



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**26 AUGUST 2014**

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 26 August 2014, commencing at 6.00pm.

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

The Presiding Member, Mayor John Carey, declared the meeting open at 6.00 pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

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

**(a) Apologies:**

Cr Roslyn Harley unwell

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

2.1 Cr Laine McDonald on approved leave of absence from 21 August 2014 – 17 September 2014

2.2 Cr James Peart on approved leave of absence from 4 August 2014 to 27 August 2014

2.2 Director Corporate Services, Mr Mike Rootsey on approved leave of absence.

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Matt Buckels	North Ward
Cr Emma Cole	North 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
Petar Mrdja	Acting Director Planning Services
Jerilee Highfield	Executive Assistant Minutes Secretary
Julie Lennox-Bradley	Acting Executive Assistant Minutes Secretary

Employee of the Month Recipient

Nil.

Media

Sophie Gabrielle	Journalist – "The Guardian Express" (until approximately 7.20 pm)
David Bell	Journalist – "The Perth Voice" (until approximately 7.20 pm)

Approximately 18 Members of the Public

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

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

1. Aaron Sice applicant for proposal at 24 Ruth Street – Item 9.1.3 stated the following:
  - When the owners approached me to design a pair of modern townhouses for this site I couldn't think of a worst outcome for Ruth Street with Musbery Terraces just over the road there was no modern design that could compliment the streetscape. A single or double garage along this frontage would simply destroy the low set ground level interface that all dwellings along Ruth Street provide for. I therefore talked the owners into retaining the existing home and simply subdividing the rear to provide the modern townhouse of their family as Edith Street is undergoing a transition from utilitarian to residential and suits more modern elements. But what to do with a nine (9) metre wide, thirteen (13) metre deep rear Lot. Street parking for the older homes is part of the character of this area.
  - The Vincent planners agreed and the subdivision was approved with street parking for the existing dwelling only. The proposed dwelling provides for one (1) car bay onsite as per the client's request and the R Codes. I understand the concerns of Council surrounding unadvertised R Coding changes and how it will affect this area. The proposed subdivision approach has met all the intent behind the proposed de-zoning of the area by keeping existing streetscape intact activating new spaces and providing for a gentrification of underutilised urban infill areas. The design draws its context from the rear shed elements that used to make up the laneway that is now Edith Street. It provides for a dwelling size and scale that is obvious and apparent along Edith Street it is the only Lot along this side of the road that is nine (9) metres wide and majority being ten (10) or more therefore the extra value wall was required to fully capitalise on the site. Amenity for the existing dwelling has been maintained and appropriately conditioned.
  - The objections raised against the design were for the previous version, the version before you for the vote tonight represents an amended plan in response to those objections and compliance concerns from the City, this is the fifth revision of this plan and I assure you the City's planners are not simply supporting it duress and fatigue. I am very passionate about liveable outcomes both for occupant and neighbours. I have designed something I would be happy to live in and happy to live next door to. I trust the Council will agree with the merits of the proposal and vote in favour of the proposal tonight.

*The Presiding Member Mayor Carey thanked Mr Sice for his comments.*

2. Jay Brander of 11 Edith Street – Item 9.1.3 stated the following:
  - I've bought the home with my partner it's our first home looking to set up our life in Edith Street. The budget was out of our limit we went to see the house on a day much like today a beautiful sunny day with our bedroom, living room, main courtyard area all bathed in sunlight literally eighty (80) percent of our whole property. The first thing we did was update our courtyard into a more usable space with plants and real grass I've already noticed that I am having to remove plants to get more sunlight in the area. We are concerned about the proposed development and how it will impact our home, not just its large frame and its going to generally obstruct a lot of this sunlight but also its a towering property at nearly nine (9) metres high and proposing a three (3) bedroom house over three (3) stories on a hundred and twenty (120) square metres, this is the same footprint as our home a one (1) bedroom, one (1) level home. We believe the proposal for this site is not suitable.
  - As per the residential design code requirements this proposed design doesn't meet a lot of them, we acknowledge changes have been made but we still believe it's not sufficient enough. We also believe that the added street

parking permits will impact Edith and Ruth Street with up to two (2) new permits allocated to this property and maybe a guest one meaning another three (3) spaces on the already crowded street, and also the current occupiers that are at Ruth Street property who park their car in this Lot will now be parking their car on the street also.

- We understand this proposal has had other opposition to us and believe it is due as well, we believe the proposal is quite irresponsible for ignoring a lot of the building design codes and wanting to impact your neighbours like this we find is un-neighbourly. We are the smallest home on Edith Street and we feel like the little guy. Change is coming to Edith Street and we welcome that just not like this. If the roles were reversed and it would be the same thing the Developers would be standing here saying I can't build this. Thank you for allowing me to speak.

*The Presiding Member Mayor Carey thanked Mr Brander for his comments.*

3. Mark Dregal of 159 Loftus Street, Leederville – Item 9.1.4 stated the following:
  - From Arc Eden the Projects Development Manager, I would like to acknowledge also the original custodians of this land for tonight. Arc Eden is a sustainable property consultancy we understand and embrace the principle of sustainable property design as our core value. To do this we must understand our community be respectful of our community and be respectful of mother earth. We desire to leave a positive legacy with this project in essence future proofing the project for future generations. In coming up with the project title unity equals community we put together a team of like minded individuals to create a vision that you have before you tonight. We live in this community and embrace all that it has to offer and understand and live by the vision the City of Vincent has set down enhancing and celebrating our diverse community, our sustainable and caring community built with vibrancy and diversity. I would like to thank Council staff in particular for working with us and assisting us to getting us to where we are today. Frankly from my perspective it's very refreshing to see a Council as proactive as you, so it's really congratulations to you and thank you all.

*The Presiding Member Mayor Carey thanked Mr Dregal for his comments.*

4. Louise Wilson of 64 Brady Street stated the following:
  - Regarding the letter that went to 62 Brady Street, my questions haven't been answered really, in the letter from the Director of Technical Services to Brady Gardens strata company we were directed to I think it was to the Manager of Parks, when I phoned him up to ask him what was happening he told me the park was being fenced off. It seems like it's been a done deal and saying that it was only suggested as an option it's just not truthful.
  - I would also like to know why my second question about why the thoroughfare does not have any legal standing under the local government has not been answered, it just says it hasn't there has been no explanation there. The Local Government Act permits for a thoroughfare to be evidence by an official plan my understanding is that the official plan of the strata complex shows the thoroughfare as clearly linking Brady Gardens to Lynton Street.
  - On section 9.3.2 I would like to know what is the annualised percentage rate of the interest that is payable on the loan, I am also reviewing the expenditure for July and comparing it this years budget I wonder why the City needs to spend half a million dollars on financial services staff and a quarter million dollars on the Director of Technical Services and it still doesn't seem to have anyone on staff who can act as a handyman or prune or plant a tree. Handyman cost sixty nine (69) thousand last month, tree services cost one hundred and twenty three (123) thousand, key cutting cost four and a half (4.5) thousand. Why did the City spend four and half (4.5) thousand dollars a month on key cutting. Nearly five (5) thousand dollars for printer, copier leases despite one hundred and fifty (150) thousand in the reserves for

electrical equipment and I also note there are sixty three (63) thousand dollars spent on bobcat hire despite having half a million dollars in reserves for plant equipment.

- Regulation twenty seven (27) of the local government financial management regulations of 1996 paragraph C part 4, states that the budget should contain an estimate of the revenue from both the interest and the additional charges be able for the instalment of rates. The Budget for 2014-2015 that I have seen doesn't seem to have that break down.

*The Presiding Member Mayor Carey thanked Ms Wilson for her comments.*

5. Aaron Sice applicant for proposal at 588 Newcastle Street – Item 9.1.4 stated the following:
  - The proposal before you tonight is slightly modified from the original submission to the DAC for which you received design excellence. After the advertising period only four (4) comments were received, two (2) being in favour. The objections that were raised were in regards to the balcony positions and the height of the boundary walls. We took a proactive approach and modified the plans to bring the rear boundary wall under the allowable maximum heights, increase the fenestration to neighbouring properties and further screen the balconies. We tried to contact the concerned neighbour both through the City and with a door knock and note to discuss the new plans with the neighbour but to no avail. The design draws its inspiration from the immediate surrounds and the palate of materials chosen further compliments the immediate location. The proposal is also sustainable not as in we threw a few fancy gismos at it but design for life or future proofed, the design easily accommodates for a change of use and back again as Newcastle Street and it's predominate uses evolves over the next decade. The future proofing of this design means the building means the building will remain an adaptive and functional landmark for a long time to come.
  - Monday morning I sent an email to all Councillors explaining the background behind the misunderstanding with car parking allocations, this request is not a last minute grab for more bays it is merely a misunderstanding for how much parking shortfall we were asked to justify. Visitors spaces behind two roller gates with main road ingress and private right of way egress is an operational nightmare over the life term of the building with the greatest concern being the proximity to the intersection for casual users. The proposal is situated adjacent to a light industrial area namely Douglas Street, with a great deal of underutilised bays after hours not requiring the use of the limited parking resource along Newcastle Street. It is simply not feasible operationally and financially to propose a development in this location that provides an element with no resident car bays the reality is this will lead to illegal street parking for the affected occupants.
  - To push daily parking requirements outside of the development in favour of a casual use that will remain vacant for significant majority of the time is a retrograde step for liveability and daily function within an inner suburban environment. The design has always proposed nine (9) car bays and nil visitors as evident from the plans right there for advertising. There has never been any mention of on-site visitor bays on any version of the plans. The car park has always secured front and rear for which the R codes prohibits visitors to be a part of this space but encourages the recycling of on-street parking. We are requesting a re-wording of the Agenda and Report to reflect nine (9) resident bays and nil visitor bays and the removal of condition two (2) in its entirety and the accompanying condition 7.4. I trust the Council will agree with the DAC that this proposal does indeed constitute design excellence and I trust the Council will see the merit in the proposal before you and vote in favour of it tonight. Thank you very much.

*The Presiding Member Mayor Carey thanked Mr Sice for his comments.*

6. Ben Doyle of Planning Solutions 296 Fitzgerald Street, Perth. – Item 9.1.1 stated the following:
- This proposal first went to the City's DAC on the 18 September 2013, three hundred and forty two (342) days ago. It's been to the DAC four (4) times now, the second DAC meeting in October 2013 the DAC reviewed the changes, made a recommendation only requiring some additional detail to be shown on the plans, no mandatory changes were stipulated. The DAC specifically advised that the proposal could be presented without the applicant needing to attend the subsequent DAC meeting. We did this, went to the DAC again in December 2013, two (2) of the four (4) members at that meeting had not been at the previous meeting and one (1) of those had not seen this proposal at all previously unsurprisingly they put in a whole load of new modifications required to the design. After Council deferred consideration of this proposal in May of this year we went back to the DAC for a fourth time yet more issues not previously raised and not related to modifications that we had made since earlier DAC meetings were raised by the members. It's a game of snakes and ladders.
  - The City's manager of planning and building services has confirmed that this proposal would most likely been supported if DAC formal endorsement had been provided. Now I am aware that Council is aware that the DAC process had become dysfunctional and had taken steps to resolve this issue. That's encouraging but unfortunately it doesn't help us because our proposal went through the wringer at the time that the DAC process was broken. Since the Council meeting we have made a number of changes and we have met and discussed this with Councillors, we've dropped one apartment, we've set the upper storey back an additional four (4) metres, we have increased the landscaping to a forty three (43) percent of the site, we have increased setback to the western side a half a metre, we have removed protrusions above the driveway and a number of other changes to reduce the perceived bulk and scale.
  - The officers of the City wanted to go back to the DAC for a fifth time we just simply couldn't accept that. Now the officer report notes that the balconies and landscaping are slightly below the deemed to comply standard, we can fix that without any problem.
  - Now I understand the adjoining neighbour has raised concerns about the boundary wall on the western side, I'll point out the officer report is incorrect at page ten (10) where it says there are two (2) boundary walls there is one (1). It is also incorrect where it says the building is eleven point seven (11.7) metre high it is nearly a metre less than that. The R Codes would permit a boundary wall as of right seven (7) metres high and thirty (30) metres long on that western boundary. Our boundary wall is two point nine (2.9) metres high and less than thirteen (13) metres long. It is less than half the height and half the length that would be deemed as of right under the R Codes. On that side part of our boundary wall is against the existing neighbour's boundary wall they've also got a dunny and a shed in their back yard against that boundary. I would ask that you move the alternative recommendation.

