan	Acting Director Corporate Services
Gabriela Poezyn	Director Planning Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 August 2014.

Signed:Presiding Member John Carey.

Dated this day of 2014.