*The Presiding Member Mayor Carey thanked Mr Doyle for his comments.*

7. Anthony Magri 4A Salisbury Street Leederville – Item 9.1.1 stated the following:
- I speak on behalf of my Grandfather. The revised plans and the recommendations were only received today. We note that there is significant obstruction that Mr Ben Doyle didn't point out of the one window that exists on that one boundary where the wall is two point nine (2.9) metres high and that two point nine (2.9) metre high wall sits below a current roof structure obstructing all light and all ventilation. My Grandfather does not look like a mushroom he does not thrive with no light and he does not thrive in any ventilation. He is living now or proposed to live impartial internment by this proposed design. When the planners have addressed the issue of setbacks they haven't addressed the issue of setbacks at the height of the veranda

they've addressed the issue of setbacks above the roof height of the current proposed development, this development not only is four (4) metres above code but is also in an area where only a three (3) storey development is allowed for proposal, there are no four (4) storey developments, the Dorian Apartments across the road are only three (3), why should a development be four (4) stories with a detriment to the neighbours that will determine that they are not only entombed by this parapet wall but they're also entombed by this development which doesn't allow any ventilation what so ever because it's ten (10) metres from the rear boundary ground level, four (4) metres from the rear of the property, four (4) metres from the front of the property.

- How is there going to be light from this property from six (6) o'clock in the morning until well after midday. I strongly urge you to follow the recommendation that was provided by DAC on the 2 July 2014, which recommends it for refusal unless it is excavated and ticks of further recommendations. It is also been recommended for refusal by the planning department it continues to be recommended for refusal because it does not meet any of the R Code in full contravention of all R codes. We are not opposed to the aesthetic of the building we're just opposed to the fact that it contravenes too many of the R code contraventions and is too much to any neighbour to sign off on. Thank you.

*The Presiding Member Mayor Carey thanked Mr Magri for his comments.*

8. Garreth Granville 296 Fitzgerald Street Perth - Item 9.1.1 stated the following:
  - Firstly I would like to say that revised plans were given to Mr Magri on the 13 August, not today. Secondly we did offer to meet with Mr Magri to discuss but we were declined on numerous occasions I would like to reiterate that a boundary wall twice as long and twice as high is permitted at the western boundary, and also in terms of access to daylight and overshadowing the proposal fully complies with the R codes. Thank you.

*The Presiding Member Mayor Carey thanked Mr Granville for his comments.*

9. Debbie Saunders 320 Oxford Street Leederville - Item 9.4.3 stated the following:
  - Public Art for the Leederville Town Centre, it's the same question as the last meeting regarding why your stating policies that you aren't complying with, and I know you said last time that you decided that you weren't going to but then how can that be under the strategic implications be the policy thats mentioned if your not going to comply.

*The Presiding member responded, advising that this question was answered at the last Council Meeting.*

- But I don't understand how or why you make policies when it's your discretion then to follow them or not, I thought they had to amended if you weren't going to follow them, you can just not follow them whenever you like

*The Presiding member responded, advising that Council agreed on a different decision-making process in December 2013 regarding public art at Beatty Park.*

- Well its only just come this last meeting and this one Public Art under that policy, this is the first two (2) times that its come up so you haven't used it before.
- Also regarding the community consultation for the Minutes for the 22 July there doesn't seem to be any vote on the procedural motion to defer in the minutes it doesn't make sense if I could have the CEO look at those minutes.
- Also in the same item there's no mention of the petition against the removal of community consultation for public art, could you tell me if that was discussed?
- And the other question I had last week regarding the minutes just wanting to ask the CEO why did he not state last week that there were two (2) different

sets of minutes for that meeting. One set of minutes that came out after the meeting I think on the Monday following that meeting and then a week later there's a different set of minutes up, I've got both the copies if you need them.

*The CEO advised that he would review this matter.*

- Just a couple of things on the Budget or the re-budgeting that a bit disappointed to see that the deferral of the CCTV for Oxford Street. We had CCTV on the exterior of Greens but have switched them off because of the Police reliance on that CCTV, which takes up so much time to go through and check footage and every time they come to do that they always ask where are the Council cameras to which there is none in Oxford Street, I find it a bit surprising that you've got forty seven (47) cameras on Beaufort Street and zero on Oxford Street

*The Presiding member responded, that was funded by the State Liberal Government.*

- There was also funding for Leederville as well.
- And one last thing on the budget for the last financial year why is there such a difference between the expenditure report for June and July and were some of the expenses deliberately not paid in the last month of the prior financial year so as to lessen the deficit or surplus as some people call it.

*The Presiding member responded, that he would take that on notice.*

- Also during those same months of June and July there seems to be five (5) cheques missing if you go along in numerical following of the cheques five (5) numbers are missing between the June and July I was wondering if you could also explain also where those cheques went.

*The Presiding member responded, that he would take that on notice.*

There being no further speakers, Public Question Time closed at approx. 6.25 pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

6.1 Minutes of the Ordinary Meeting of Council held on 12 August 2014

**Moved Cr Topelberg Seconded Cr Buckels**

**That the Minutes of the Ordinary Meeting of Council held 12 August 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (6-0)**

**(Cr Harley was an apology for the Meeting.)**

**(Cr Peart and Cr McDonald were on approved leave of absence.)**

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

The Presiding Member Mayor John Carey made the following announcements:

**7.1 Official Launch of the Oxford Reserve and Playground Area**

We officially launched on Saturday the new Oxford Reserve and Playground area we had a few hundred people parents and families come, it was a wonderful event and we had to cut proceedings to a certain degree because there was a stampede of children into the new play area. I have to say the feedback from the community has been incredible it is a major rejuvenation of Leederville. I will just give you an example, I have been inundated with phone calls, here is one email that I thought was a good snap shot.

*"Dear Mayor Carey and the City of Vincent the new Oxford Street Reserve is fantastic I went to the opening on Saturday and it was a great community event. Awesome opening events aside as you know the measure of success in a redevelopment space activation, is the uptake by the local community. I just want to pass on my observations as I walked past on both Saturday afternoon and Sunday morning. I noticed children playing in the playground teams on the ping pong table, laptop users, skaters, coffee drinkers and couples, families, friends picnicking on the grassed area. It is truly been embraced by the community, so different from what it used to be it has really made a positive impact on the community. Seeing the mix of people all using the space put a smile on my face. Nice one, a real success."  
From Natasha and Oxford Street Residents.*

I think that just captures how we saw the potential for this project and now its proving to be, I think, what will be a great asset for years to come.

**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:**

9.1.1, 9.1.3, 9.1.4, 9.4.3, 9.5.1.

**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:**

Item 9.4.2, 9.4.4.

**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	9.5.1
Cr Cole	Nil
Cr Harley (Deputy Mayor)	Apology
Cr McDonald	Approved Leave
Cr Peart	Approved Leave
Cr Pintabona	Nil
Cr Topelberg	9.2.2
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:**

9.1.2, 9.1.5, 9.2.1, 9.3.1, 9.3.2, 9.4.1, 9.4.5, 9.5.2.

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

Item 14.1.

**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*;**

9.1.2, 9.1.5, 9.2.1, 9.3.1, 9.3.2, 9.4.1, 9.4.5, 9.5.2.

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

9.1.1, 9.1.3, 9.1.4, 9.4.3, 9.5.1.

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

9.5.1, 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 the order 9.5.1, 9.1.3, 9.1.4, 9.1.1, 9.2.2, 9.4.2, 9.4.3, and 9.4.4.**

**ITEMS APPROVED “EN BLOC”:**

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

**Moved Cr Cole Seconded Cr Pintabona**

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

**Items 9.1.2, 9.1.5, 9.2.1, 9.3.1, 9.3.2, 9.4.1, 9.4.5 and 9.5.2.**

**CARRIED UNANIMOUSLY (6-0)**

**(Cr Harley was an apology for the Meeting.)**

**(Cr Peart and Cr McDonald were on approved leave of absence.)**

**9.1.2 No. 123 (Lot 11; D/P 854) Richmond Street, Leederville – Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PRO6300; 5.2014.184.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That 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 Perth Residential Developments on behalf of the owners, A Barry, for the Proposed Demolition of an Existing Dwelling and Construction of a Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car Parking at No. 123 (Lot 11; D/P 854) Richmond Street, Leederville as shown on amended plans date-stamped 24 June 2014 and 6 August 2014, included as Attachment 001, 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 No. 121 Richmond Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Accessways**

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

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

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

4. 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;

5. A demolition permit shall be obtained from the City prior to commencement of any works on the site;

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

7. Prior to the issue of a Building Permit application, revised plans shall be submitted to and approved by the City addressing the following:

7.1 **Privacy Screening**

The windows to the living/dining area of Unit C on the west facing elevation, and dining window of Unit D 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;

7.2 **Bicycle Parking**

One (1) Class three bicycle facility 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;

7.3 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the City's Multiple Dwellings 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:

- 7.3.1 The location and type of existing and proposed trees and plants;
- 7.3.2 All vegetation including lawns;
- 7.3.3 Areas to be irrigated or reticulated;
- 7.3.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 7.3.5 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;

7.4 **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;

7.5 **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; and

**7.6 Store Room**

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

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

**8.1 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);**

**8.2 Section 70 A Notification under the Transfer of Land Act**

A notification shall be lodged on the Certificate(s) of Title under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

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 accords with the requirements of the Residential Design Codes of WA 2013 and the City's Policy No. 7.7.1 relating to Parking and Access;

**8.3 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; and

**8.4 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 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
- 2. With regard to condition 3.1, 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; 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; and**
- 3. With regard to condition 7.2, Class three bicycle facilities are facilities to which the bicycle frame and wheels can be locked. Generally in the form of an upside down 'U' shaped bar.**

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Cole, Seconded Cr Pintabona**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

**(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)**

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	A Barry
<b>Applicant:</b>	Perth Residential Developments
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	"P"
<b>Use Classification:</b>	Multiple Dwellings
<b>Lot Area:</b>	353 square metres
<b>Right of Way:</b>	Not Applicable

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

**ASSESSMENT:**

**Town Planning Scheme/Residential Design Codes Assessment**

<b>Design Element</b>	<b>Complies 'Deemed to Comply' or TPS Clause</b>	<b>OR</b>	<b>'Design Principles' Assessment or TPS Discretionary Clause</b>
<b>Plot Ratio</b>	✓		
<b>Streetscape</b>	✓		
<b>Street Walls and Fencing</b>	✓		
<b>Street Setback</b>			✓
<b>Lot Boundary Setbacks</b>			✓
<b>Building Height</b>			✓
<b>Landscaping</b>	✓		
<b>Open Space</b>	✓		
<b>Roof Forms</b>			✓
<b>Bicycles</b>			✓
<b>Access &amp; Parking</b>			✓
<b>Privacy</b>			✓

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Solar Access	✓		
Site Works	✓		
Utilities & Facilities			✓
Surveillance	✓		
Outdoor Living Area			✓

**Town Planning Scheme/Residential Design Codes Assessment**

Issue/Design Element:	Street Setbacks
Requirement:	<b>Residential Design Elements SADC 5</b> Ground Floor– 5.26m Upper Floor – 2.0 metres behind lower floor (7.26 metres) Balcony – 1.0 metre behind lower floor (6.26 metres)
Applicant's Proposal:	Ground Floor - 2.6 – 3.1m (Variation of 2.66 – 2.16 metres) First Floor – 3.6m (Variation of 6.1 metres) Balcony – 1.6m (forward of lower floor by 1.0m – variation of 4.66m)
Design Principles	<b>Residential Design Elements SPC 5</b> Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• maintain streetscape character;</li> <li>• ensure the amenity of neighbouring properties is maintained;</li> <li>• allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• facilitate solar access for the development site and adjoining properties;</li> <li>• protect significant vegetation; and</li> <li>• facilitate efficient use of the site.</li> </ul> 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.
Applicant justification summary:	<i>Nil.</i>
Officer technical comment:	The average setback for this portion of the site is skewed by two large vacant lots and one large dwelling at No. 127 with a very large street setback.  The existing dwelling has a car port in the front setback, as does the adjacent dwelling at No. 121 Richmond Street.  It is considered that the character of the street is already changing with the submission of multiple dwelling applications at No. 119 and No. 124 Richmond Street a reduced street setback in this instance would not result in a detrimental impact to the character of the streetscape.

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4 C4.1</b></p> <p>East (FF front block) – 3.8m</p>
Applicant's Proposal:	<p><u>East (FF) – front block</u> 1.5m</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.4 P4.1</b> Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<p><i>Nil</i></p>
Officer technical comment:	<p>The proposed eastern elevation of Unit C has high level windows in the living area, but a balcony side opening towards the front of the property. The requirement for a balcony setback is higher due to potentially overlooking issues, however the cone of vision falls over the front setback area only.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.3 C3.1</b></p> <p><b>Building on the Boundary.</b> Maximum height – 3.5 metres Average Height – 3.0 metres One side only Up to two-thirds the length of the boundary (permitted 23.47m with boundary length of 36.21m)</p>
Applicant's Proposal:	<p><b>Building on the Boundary</b> Total length on eastern boundary 24.2m – variation of 0.73m in length</p> <p><u>East (GF)</u> Total wall length (front and back) – 11.8 + 12.4m = 24.2m Maximum height – 3.4m (variation of 400mm) Average height – 3.4m (variation of 400mm)</p> <p><u>East (FF – rear block)</u> Wall length – 9.0m (part of total wall length of 24.2m) Maximum height – 6.0m (variation of 2.5m) Average height – 6.0m (variation of 3.0m)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.3 P3.1</b> Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> </ul>

Issue/Design Element:	Lot Boundary Setbacks
	<ul style="list-style-type: none"> <li>assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<p><i>"Parapet wall adjoins existing parapet wall development with consistent height. Comments will be secured from adjoining landowner"</i></p>
Officer technical comment:	<p>Variations proposed are in relation to height and length of the wall on the boundary.</p> <p>The two portions of boundary wall on the eastern wall at ground floor level have a combined length of just over the allowable two-thirds length (by approx 0.7m) and an average height of 3.4m. It is considered that these variations are minor and would not result in any negative impact to the adjoining property and are therefore acceptable.</p> <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. 121 Richmond Street and therefore minimises the impact on adjoining properties at No. 121 Richmond Street.</p> <p>The proposed position of the two storey boundary wall is a sensible design solution given the narrowness of the site and the existing structure to the east at No. 121 Richmond Street, therefore it is considered acceptable to have an additional parapet wall of this length and height.</p>

Issue/Design Element:	Building Height
Requirement:	<p><b>Residential Design Elements BDPC5</b> Top of external wall (roof above) – 6.0 metres Top of pitched roof – 9.0 metres</p>
Applicant's Proposal:	Top of external wall – 7.0
Design Principles	<p><b>Residential Design Elements BDPC5</b> Building height is to be considered to:</p> <ul style="list-style-type: none"> <li>Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>Maintain the character and integrity of the existing streetscape</li> </ul>
Applicant justification summary:	<i>Nil.</i>
Officer technical comment:	<p>The overall height of the proposal is 7.4m to the highest point with the top of the external wall on the front building to 7.0m, and a parapet wall on the rear building to 6.1m.</p> <p>The variation in height of the two sections of wall is considered to be acceptable given that the highest point is in the middle of the block and slopes towards the side boundaries reducing any potential impact on the adjoining properties.</p>

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Policy BDADC 3</b> 30-45 degrees
Applicant's Proposal:	Between 10 and 15 degrees
Design Principles	<b>Residential Design Elements Policy BDPC 3</b> (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>Nil.</i>
Officer technical comment:	The proposed roof pitch complements the existing streetscape. The lower roof pitch also reduces the scale of the building to the street and therefore is acceptable.

<b>Issue/Design Element:</b>	<b>Visual Privacy</b>
Requirement:	<b>Residential Design Codes Clause 6.4.1</b> Other Habitable Room – 4.5 metres cone of vision setback Balcony – 6.0 metres cone of vision setback
Applicant's Proposal:	<u>Unit C</u> Living/dining room – 4.0m (west) Balcony – 1.6m (east) 1.6m (north) 4.0m (west)  <u>Unit D</u> Dining/kitchen – 3.5m (west)
Design Principles	<b>Residential Design Codes Clause 6.4.1 P1.2</b> Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant justification summary:	<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 living/dining room windows of Unit C and dining/kitchen window of Unit D do not overlook the property to the west therefore recommend the addition of a condition.

<b>Issue/Design Element:</b>	<b>Utilities and Facilities</b>
Requirement:	<p><b>Residential Design Codes Clause 6.4.6</b></p> <p><b>C6.1 Storeroom</b> Minimum dimension - 1.5m Minimum area - 4 square metres per dwelling</p> <p><b>C6.3 Drying Area</b> 3 lineal metres of clothes line per dwelling</p>
Applicant's Proposal:	<p><u>Unit C Storeroom</u> Minimum dimension - 1.0m Minimum area - 2.6 square metres</p> <p><u>Units A-D</u> Nil provision for drying area shown on plans</p>
Design Principles	<p><b>Residential Design Codes Clause 6.4.6 P6</b> External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:</p> <ul style="list-style-type: none"> <li>• convenient for residents;</li> <li>• rubbish collection areas which can be accessed by service vehicles;</li> <li>• screened from view; and</li> <li>• able to be secured and managed</li> </ul>
Applicant justification summary:	<i>Nil.</i>
Officer technical comment:	<p>The proposed storeroom for Unit C is the only store proposed that is undersized. It is considered that there is sufficient space on site for a correctly sized storeroom to be accommodated, albeit possibly in a different location.</p> <p>Each unit has a proposed outdoor living area which would adequately accommodate the required drying areas.</p> <p>Conditions are therefore recommended to any approval to this effect.</p>

<b>Issue/Design Element:</b>	<b>Outdoor Living Areas</b>
Requirement:	<p><b>Residential Design Codes Clause 6.3.1</b></p> <p>Minimum area 10 square metres Minimum dimension 2.4 metres</p>
Applicant's Proposal:	<p><u>Unit C</u> Minimum dimension 2.0m 9 square metres</p>
Design Principles	<p><b>Residential Design Codes Clause 6.3.1 P1</b> 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.</p>
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	<p>Supported. The proposed balcony for Unit C has an area of approximately 9 square metres in lieu of 10 square metres. The minor variation is considered to be acceptable and is not considered to result in any negative impact to the amenity of occupiers of the dwelling.</p>

**Proposed Car Parking**

<b>Residential Car Parking</b>	
Small Multiple Dwelling (>75 square metres)- 0.75 bays per dwelling (4 dwellings)= 3.0 car bays Visitors= 0.25 per dwelling (4 dwellings) = 1.0 car bay Total Required = 4.0 car bays (3 Residential/1 Visitors)	4.0 Car bays proposed (4.0 Residents/Nil Visitors)
Deficit	1.0 car bay (visitors)

The application proposes the provision of four car bays. The deemed-to-comply requirement is four car bays which includes one visitor car bay. The proposal allocates one car bay to each dwelling. Therefore there are nil visitor bays provided. On balance it is considered that the proposal in its current form is acceptable and to provide more amenity value to the residents of the apartments with one bay per dwelling, rather than three bays shared between the four apartments, as inevitably any visitor bay allocation would be used as a bay for the fourth apartment. There is parking available on Richmond Street for visitors and the site is in close proximity to bus routes on Oxford Street.

<b>Residential Bicycle Parking</b>		
<b>Bicycle Parking</b>	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 is therefore imposed 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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<b>Comments Period:</b>	24 June 2014 – 8 July 2014
<b>Comments Received:</b>	Three comments were received, one (1) in support, and two (2) with concerns

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Issue: Overlooking</u></p> <ul style="list-style-type: none"> <li>Concern that windows from proposed development would overlook garden area</li> </ul>	<p>Not Supported. The windows of the proposed development meet the cone of vision requirements. The only exception is the living/dining window of Unit C and kitchen/dining window of Unit D which is addressed by means of a condition to ensure visual privacy.</p> <p>Also of note is the location of the person who raised the concern living some 30m away from the lot boundary of No. 123 Richmond Street</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 5 March 2014. The comments are as follows:

**Discussion:**

- *Design screening on upper level to prevent overlooking.*
- *Consider increasing the footprint of building to be more generous.*
- *The bin stores need to be enclosed to reduce the odour to nearby patio area.*
- *Eliminate windows on the west over the bin stores.*
- *Maintain living areas on south side of the rear building*
- *Provide pedestrian access.*
- *Landscaping plan required.*

**Mandatory:**

- *Provide a landscaping plan, which consolidates separate landscape strips as pedestrian access.*
- *Enclose bin stores*
- *Remove windows over the bin stores.*
- *Extend side screens on balconies to reduce overlooking.*
- *Provide pedestrian access.*

**Design Considerations:**

- *Increase the area of the living, and dining areas for unit 3 and 4. This can be achieved with small cantilevering*
- *Landscaping plan required.*

**Technical:**

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

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 a 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
- Leederville Precinct Policy No. 7.1.3.

**RISK MANAGEMENT IMPLICATIONS:**

Should 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. 123 Richmond Street, Leederville. 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 meet the threshold for entry onto the City's MHI. As such, the place is 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.
- Private Certification required
- Demolition Permit required

### **Technical Services Comments**

- No additional comments
- Proposed permeable paving is not grasscrete and is acceptable from Technical Services perspective
- Also standard conditions to be applied

### **Health Comments**

- No additional comments
- Also standard conditions to be applied

### **Planning Comments**

The level of landscaping providing is compliant including using an area of permeable paving which is acceptable to Technical Services (the Multiple Dwellings Policy states that landscaping “can include open air porous parking areas”). The amended landscaping plan provides for 30% of landscaping overall, with 11% of soft landscaping within common areas, and 6% within private areas and is therefore acceptable.

The proposed variation to street setback and lot boundary setbacks and buildings on the boundary as detailed above are considered to be acceptable for the reasons outlined previously.

The variations to bicycle parking provision, storeroom and drying areas, and visual privacy can be dealt with by the inclusion of conditions to ensure that these elements become compliant.

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 are 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 on site which is considered to result in a significantly improved proposal. Proposed variations to street and lot boundary setbacks and car parking 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.

**9.1.5 No. 5 (Lot 33; D/P 2001) Bramall Street, East Perth – Proposed Demolition of an Existing House/Commercial Establishment and Construction of a Three (3) Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Two Bedroom Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO2114; 5.2014.79.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That 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 Robert Luca on behalf of the owners, Night Owl Holdings Pty Ltd for the Proposed Demolition of an Existing House/Commercial Establishment and Construction of a Three (3) Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Two Bedroom Multiple Dwellings and Associated Car Parking at No. 5 (Lot 33; D/P 2001) Bramall Street, East Perth, as shown on amended plans date-stamped 14 August 2014, included as Attachment 001, 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. 3, 7 Bramall Street, East Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Accessways**

2.1 A minimum of two (2) car bays are to be provided on site for the commercial component of the development. The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;

2.2 A minimum of four (4) car bays and one (1) car bay are to be provided on site for the residents and visitors of the residential component of the development respectively;

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

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

2.5 The commercial and visitors for the residential component car park area shall be shown as common property on any strata plan;

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

4. **No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;**
5. **Building**
  - 5.1 **The windows, doors and adjacent floor area facing Bramall Street shall maintain an active and interactive frontage to this street with clear glazing provided; and**
  - 5.2 **The net lettable area for offices shall be limited to 134.07 square metres;**
6. **PRIOR TO THE ISSUE OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
  - 6.1 **Acoustic Report**

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

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

**A detailed schedule of external finishes (including materials and colour schemes and details) shall be provided and approved by the City; and**
7. **PRIOR TO THE ISSUE OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**
  - 7.1 **Clothes Drying Facility**

**Each multiple dwelling shall be provided with drying facilities in accordance with the Residential Design Codes of WA 2013;**
  - 7.2 **Car Parking**

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

**A minimum of One (1) Class 3 bicycle bay to be provided at the developers cost for the office uses. For the residential component a minimum of two (2) bicycle bays and one (1) bicycle bay are to be provided for the residents and visitors respectively at the developers cost. Class 3 bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;**

**7.4 Management Plan-Vehicular Entry Gates**

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

**7.5 Section 70A Notification under the Transfer of Land Act**

A notification shall be lodged on the Certificate(s) of Title under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

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

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

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

**ADVICE NOTES:**

1. 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;
2. The City is not responsible for the relocation of any services that may be required as a result of the development;
3. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
4. A demolition permit shall be obtained from the City prior to commencement of any works on the site; and
5. With regard to condition 7.3, Class three bicycle facilities are facilities to which the bicycle frame and wheels can be locked. Generally, in the form of an upside down 'U' shaped bar.

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

The proposal is referred to Council for determination, as the proposal is for a three storey mixed use development.

**BACKGROUND:**

6 September 2014	An application was received for demolition of existing single house/commercial establishment and construction of a three storey commercial building which was withdrawn.
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**DETAILS:**

<b>Landowner:</b>	Night Owl Holdings Pty Ltd
<b>Applicant:</b>	Robert Luca
<b>Zoning:</b>	Commercial
<b>Existing Land Use:</b>	Single House/Commercial Establishment
<b>Use Class:</b>	Multiple Dwellings, Office
<b>Use Classification:</b>	"AA", "P"
<b>Lot Area:</b>	491 square metres
<b>Right of Way:</b>	South, 4.02 metres in width, City owned

The application initially received by the City on 19 February 2014 was for the proposed demolition of the existing single house/commercial establishment and construction of a three storey mixed use development comprising of one (1) office, two (2) one bedroom multiple dwellings, four (4) two bedroom multiple dwellings and associated car parking. However, given the comments received from the Design Advisory Committee, the applicant amended the proposal by relocating the building to the street boundary and changed the layout of the building.

The current proposal is therefore for demolition of existing house/commercial establishment and construction of three storey mixed use development comprising of two (2) offices, four (4) two bedroom multiple dwellings and associated car parking.

The subject site is located in the Banks Precinct- Scheme Map 15 and is zoned Commercial. No zoning changes are proposed under the Draft Town Planning Scheme No. 2. However, the density will change from Residential R60 to Residential R100 and plot ratio from 0.7 to 1.25.

**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			✓
Street Setback			✓
Lot Boundary Setbacks	✓		
Number of Storeys	✓		
Landscaping			✓
Open Space	N/A		
Roof Forms	N/A		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	N/A		

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Site Works	N/A		
Utilities & Facilities	✓		
Surveillance	✓		

**Town Planning Scheme/Residential Design Codes Assessment**

Planning Element:	Building Size
Requirement:	Residential Design Codes Clause 6.1.1 Plot Ratio = 0.7 = 343.7 square metres
Applicant's Proposal:	Plot Ratio = 0.77 = 378 square metres
Design Principles	<b>Residential Design Codes Clause 6.1.1</b> Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<i>"The proposed development will not have an adverse impact on the Bramall Street streetscape in terms of its overall bulk and scale.</i>  <i>The design of the proposed development is consistent in terms of bulk and scale with other mixed use and multiple dwelling type developments previously approved by the City of Vincent throughout the municipality."</i>
Comments	Supported. The proposal complies with the required height for this precinct and the required side/rear setbacks. The plot ratio variation is 0.07 (34.3 square metres) which is considered minimal. The front and rear facades of the development are articulated, the boundary walls do not occupy the whole lengths of the boundaries and use of different materials which minimise the impact of the bulk on the streetscape.  It should be noted that under the Draft Town Planning Scheme No. 2 the site is proposed to be still zoned Commercial, however, residential density and plot ratio of R100 and 1.25 will apply.  In view of the above, it is considered that the bulk and scale of the development will not have an impact on the surrounding area. The development will reinforce the future desired built form for the area and provide a catalyst for regeneration of existing sites along this part of Bramall Street.

Issue/Design Element:	Street Setbacks
Requirement:	<b>Banks Precinct Policy No. 15 and Residential Design Codes 6.1.3</b> Buildings east of East Parade are to be setback 4.5 metres from the street.
Applicant's Proposal:	All floors = Nil
Design Principles	<b>Residential Design Codes Clause 6.1.3 P3</b> Buildings are set back from street boundaries primary and secondary an appropriate distance to ensure they: <ul style="list-style-type: none"> <li>• contribute to the desired streetscape;</li> <li>• provide articulation of the building on the primary and secondary streets;</li> <li>• allow for minor projections that add interest and</li> </ul>

Issue/Design Element:	Street Setbacks
	reflect the character of the street without impacting on the appearance of bulk over the site;
	<ul style="list-style-type: none"> <li>• are appropriate to its location, respecting the adjoining development and existing streetscape; and</li> <li>• facilitate the provision of weather protection where appropriate.</li> </ul>
Applicant justification summary:	<p><i>“The existing Bramall Street streetscape contains an eclectic mix of commercial and light industrial developments comprising varying front setbacks ranging from nil to approximately ten (10) metres. As such it is contended that the proposed front setback for the new development on Lot 33 is consistent with the existing built form and character of the Bramall Street streetscape.”</i></p>
Officer technical comment:	Supported. The applicant amended the plans for the building to have a nil street setback as per the requirement of the Design Advisory Committee. The DAC recommendation results in a development which better interacts with the street which contributes to an improved streetscape.

Issue/Design Element:	Landscaping
Requirement:	<p><b>Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12</b></p> <p>Where the relevant Precinct Policy indicates that a development shall be setback from the primary or secondary street boundary, a minimum of 30 per cent of this setback area shall be provided with landscaping.</p> <p>Building is required to be setback 4.5 metres from the street and the landscaping is required to be provided within this setback area.</p>
Applicant’s Proposal:	Nil
Design Principles	<p><b>Development Guidelines for Commercial and Mixed Use Developments</b></p> <p>Landscape design shall be integrated into the overall site layout and building design of the development to reduce the urban heat island effect and enhance and improve micro-climate conditions and contribute to local biodiversity.</p>
Applicant justification summary:	Nil
Officer technical comment:	Supported. The applicant amended the plans for the building to have a nil street setback as per the requirement of the Design Advisory Committee. In this instance, landscaping cannot be provided within the front setback area.

**Car and Bicycle Parking**

<b>Non-Residential Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Office (134.07m<sup>2</sup>)</li> <li>Required: One (1) space per 50 square metres of Net Lettable Floor Area = 134.07 square metres = 2.68 car bays= 3 car bays</li> </ul>	= 3 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.8 (within 400 metres of a bus route)</li> </ul>	(0.512)

Non-Residential Car Parking	
<ul style="list-style-type: none"> <li>0.8 (within 400 metres of a rail station)</li> <li>0.8 (provides at least 50 per cent of the total plot ratio as residential)</li> </ul>	= 1.54 car bays
Minus the commercial car parking provided on-site	2 car bays
Resultant Surplus	0.46 car bays

### Residential

Residential Car Parking	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> <li>Medium (75 square metres- 110 square metres) 1 space per dwelling 4 dwellings = 4 car bays = 4 Car Bays</li> </ul> <p>Total car bays required = 4 car bays</p>	
<ul style="list-style-type: none"> <li>Visitors 0.25 spaces per dwelling 4 dwellings = 1 car bay</li> </ul> <p>Total car bays required = 1 car bay</p> <p>Overall total car bays=5 car bay (4 car bays for residents and 1 car bay for visitors)</p>	
Resultant Surplus	6 car bays (4 car bays for residents and 2 car bays for visitors) 1 car parking bay

### Bicycle Parking

Bicycle Parking	
<p>Commercial</p> <ul style="list-style-type: none"> <li>Office (134.07m<sup>2</sup>) Required: One (1) space per 100 square metres of Net Lettable Floor Area = 1.34 square metres = 1 bicycle bay</li> </ul> <p>Class 1 or 2 facilities= 35 per cent of the required number of bicycle bays=0.35 bicycle bays = Nil Class 3 facilities= 65 per cent of the required number of bicycle bays= 0.65 bicycle bays= 1 bicycle bay</p>	<p>Provided</p> <p>Total bicycle bays provided = 4 bicycle bays</p>
Resultant Surplus	3 bicycle bays
<p>Residential -Residential Design Codes Clause 6.3.3 C3.2 1 bicycle space to each 3 dwellings for residents (4 dwellings) = 1.3 Bicycle Bays = 2 bicycle bays; and 1 bicycle space to each 10 dwellings for visitors (4 dwellings) = 0.4 bicycle bays =1 bicycle bay, and designed in accordance with AS2890.3.</p> <p><u>Required</u> Residents: 2 spaces Visitors: 1 space Total: 3 spaces</p>	<p><u>Provided</u> 3 bicycle bays provided</p>

### CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	29 April 2014 –13 May 2014		
<b>Comments Received:</b>	One submission was received which neither support nor object, however have some concerns.		

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Street Setback</u></p> <p>The street setback of 4.5 metres should be maintained.</p>	<p>The City's Design Advisory Committee advised the applicant to relocate the building to the street boundary to ensure engagement/interaction with the street. This is the vision for this commercial area and the applicant amended the plans accordingly.</p>
<p><u>Issue: Car Parking</u></p> <p>Inadequate car parking provided for this development which will result in more cars park on the street.</p> <p>During construction vehicles should be parked on the site and not on the street and adjacent sites.</p>	<p>The proposal complies with the car parking requirement.</p> <p>This matter will be addressed as part of the construction management plan at the building permit stage.</p>
<p><u>Issue: Landscaping</u></p> <p>The provision of street setback of 4.5 metres will ensure adequate landscaping being provided in the front of the building which will soften the outlook.</p>	<p>As outlined above, the City's Design Advisory Committee advised the applicant to relocate the building to the street boundary and in this instance landscaping is not required within the front setback.</p>

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

Design Advisory Committee (DAC)

Referred to Design Advisory Committee: Yes

The proposal was referred to the City's DAC on the 14 May 2014.

*"Discussion:*

- *This design has responded to current context rather than future desired context as guided by Vincent policy. The current context has commercial properties set back from the road with car parking in front resulting in a poor streetscape and urban design. Current Policy in the Banks Precinct asks for 4.5 setback to the street.*
- *Whilst the upper floor projects forward, over a set back ground floor building line, this is not the outcome the relevant policy aims for.*
- *Consider locating active habitable uses as close to the footpath as allowed to engage and activate the street. This will benefit a retail or commercial tenant.*
- *The proposal has provided more parking than is necessary and it dominates and compromises the design.*
- *There is an advantage in having a rear ROW and this should be capitalized on.*
- *The property is wide enough to have a through driveway from the front to the back if desired.*
- *Consider a boundary to boundary commercial development with parking at the rear. The site is wide enough to locate a run of perpendicular car bays and an aisle adjacent. This could be accessed at the rear via the right of way.*
- *Ideally, locate carparking at the rear.*
- *Inner bedrooms are not supported. All habitable rooms should have access to daylight and ventilation. Consider replanning to improve this.*
- *Ensure there is privacy between the residential units.*
- *Relocate the store that extends into apartments 2 and 5 as it reduces potential for northern solar access. There are other uses that could benefit from this perimeter location such as the entry, kitchen or bathroom.*
- *It is not ideal for laundries to be in apartment entry lobbies.*
- *It is not ideal for resident to access the building via the bin store area.*
- *DAC recommend doing a feasibility study that compares the perceived value of excess ground floor car parking and potential increase in commercial floor area.*

*Recommendation:*

*To achieve DAC support, improvements in street engagement and amenity are sought. Current Policy in the Banks Precinct encourages an improved urban design outcome with reduced setbacks to the street encouraging improved street activation, engagement and passive surveillance. There is an excess of car parking provided which dominates the design. Improvements to occupant amenity are sought, such as provision of daylight to second bedroom in apartments 1 and 4, and relocation of bins away from apartment entry.*

*Mandatory:*

- *Respond to future desired context as guided by Vincent policy, rather than the current context. Current Policy in the Banks Precinct asks for only 4.5m setback to the street which aims for an improved streetscape.*
- *Improve street engagement/activation. Aim to:*
  - *Optimise active uses to the ground floor street front, Locate built form as close to the street as possible. This will benefit any retail or commercial tenant and provide better long term value. Consider a boundary to boundary commercial development with parking at the rear. The site is wide enough to locate a run of perpendicular car bays and an aisle adjacent. This could be accessed at the rear via the right of way.*
  - *Minimise the amount of street frontage given over to carparking access, and services.*
  - *Locate parking at the rear as encouraged by Vincent policy. Capitalise on the rear ROW.*
- *Improve the amenity offered to occupants. Aim to optimize:*
  - *Northern solar access to living areas and balconies of most apartments.*
  - *Daylighting and ventilation to all habitable rooms. Inner bedrooms are not supported (apartments 1 and 4)*
  - *Cross ventilation to apartments.*
  - *The number of bathrooms with daylight/access to ventilation where possible.*
  - *Ensure privacy between apartments.*
    - *Between Balcony of apartment 5 and windows to apartment 6*
    - *Between Balcony of apartment 2 and windows to apartment 3*
    - *Between windows and balcony of apartment 1 and windows to bedrooms of apartment 2*
    - *Between windows and balcony of apartment 4 and windows to bedrooms of apartment 5*
    - *Vertically, these arrangements may also present some privacy issues.*
- *Locate store areas where they do not impact on the layouts of the apartments. Eg. Relocate stores that extend into apartments 2 and 5 as they reduce opportunity for northern solar access. There are other uses that could benefit from this perimeter location such as the entry, kitchen or bathroom.*
- *Consider relocating laundries from apartment entries.*
- *Reconsider the entry sequence for residents. Currently the ground floor entry requires residents to walk past bins.*

*Design Considerations:*

- *Carefully consider the benefits of increased commercial floor area that is visible to the public domain, against the perceived value of excess ground floor car parking.*
- *Consider reducing the amount of car parking provided – currently at an excess – as it currently dominates and compromises the proposal.*
- *Reconsider the tandem carparking approach.*

*Technical:*

- *If pursuing visitor bays at the front, check with the City's Technical Services whether cars can reverse from the visitor's car parking bays onto the road.*
- *All technical issues must be resolved with the City of Vincent officers."*

As per DAC mandatory requirement, the applicant amended the plans moving the building to the street boundary, parking at the rear of the building and the vehicular access from the right of way and not from the street.

In view of the above, amendments noted to the meeting of DAC, the proposed development as it currently stands is deemed to have met the intent of the mandatory requirements of the DAC.

**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 Commercial and Mixed Use Developments Policy No. 7.5.12;
- Parking and Access Policy No. 7.7.1; and
- Banks Precinct Policy No. 7.1.15.

**RISK MANAGEMENT IMPLICATIONS:**

Should 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:**

### **Comments**

#### **Heritage**

The subject brick and tile dwelling at No. 5 Bramall Street, East Perth is an example of the Interwar Bungalow style of architecture constructed circa 1928.

The subject lot was first numbered 23 Bramall Street as part of the Norwood Estate, later changing to 5 Bramall Street in 1931. WA Post Office Directories list the first owner as Alex Waugh. Since then the subject dwelling has been transferred various times to new owners.

A full heritage assessment, including an external inspection undertaken on 28 October 2013, 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 meet the threshold for entry on the City's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to standard condition.

#### **Planning**

The location provides excellent opportunities for public transport access with the development site being in close proximity to the East Perth train station. It is considered the change in the proposal to nil street setback will result in better interaction with the street. In addition given the development complies with the number of storeys required and the plot ratio variation is minimal, it is considered that the proposed development will not have an undue impact on the amenity of the surrounding area in terms of bulk and scale. The development represents a suitable land use for the site as it is consistent with the commercial zoning of the land and surrounding land uses.

#### **Conclusion**

The proposed development is contemporaneous in nature and will provide a catalyst for other sites to be developed in the same manner. This development will contribute positively to the future streetscape of Bramall Street and will have maximum interaction at street level. The variations to the plot ratio, street setback and landscaping will not have an impact on the surrounding area and in this instance the application is recommended for approval subject to standard and appropriate conditions.

**9.2.1 Harwood Place, West Perth, Proposed Parking Restrictions - Progress Report No. 3**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Beaufort (13)	<b>File Ref:</b>	SC821, SC1211
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3090-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That Council **APPROVES** retaining a 1P time restriction 8.00am to 6.00pm Monday to Friday and “Resident Only” parking at all other times in Harwood Place, West Perth, as shown on plan No. 3090-PP-01 included as Attachment 001.

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to inform Council of the outcome of the public consultation with residents regarding the trial parking restrictions in Harwood Place, West Perth.

**BACKGROUND:**

**Ordinary Meeting of Council 29 October 2013 (Item 9.2.1):**

The Council was advised of a petition received from the Harwood Place Action Group, on behalf of the Harwood Place Owners and Residents, along with eleven (11) signatures in support of the proposal to replace the current parking restrictions in Harwood Place with a 1P time restriction from 8.00am to 6.00pm Monday to Friday and “Resident Only” parking at all other times.

Following consideration of the matter, Council made the following decision:

*“That Council;*

- 1. APPROVES IN PRINCIPLE the undertaking of a six (6) month trial of replacing the current time restrictions on the eastern side of Harwood Place, excluding the loading zone, with a 1P time restriction 8.00am to 6.00pm Monday to Friday and “Resident Only” parking at all other times, as shown on the attached plan No. 3090-PP-01;*
- 2. CONSULTS with the residents/businesses of Harwood Place, including the Harwood Place Action Group, regarding the proposal and outlined in clause 1; and*
- 3. DEFERS undertaking any works in the street until the outcome of the community consultation has been carried out and a further report has been submitted to the Council at the conclusion of the consultation period.”*

**Ordinary Meeting of Council 17 December 2013 (Item 9.2.8):**

At its meeting on 17 December 2013, Council considered a further report regarding the outcome of the consultation and resolved (in part):

*"That Council;*

1. *APPROVES undertaking a six (6) month trial in Harwood Place, West Perth as shown on attached Plan No. 3090-PP-01 of:*
  - 1.1 *1P time restrictions, 8.00am to 6.00pm Monday to Friday; and*
  - 1.2 *'Resident Only' parking restrictions at all other times; and*
2. *CONSULTS with Harwood Place and other affected residents to gauge the effectiveness of the trial after a period of six (6) months"*

**DETAILS:**

As previously reported to Council, Harwood Place is a very narrow street approximately 100m long with a road reserve of 10.0m. The carriageway width is 5.0m with a footpath either side and a number of crossovers into residential and commercial developments with a number of mature verge trees on the eastern side and service authority access pits on the western side. The street terminates in a dead end.

The street comprises a mix of residential and commercial development. The east side of the street comprises nine (9) heritage workers cottages, none of which have any off road parking, and a more recent unit development on the west side of the street markedly increased demand for parking.

**Community Consultation:**

In July 2014 thirty (30) letters were distributed to Harwood Place residents regarding formalising the trial parking regime. At the close of consultation on 5 August 2014 four (4) formal responses were received.

Related Comments In Favour of the Proposal:

- During the day the number of employees from local businesses parking for extended hours/all day on the street instead of their own property has reduced. During the evening/overnight there has been a reduction in apartment tenants and Northbridge goers using the street for overnight parking...The apartment tenants also use the west side of the street on a regular basis and whatever space is available for a turning circle (particular near to their parking entry). The CoV Rangers have clearly made an effort to monitor the street. Our only suggestion would be that if there is no possibility of revision for parking bays on the west side and Rangers are going to give infringements for parking in this area, that it should be clearly signposted as a 'No Parking' area because no one recognises it as such except the local residents.
- The trial has been most beneficial with more parking available for all residents day and night. I am also very happy with the road resurfacing.
- Given the number of businesses here it would be very difficult if parking was available to the public all day.

Note: Several positive emails were also received during the trial period.

Related Comments Against the Proposal:

- Nil

Related Comments Neither in Support nor Objecting:

- 1 x neither in support nor objecting with no further comment.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Regulatory approvals ensure that works are undertaken in accordance with the relevant standards and legislation.

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Signage/line marking already in place – Nil cost implications.

**COMMENTS:**

While the latest response from those canvassed was relatively low (this is the third consultation undertaken), from discussions with residents and emails received during the trial, the new parking restrictions have improved the amenity for residents and it is therefore recommended that the restrictions be made permanent.

**9.3.1 Investment Report as at 31 July 2014**

<b>Ward:</b>	Both	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B Wong, Acting Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	B Tan, Acting Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council **NOTES** the Investment Report for the month ended 31 July 2014 as detailed in Attachment 001.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in the short term money market for various terms. Details are included in Attachment 001.

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

**DETAILS:**

Total Investments for the period ended 31 July 2014 were \$11,311,000 compared with \$11,211,000 at 30 June 2014. At 31 July 2013, \$9,611,000 was invested.

Investment comparison table:

	<b>2013-2014</b>	<b>2014-2015</b>
July	\$9,611,000	\$11,311,000

Total accrued interest earned on Investments as at 31 July 2014:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$292,600	\$10,790	\$8,876	3.03
Reserve	\$292,300	\$19,400	\$21,631	7.40

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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

**COMMENT:**

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

There has been slight increase in investment due to receipt of Rates revenue.

The report included as Attachment 001 comprises:

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 July 2014**

<b>Ward:</b>	Both	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Dedic, Accounts Payable Officer; B Wong, Acting Manager Financial Services		
<b>Responsible Officer:</b>	B Tan, Acting Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council CONFIRMS the;

1. Schedule of Accounts for the period 1 July – 31 July 2014 and the list of payments;
2. direct lodgement of payroll payments to the personal bank account of employees;
3. direct lodgement of PAYG taxes to the Australian Taxation Office;
4. direct lodgement of Child Support to the Australian Taxation Office;
5. direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Attachment 001.

**DECLARATION OF INTEREST**

Members/Officers	Voucher	Extent of Interest
Nil.		

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 July – 31 July 2014.

**BACKGROUND:**

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

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	76508 - 76628	\$225,169.66
Transfer of Creditors by EFT Batch	1687 - 1692	\$3,919,321.71
Transfer of PAYG Tax by EFT	July 2014	\$638,589.68
Transfer of GST by EFT	July 2014	
Transfer of Child Support by EFT	July 2014	\$1,601.89
Transfer of Superannuation by EFT:		
• City of Perth	July 2014	37,846.14
• Local Government	July 2014	173,261.96
<b>Total</b>		<b>\$4,995,791.04</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$8,153.57
Lease Fees		\$145,208.01
Corporate MasterCards		\$10,737.06
Loan Repayment		\$162,968.63
Rejection fees		\$130.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$327,197.27</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$5,322,988.31</b>

**LEGAL POLICY:**

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

the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2017:

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

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*

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

**SUSTAINABILITY IMPLICATIONS:**

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENT:**

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

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

**9.4.1 Leederville Town Centre Enhancement Project – Progress Report No. 8**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	ADM0106
<b>Attachments:</b>	<a href="#">001</a> – Seating Locations <a href="#">002</a> – Bin Locations <a href="#">003</a> – Laneway Lighting Concept <a href="#">004</a> – Bin Concept Design		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Doy, Place Manager C Mooney, Acting Manager Community Development C Wilson, Acting Director Technical Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That Council:

1. **RECEIVES** Progress Report No. 8 relating to Leederville Town Centre streetscape improvements and the revitalisation of the Water Corporation laneway;
2. **APPROVES:**
  - 2.1 The installation of seating at fifteen (15) locations as shown in Attachment 9.4.1 (001) in the style supported by the Leederville Town Centre Enhancement Working Group;
  - 2.2 The installation of bins at seventeen (17) locations as shown in Attachment 9.4.1 (002) ~~in the style supported by the Leederville Town Centre Enhancement Working Group;~~
  - 2.3 The resurfacing of a portion of Lot 3 Oxford Street with grey asphalt;
  - 2.4 The installation of fifteen (15) planter boxes with olive trees on the southern boundary of Lot 3 Oxford Street;
  - 2.5 The installation of seating within Lot 3 Oxford Street utilising used bus stop seating;
  - 2.6 The installation of canopied lighting in Lot 3 Oxford Street as shown in Attachment 9.4.1 (001); and
3. **AUTHORISES** the Chief Executive Officer to make any further amendments to the streetscape in the Leederville Town Centre, subject to consultation with Leederville Connect and/or the Leederville Town Centre Enhancement Working Group.

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

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with a progress report outlining streetscape recommendations made by the Leederville Town Centre Enhancement Working Group (LTCEWG) and seek approval for a variety of streetscape initiatives in the Leederville Town Centre, as detailed in the body of the report.

**BACKGROUND:**

Ordinary Meeting of Council	Outcome
20 November 2012	Leederville Town Centre Enhancement Project – Progress Report No. 2. At the Ordinary Meeting of Council held on 20 November 2012, the Council resolved to approve a contribution of \$3,000 to a mural which faces the laneway adjacent to No.148 Oxford Street, Leederville.
26 March 2013	Leederville Town Centre Enhancement Project – Progress Report No. 3. At the Ordinary Meeting of Council held on 26 March 2013, the Council resolved to approve in principle the City's preferred option for the proposed improvements to Oxford Street Reserve at an estimated cost of \$1,050,000.
11 June 2013	Leederville Town Centre Enhancement Project – Oxford Reserve Playground Update, Expression of Interest and Other Proposed Actions Progress Report No. 3. At the Ordinary Meeting of Council held on 11 June 2013, the Council resolved to approve the planting of five (5) <i>Eucalyptus Maculata's</i> and install three (3) x 1/4P parking bays in Newcastle Street.
27 August 2013	Leederville Town Centre Enhancement Project – Progress Report No. 4. At the Ordinary Meeting of Council held on 27 August 2013, the Council resolved to approve seven (7) trees comprising <i>Eucalyptus leucoxlon</i> and <i>Jacaranda mimosaefoliaon</i> Oxford Street.
10 September 2013	Leederville Town Centre Enhancement Project Newcastle Street and Carr Place Intersection Proposed Modifications – Approval and Progress Report No. 5. At the Ordinary Meeting of Council held on 10 September 2013, the Council resolved to approve implementation of the proposed modifications to the Newcastle Street and Carr Place intersection and for the funding shortfall to be funded from the Leederville Town Centre – Streetscape and Park Enhancement Budget allocation.
5 November 2013	Leederville Town Centre Enhancement Project – Progress Report No. 6. At the Ordinary Meeting of Council held on 5 November 2013, the Council resolved to defer a confidential report relating to a tender for the Leederville Town Centre Enhancement Project.

At the Ordinary Meeting of Council held on 24 June 2014, the following was resolved:

*“That Council;*

1. *RECEIVES Progress Report No. 7 relating to the Leederville Town Centre Action Plan, Water Corporation laneway revitalisation and installation of new bins and public seating; and*
2. *DEFERS the painting of thirty-four (34) existing bicycle racks throughout the Leederville Town Centre and REQUESTS an update report to Council once they have been considered by the Leederville Town Centre Enhancement Working Group.”*

## DETAILS:

A number of streetscape recommendations were presented to and discussed at the LTCEWG at the meeting held on 7 July 2014. These recommendations were in regard to:

- Public seating;
- Bins;
- Bicycle racks; and
- Upgrades to the Water Corporation Laneway.

### Town Centre Public Seating

A variety of options were presented to the LTCEWG including:

- Diva Solo Park Benches;
- Urban Island Benches;
- Second-hand industrial style seats in clusters of three (3); and
- Oxford Street Reserve themed benches.

Based upon the options presented, the LTCEWG supports the following:

- Second-hand industrial style seating (see figure 1) be installed in groups of three (3); and
- Diva Solo Park Benches (see figure 2).



*Figure 1 – Second-hand industrial style seating*



*Figure 2 – Diva Solo park bench*

### Town Centre Bins

A variety of options were presented to the LTCEWG including:

- Prax Bins (120 Litre or 45 Litre);
- Oxford Street Reserve themed bin; and
- Locally designed bin.

Based upon the options presented, the LTCEWG supports the following:

- Locally designed bin. A design has been prepared by .reSPOKE for two (2) 120 Litre side by side bins (one (1) for general waste, one (1) for recycle waste) as shown in 9.4.1 Attachment (004)

### **Town Centre Bicycle Racks**

At the Ordinary Meeting of Council on 24 June 2014 the Council resolved to defer the painting of thirty four (34) existing bicycle racks throughout the Leederville Town Centre and requested an update report once the matter had been considered by the LTCEWG.

At the LTCEWG meeting held on 7 July 2014, the Members did not support the painting of the bicycle racks but instead supported the replacement of existing bicycle racks that required replacement with the standard stainless steel design currently being used throughout the City. The City's Officers have reviewed the existing bicycle racks and concluded that the infrastructure is sound and does not require replacing at this time.

### **Water Corporation Laneway**

The following options, which were refined following previous LTCEWG consultation, were presented to the LTCEWG at their meeting held on 7 July 2014:

- Resurfacing the laneway with an asphalt skin only on those areas currently devoid of an asphalt surface to a maximum of two thirds of the width of the laneway;
- Planting a creeper as a low cost screening option on the fence which separates the laneway from Lot 100 Oxford Street abutting directly south as the landowner of Lot 100 Oxford Street has advised the City that they will retain the existing fence;
- A canopied lighting option be prepared by a local designer which is not permanently fixed to the ground in order to maintain easy access to the Water Corporations underground infrastructure; and
- Fifteen (15) chemical tanks planted with semi-mature olive trees are installed along the width of the southern interface of the laneway.

Based upon the Officers' presentation, the LTCEWG supports the following:

- Resurfacing the laneway with a grey asphalt skin only on those areas currently devoid of an asphalt surface to a maximum of two thirds of the width of the laneway. Grey is consistent with the existing pavement colour and will be a better canvas for future street print designs;
- Planting a creeper as a low cost screening option on the fence which separates the laneway from Lot 100 Oxford Street abutting directly south;
- The canopied lighting design prepared by reSPOKE to be installed (as detailed in Attachment 003);
- Fifteen (15) chemical tanks planted with semi-mature olive trees to be installed along the width of the southern interface of the laneway; and
- Used seats from existing bus shelters that are scheduled for upgrade be collected and placed in the laneway as permanent seating for pedestrians (see figure 3 below).



*Figure 3: Old bus stop seating*

### **CONSULTATION/ADVERTISING:**

The LTCEWG were presented with a series of options at the meeting held on 7 July 2014. Leederville Connect have also been consulted on these options and their recommendations were taken into consideration at the LTCEWG meeting on 7 July 2014. The options recommended by the City's Officer are those supported by the LTCEWG.

**LEGAL/POLICY:**

Nil.

**RISK MANAGEMENT IMPLICATIONS:**

Medium: Installing the infrastructure will cause minor and temporary impediments to pedestrian accessibility on the footpath network.

**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.*

Community, Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing*

3.1.3 *Promote health and wellbeing in the community"*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding for the streetscape enhancement has been allocated from the following budgets:

Item	Estimated Cost	Budget Description	Budget Amount	Estimated Actual Spend	Remaining Budget
<b>Town Centre seating</b>	Second hand: \$250	Leederville Town Centre – Street Furniture	\$60,000	\$45,250	\$14,750
	Diva Solo: \$11,850				
<b>Town Centre bins</b>	\$33,150				
<b>Lot 3 Oxford Street Trees</b>	\$14,000	Leederville Town Centre – Water Corporation	\$50,000	\$47,436	\$2,564
<b>Lot 3 Oxford Street lighting</b>	\$12,252				
<b>Lot 3 Oxford Street resurfacing</b>	\$18,184.50				
<b>Lot 3 Oxford Street seating</b>	\$2000				
<b>Lot 3 Oxford Street planting on bordering fence</b>	\$1000				

**COMMENTS:**

This progress report provides Council with an update on streetscape recommendations made by the LTCEWG and seeks approval for a variety of seatings and bins in the Leederville Town Centre as well as the details of the proposed upgrade to Lot 3 Oxford Street, commonly known as the Water Corporation Laneway.

It is recommended to:

- Install seating at fifteen (15) locations as shown in Attachment 9.4.1 (001) in the style supported by the LTCEWG;
- Install bins at seventeen (17) locations as shown in Attachment 9.4.1 (002) in the style supported by the LTCEWG;
- Resurface a portion of Lot 3 Oxford Street with grey asphalt;
- Install fifteen (15) planter boxes with olive trees on the southern boundary of Lot 3 Oxford Street;
- Install seating within Lot 3 Oxford Street utilising used bus stop seating; and
- Install canopied lighting in Lot 3 Oxford Street as shown in Attachment 9.4.1 (003).

The above streetscape recommendations will improve the experience for pedestrians in the Leederville Town Centre.

**9.4.5 Cat Act 2011 Implementation – Progress Report No. 2**

<b>Wards:</b>	Both	<b>Date:</b>	15 August 2014
<b>Precincts:</b>	All	<b>File Ref:</b>	ENS0014
<b>Attachments:</b>	Nil		
<b>Reporting Officers:</b>	S Butler, Manager Ranger and Community Safety Services P Cicanese, Coordinator Ranger Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That Council **RECEIVES** Progress Report No. 2 concerning the Cat Act 2011 implementation as follows:

1. The current introduction of new cat laws;
2. Enforcement action to date; and
3. Whether an additional Local Law and/or policy is required for the enforcement of cats within the City of Vincent.

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council on the current introduction of new cat laws introduced in November 2013, what enforcement action has been taken to date and whether an additional policy is required to deal with cats within the City of Vincent.

**BACKGROUND:**

<b>Ordinary Meeting of Council</b>	<b>Outcome</b>
27 July 2010	Council adopted a resolution providing the City’s comments to the West Australian State Government’s proposal to introduce cat legislation.
27 August 2013	Council adopted the Cat Act 2011 Implementation – Progress Report No.1 concerning the implementation of the Cat Act 2011.
22 July 2014	At the Ordinary Meeting of Council held on 22 July 2014, the following motion was presented by Mayor John Carey:  <i>“That the Council REQUESTS a report on the current introduction of new cat laws, what enforcement action has been to date and whether we need to make additional policy to deal with stray cats.”</i>

In 2011, the State Government introduced the Cat Act 2011 (the Act), which stipulates that local government is responsible for administering and enforcing the legislation. The Act provides provisions for local government authorities to control domestic, stray and feral cats within their communities.

From 1 November 2013, all domestic cats six months and older are required to comply with the following requirements;

- Cat must be registered;
- Registered cat must wear a registered tag;
- Person must not, without reasonable excuse, remove or interfere with a tag worn by a cat;
- Cat has to be micro chipped;
- Person must not, without reasonable excuse, remove or interfere with a micro chipped implanted in a cat;
- Cat must be sterilized;
- Person cannot claim a cat is sterilised if it is not; and
- Person cannot delay, threaten, obstruct or hinder an authorised person.

A breach of any of the above has a penalty of \$5,000 or an infringement of \$200 modified penalty.

Since the introduction of the legislation, the City has had a total of 712 cats registered, sterilized and micro chipped.

Owners are no longer permitted to let their cats wander away from their private properties and cats found in contravention of the legislation may be seized and detained. The Act authorises the seizure of a cat from private land with consent of the owner, or the issue cat control notice requesting a cat owner to comply with certain elements of the legislation such as micro chipping and registration.

Local authorities may also create cat local laws under the provisions of the act in relation to any specified requirements that may assist or enhance the control of cats within their municipality. This provision is included as it is recognised that requirements may vary between rural, semi rural and inner city localities and may include considering local laws that require cats to be confined to a property, cat curfews and cat free zones as well as laws that deal with nuisance cats.

**DETAILS:**

The City of Vincent currently retains the services of the ‘Cat Haven’ for the capture and impounding of stray and feral cats found within its municipality. This service has been operating between the City and the Cat Haven for approximately 12 months. The services of the Cat Haven are used in situations where it is not considered feasible for Rangers to apprehend cats due to the specialist nature of this task.

There are a number of challenges with cats, namely the obvious difficulty in trying to enforce a curfew on cats and the difficulty associated with catching cats. It is considered the difficulty involved in safely catching, detaining, and caring for cats contravening the Act would be better managed by the expertise of the Cat Haven.

If required, there is provision to detain stray and feral cats in a holding pen at the City’s Dog Pound situated at the depot in Osborne Park, and then transporting the cats to the Cat Haven facility as soon as possible, although this has not been required to date.

Enforcement action has been limited. The chart below provides information on enquiries and complaints received by the City of Vincent in relation to cats since the implementation of the Act in November 2013.

Deceased Cats	11
Registration Microchip enquiries	4
Cats wandering in public areas	3
Cats on private properties	7
General straying cat complaints	4
Reported lost cats	6
Cat reported found	2
Cat trapping requests	2
Cat attack complaints	1
<b>TOTAL</b>	<b>40</b>

To date, one (1) infringement has been issued in relation to 'failure to register' a cat after a warning did not encourage the owner into compliance. It should be noted that the majority of issues raised concerning cats involve neighbour disputes.

The Ranger and Community Safety Services (RCSS) currently have basic standard operating procedures in place to deal with cat complaints or enquiries and enforcement has been primarily based on public education, with compliance being achieved in nearly all reported cases. The majority of enforcement matters relate to health issues restricting the number of cats per household enforced under the Health Local Law.

Clause 64 of the Health Local Law 2004 states;

- "(1) Subject to sub-clause (5), a person shall not, without an exemption in writing from the Council, keep more than 3 cats over the ages of 3 months on premises on any land -
- (a) within the residential zone of the City of Vincent Planning Scheme; or
  - (b) used for residential purposes.
- (2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub-clause (1).
- (3) The Council shall not grant an exemption under this clause unless it is satisfied that the number of cats to be kept will not be a nuisance or Injurious or dangerous to health.
- (4) An exemption granted under this clause shall specify -
- (a) the owner or occupier to whom the exemption applies;
  - (b) the premises to which the exemption applies; and
  - (c) the maximum number of cats which may be kept on the premises.
- (5) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop".

As stated in a report submitted to Council on 27 August 2013, there is no mandatory requirement for local governments to introduce Cat Local Laws. The City has liaised with other local authorities in respect of the impact of the Act and if additional local laws are required to enforce the Act.

WALGA advise that it is mainly rural local authorities that have local laws relating to cats, predominately to protect fauna, however they are not aware of any metropolitan authorities who have developed any, although Rockingham and Bayswater are considering it.

The City's enquiries have revealed that only one local authority in the inner metropolitan area is considering the introduction of cat specific local laws, with the others believing the current situation regarding cats is manageable within existing legislation at this stage. The following local authorities have been contacted by the City:

Local Authority	Local law
City of Bayswater	Proposed. Main focus is to limit numbers per residence
City of Perth	No
City of Stirling	No
City of South Perth	No
Town of Cambridge	No
Town of Victoria park	No

If in the future the City determines additional enforcement powers are required for the City to manage specific cat issues not adequately covered in the Cat Act, local laws can be introduced.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Cat Amendment Regulations 2014 includes the provision for local government to reduce or waive cat registration fees.

Delegation No. 10 authorises the Chief Executive Officer to formally appoint Authorised Persons under the Cat Act 2011 Western Australia, which would include the enforcement of Local laws and policies.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Current educational material for owners and provisions within the Act adequately cover enforcement arising from current cats issues.

**STRATEGIC IMPLICATIONS:**

This aligns with the City of Vincent *Strategic Plan 2013 – 2017*, where Objective 4.1.5 states:

*'Focus on stakeholder needs, values, engagement and involvement.'*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Cat registration is \$20.00 pre year, \$42.50 for three (3) years or \$100.00 for life time registration. Concessions of 50% are available for pensioners.

The Cat Haven charges the following fees for the trapping and housing/impounding of cats:

Item	Cost
Daily Impound	\$25 per day
Trapping	\$40 per hour
Surrender	\$25

The daily impound fee includes sustenance, veterinary costs and euthanasia (if applicable), including removal of remains.

The City of Vincent has allocated \$7,000 to assist with sterilisations of cats in the 2014/2015 financial year and \$6,000 for trapping and impounding.

**COMMENTS:**

During the initial stages of the implementation of the Act there was some uncertainty as to the effect it would have, and the amount of enquiries and complaints that would be received by the City. To date, there has been no significant impact.

An internal working party was formed within RCSS to examine and address all areas of the new legislation prior to it coming into effect. The group believed it was more appropriate to assess the impact of the legislation, rather than to introduce additional local laws that may not be required.

Minimal complaints have been received in relation to cat issues compared to other enforcement issues being dealt within the City at this time. In essence, it may be considered that the current approach to cat enforcement within the City of Vincent has been satisfactory, and uniform in approach with all other adjoining Local Government authorities.

It is recommended that a watching brief be conducted by the City, with a view to introducing cat local laws if required at a later date.

**9.5.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Lennox-Bradley, Acting Executive Assistant		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Information Bulletin dated 15 August 2014, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**DETAILS:**

The items included in the Information Bulletin dated 15 August 2014 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Sustainable Design Events 2014
IB02	Minutes of the Parks People Working Group (PPWG) Strategic Meeting held on 2 July 2014
IB03	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 6 August 2014

**9.5.1 Budget Deficit**

<b>Ward:</b>	-	<b>Date:</b>	22 August 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> Capital Works Budget <a href="#">002</a> Adjustments <a href="#">003</a> Reserve Fund Schedule <a href="#">004</a> Rate Setting Statement		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	Len Kosova, Chief Executive Officer		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That Council:

1. **ENDORSES** the strategy outlined in this report to achieve a zero balance position for the City of Vincent 2014/15 adopted annual budget at 30 June 2015, comprising the following measures:
  - (a) Amending the timing, scope, cost and funding source for the various projects and initiatives listed in Attachment 001 to yield a budget saving of \$3,615,200;
  - (b) Reducing the City's operating budget by \$314,489, as summarised in Attachment 002, from the budgeted expenditure figure of \$51,659,410 to \$51,344,921;
  - (c) Amending the transfer of funds and interest to and from reserves, as detailed in Attachments 002 and 003, to reduce the overall balance of the City's reserves by \$1,319,869, from the budgeted figure of \$8,975,198 to \$7,655,329; and
  - (d) Amending the Rate Setting Statement accordingly, as depicted in Attachment 004.
2. **NOTES** that a further report will be presented to Council to statutorily formalise and give effect to the measures outlined in 1 above, once:
  - (a) The Department of Local Government and Communities has responded to Council's endorsed strategy; and
  - (b) The City's actual end of year position has been determined, as at 30 June 2014.
3. **AGREES** that projects listed as being deferred in Attachment 001 are to be given priority for consideration of inclusion in the 2015/16 budget and capital works program, ahead of new project requests;
4. **REQUIRES** a report to be presented to every meeting of the Audit Committee for the remainder of the 2014/15 financial year, summarising the City's actual (year to date) financial position against budget, including forecasting of the City's end of year position; and
5. **ADVISES** the Director General of the Department of Local Government and Communities of Council's decision.

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**PROPOSED AMENDMENT:**

**Moved Cr Buckels, Seconded Cr Cole**

“That the Officer Recommendation be amended to read as follows:

That Council:

1. **ENDORSES** the strategy outlined in this report to achieve a zero balance position for the City of Vincent 2014/15 adopted annual budget at 30 June 2015, comprising the following measures:
  - (a) Amending the timing, scope, cost and funding source for the various projects and initiatives listed in Attachment 001 to yield a budget saving of \$3,615,200, subject to the following changes:
    - (i) Under Traffic Management Projects, not reducing the scope of the Carr/Newcastle Street Intersection Upgrade and preserving the budgeted amount for that project of \$180,000;
    - (ii) Under Parks Development Projects, not deferring the Britannia Reserve – Path Construction Stage 2 and preserving the budgeted amount for that project of \$260,000;
    - (iii) Under Traffic Management Projects, deferring Traffic Calming Banks Reserve valued \$30,000 until 2015/16;
    - (iv) Under Streetscape Improvements, staging the Weld Square Stage 3 – Public Art Work project, to reduce the value of that project in 2014/15 by \$40,000 from \$100,000 to \$60,000;
    - (v) Under Streetscape Improvements, staging the Mt Hawthorn Streetscape Improvements, to reduce the value of that project in 2014/15 by \$10,000 from \$85,000 to \$75,000;
    - (vi) Under Streetscape Improvements, staging the North Perth Town Centre Enhancement, to reduce the value of that project in 2014/15 by \$10,000 from \$85,000 to \$75,000;
    - (vii) Deferring the Stirling Street Road Resurfacing Project until 2015/16 to yield a saving of \$64,220;
    - (viii) Under Parks Services, reducing the project funding for North Perth – Playground Equipment by \$5,000 from \$15,000 to \$10,000;
    - (ix) Under Parks Services, reducing the scope of works and project funding for Eco-zoning at Britannia Reserve by \$15,000 from \$30,000 to \$15,000;
    - (x) Under Parks Development, deferring the Charles Veryard Reserve – Fencing around dog exercise area until 2015/16 to yield a saving of \$25,000;

- (xi) Under Miscellaneous Projects, staging the Leederville Town Centre – Public Artwork over the 2014/15 and 2015/16 financial years to reduce the cost of these works in the current budget by \$80,780 from \$150,000 to \$69,220;
  - (xii) Under Buildings, staging and reducing the funding allocated to the Loton Park toilet upgrade and asbestos removal by \$25,000 from \$200,000 to \$175,000;
  - (xiii) Under Buildings, deferring the Forrest Park Croquet Club – W/C and Changerooms until 2015/16 to yield a budget saving of \$40,000;
  - (xiv) Under Buildings, deferring the Woodville Reserve Pavilion air conditioning until 2015/16 to yield a budget saving of \$15,000.
  - (b) Reducing the City's operating budget by \$314,489, as summarised in Attachment 002, from the budgeted expenditure figure of \$51,659,410 to \$51,344,921;
  - (c) Amending the transfer of funds and interest to and from reserves, as detailed in Attachments 002 and 003, to reduce the overall balance of the City's reserves by \$1,319,869, from the budgeted figure of \$8,975,198 to \$7,655,329;
  - (d) Increasing the proceeds from disposal of assets by \$1,150,000, as identified in Attachment 002; and
  - (e) Amending the Rate Setting Statement accordingly, as depicted in Attachment 004.
2. NOTES that a further report will be presented to Council to statutorily formalise and give effect to the measures outlined in 1 above, once:
- (a) The Department of Local Government and Communities has responded to Council's endorsed strategy; and
  - (b) The City's actual end of year position has been determined, as at 30 June 2014.
3. AGREES that projects listed as being deferred in Attachment 001 are to be ~~given priority for consideration of~~ considered for inclusion in the 2015/16 budget and capital works program, ahead of new project requests;
4. REQUIRES a report to be presented to every meeting of the Audit Committee for the remainder of the 2014/15 financial year, summarising the City's actual (year to date) financial position against budget, including forecasting of the City's end of year position; and
5. ADVISES the Director General of the Department of Local Government and Communities of Council's decision."

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.5.1**

That Council:

1. **ENDORSES** the strategy outlined in this report to achieve a zero balance position for the City of Vincent 2014/15 adopted annual budget at 30 June 2015, comprising the following measures:
  - (a) **Amending the timing, scope, cost and funding source for the various projects and initiatives listed in Attachment 001 to yield a budget saving of \$3,615,200, subject to the following changes:**
    - (i) **Under Traffic Management Projects, not reducing the scope of the Carr/Newcastle Street Intersection Upgrade and preserving the budgeted amount for that project of \$180,000;**
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    - (iii) **Under Traffic Management Projects, deferring Traffic Calming Banks Reserve valued \$30,000 until 2015/16;**
    - (iv) **Under Streetscape Improvements, staging the Weld Square Stage 3 – Public Art Work project, to reduce the value of that project in 2014/15 by \$40,000 from \$100,000 to \$60,000;**
    - (v) **Under Streetscape Improvements, staging the Mt Hawthorn Streetscape Improvements, to reduce the value of that project in 2014/15 by \$10,000 from \$85,000 to \$75,000;**
    - (vi) **Under Streetscape Improvements, staging the North Perth Town Centre Enhancement, to reduce the value of that project in 2014/15 by \$10,000 from \$85,000 to \$75,000;**
    - (vii) **Deferring the Stirling Street Road Resurfacing Project until 2015/16 to yield a saving of \$64,220;**
    - (viii) **Under Parks Services, reducing the project funding for North Perth – Playground Equipment by \$5,000 from \$15,000 to \$10,000;**
    - (ix) **Under Parks Services, reducing the scope of works and project funding for Eco-zoning at Britannia Reserve by \$15,000 from \$30,000 to \$15,000;**
    - (x) **Under Parks Development, deferring the Charles Veryard Reserve – Fencing around dog exercise area until 2015/16 to yield a saving of \$25,000;**
    - (xi) **Under Miscellaneous Projects, staging the Leederville Town Centre – Public Artwork over the 2014/15 and 2015/16 financial years to reduce the cost of these works in the current budget by \$80,780 from \$150,000 to \$69,220;**
    - (xii) **Under Buildings, staging and reducing the funding allocated to the Loton Park toilet upgrade and asbestos removal by \$25,000 from \$200,000 to \$175,000;**

- (xiii) Under Buildings, deferring the Forrest Park Croquet Club – W/C and Changerooms until 2015/16 to yield a budget saving of \$40,000;
  - (xiv) Under Buildings, deferring the Woodville Reserve Pavilion air conditioning until 2015/16 to yield a budget saving of \$15,000.
- (b) Reducing the City's operating budget by \$314,489, as summarised in Attachment 002, from the budgeted expenditure figure of \$51,659,410 to \$51,344,921;
  - (c) Amending the transfer of funds and interest to and from reserves, as detailed in Attachments 002 and 003, to reduce the overall balance of the City's reserves by \$1,319,869, from the budgeted figure of \$8,975,198 to \$7,655,329;
  - (d) Increasing the proceeds from disposal of assets by \$1,150,000, as identified in Attachment 002; and
  - (e) Amending the Rate Setting Statement accordingly, as depicted in Attachment 004.
2. **NOTES** that a further report will be presented to Council to statutorily formalise and give effect to the measures outlined in 1 above, once:
- (a) The Department of Local Government and Communities has responded to Council's endorsed strategy; and
  - (b) The City's actual end of year position has been determined, as at 30 June 2014.
3. **AGREES** that projects listed as being deferred in Attachment 001 are to be considered for inclusion in the 2015/16 budget and capital works program, ahead of new project requests;
4. **REQUIRES** a report to be presented to every meeting of the Audit Committee for the remainder of the 2014/15 financial year, summarising the City's actual (year to date) financial position against budget, including forecasting of the City's end of year position; and
5. **ADVISES** the Director General of the Department of Local Government and Communities of Council's decision.

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**PURPOSE OF REPORT:**

To consider a range of measures to deliver budget savings that will prevent a potential \$6.4M end of year deficit and achieve a zero balance position for the City of Vincent 2014/15 adopted annual budget at 30 June 2015.

**BACKGROUND:**

Council at its Ordinary Meeting on 12 August 2014, considered a report (Item 9.5.5) regarding correspondence that had been received from the Department of Local Government and Communities, which identified a transposing error in the City's 2014/15 adopted annual budget. The Department required a response from the City by 31 August 2014, outlining measures to be implemented to eliminate the deficit and achieve a balanced (zero deficit/surplus) position by 30 June 2015. In considering that report, Council resolved as follows:

*"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."*

This report is now submitted to Council to comply with resolution 2 above. In accordance with Council's resolution 3 above, correspondence was sent to the Department, together with a copy of the report to Council and advising the Department of Council's decision.

**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. If not addressed, this transposing error could result in an estimated deficit of \$6,399,558 at 30 June 2015.

To avoid this deficit, Administration has carried out a detailed review of the 2014/15 budget and capital works schedule and has identified a range of measures that could be implemented to achieve a zero balance position at 30 June 2015. These various measures are discussed below and outlined in the Attachments to this report.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/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 budget savings identified will, if implemented, eliminate a potential \$6.4M end of year budget deficit. As these savings will primarily affect the City's 2014/15 capital works program, some members of the community may be aggrieved by the impact on certain projects. Administration is conscious of this and has made every effort to selectively identify budget

savings so that a wide variety of projects and initiatives are still delivered across the City, for the benefit and enjoyment of all members of our community.

At the time of writing the report to Council on 12 August 2014, the source and impact of budget savings had not yet been determined. The report therefore suggested that core services could be affected by budget savings. Whilst some operational savings have now been identified, these are not expected to have any material impact on the services provided by the City. As such, this previously identified risk is no longer considered valid.

**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 will impact the delivery of some projects and initiatives that were intended to be carried out in the 2014/15 financial year. Despite this, the identified budget savings will still enable the City to deliver key projects and initiatives that will contribute to the social, economic and environmental wellbeing of the City and its community.

**FINANCIAL/BUDGET IMPLICATIONS:**

The measures proposed by Administration to deliver \$6.4M worth of budget savings and achieve a zero balance at 30 June 2015, can be summarised as follows and are outlined in the attachments to this report:

- (i) Not proceeding with a range of projects and initiatives in the 2014/15 financial year (as listed in Attachment 001) to yield a budget saving of \$3,615,200;
- (ii) Reducing transfers to reserves by \$1,350,917, including the interest earned on all reserves (amounting to \$292,300);
- (iii) Transferring five years worth of accumulated interest earned out of the Aged Persons and Senior Citizens Reserve (amounting to \$745,352) into municipal revenue;
- (iv) Reducing transfers out of reserves by \$2,076,400, from the budgeted amount of \$5,789,800 to \$3,713,400, due to savings on projects and initiatives;
- (v) Increasing the transfer of funds out of the Tamala Park Land Sales Reserves by \$1,300,000, in accordance with the designated purpose of that reserve;
- (vi) Reducing operating expenditure in the areas of Community Amenities, Recreation and Culture and Transport by \$314,489, from \$41,740,945 to \$41,426,456;
- (vii) Increasing proceeds from disposal of assets by \$1,150,000, from the budgeted amount of \$4,455,000 to \$5,605,000, comprising additional income of \$770,000 for the sale of the whole of 81 Angove Street (as opposed to half of the property, as budgeted) and increased distribution of income (\$380,000) projected by Tamala Park Regional Council from the sale of land;
- (viii) Amending the Rate Setting Statement accordingly, as depicted in Attachment 004.

If Council endorses these measures, then a further report(s) will need to be presented to Council for it to adopt the budget variations and formal resolutions needed to give statutory effect to the proposed savings. The report(s) would be presented to Council once the Department of Local Government and Communities has provided a response to Council's decision and once the City's actual end of year position (at 30 June 2014) has been determined. Taking this approach will ensure that:

- Council has the opportunity to discuss and agree upon the nature and extent of budget savings before formalising them through detailed budget variations. Therefore, the budget variations presented to Council in future will accord with whatever Council now decides;
- Council has the option to consider any response received from the Department of Local Government and Communities, prior to adopting formal budget variations and, in doing so, will be able to make any changes to the proposed budget savings that Council considers necessary in response to the Department's advice; and

- Council can consider adopting budget variations based on the actual 2013/14 end of year position, rather than the estimated carry forward deficit of \$3,199,779. This is important because the actual carry forward deficit reported to Council on 12 August 2014 was, at that time, \$3,693,071 (i.e. \$493,292 more than estimated). If the actual 2013/14 end of year deficit is greater than \$3,199,779 (which it is likely to be), then more than \$6.4M worth of budget savings will be needed to achieve a zero balance at 30 June 2015. Administration has already factored this into its review of budget savings and is confident that additional savings could be yielded to recover a deficit amount over \$6.4M – mainly sourced from the operating budget and reserves.

Further to the above, it should be noted that the timing and impact of local government reforms is still unknown and therefore has not been factored into any forecasting of the City's financial position at 30 June 2015. Any funding impact arising from a decision on local government reform will need to be considered in the mid-year budget review, later this calendar year.

The budget savings recommended by Administration do not propose any change whatsoever to Council's already adopted fees and charges or the revenue to be raised from rates.

#### **COMMENTS:**

Administration adopted the following guiding principles when considering options for budget savings:

- Ensure the projects and initiatives budgeted for in the remaining 10 months of the financial year are realistically achievable and capable of being delivered on time and on budget. In previous years, substantial amounts of capital works funding have been carried forward into the subsequent financial year, indicating that previous capital works programs have tended to exceed the City's capacity to deliver those works;
- Ensure that a wide variety of projects and initiatives are still delivered across the City for the benefit of the community as a whole;
- Preserve projects and initiatives where work has already commenced, tenders or contracts awarded, or funds committed or partially spent;
- Where possible and appropriate, seek to fund projects from reserves and grants;
- For the remaining 10 months of the financial year, focus the City's asset management work on only essential maintenance, renewal or replacement;
- Reduce unnecessary 'topping up' of reserves and reinvestment of interest back into reserves, as neither are actually required, given that adequate funds are still held in reserves;
- Ensure a zero increase in Council's already adopted rates, fees and charges.

Where Administration has recommended in Attachment 001 that a project be deferred to the 2015/16 financial year, Council may wish to afford some priority to those projects being considered for inclusion in the 2015/16 budget and capital works program, ahead of new project requests. This has been captured in Recommendation 3, should Council decide to take this approach. Importantly, this does not presuppose that those projects will automatically be included in the 2015/16 budget, but rather, establishes a principle that when preparing the forthcoming budget, Council will consider including the deferred projects before it considers adding any new projects.

To ensure regular monitoring and reporting of the City's budget versus actual financial position, it is intended to present a report to every meeting of the Audit Committee for the remainder of the 2014/15 financial year, summarising the City's year to date financial position and including a forecast of the City's end of year position.

**9.1.3 No. 24 (Lot: 123 D/P: 8920) Ruth Street, Perth – Proposed Construction of a Two-Storey Grouped Dwelling and Loft**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO5632; 5.2014.305.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Application Submission dated 29 May 2014 <a href="#">003</a> – Application Justification dated 25 June 2014		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Aaron Sice on behalf of the owner, V P Ngo, for the Proposed Construction of a Two-Storey Grouped Dwelling and Loft at No. 24 (Lot: 123 D/P: 8920) Ruth Street, Perth, as shown on plans date-stamped 6 August 2014, included as Attachment 001, 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 No. 22, 24 and 28 Ruth Street, Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. Two velux (roof light) windows are to be provided in the existing property. One window is to be located in the north eastern portion of the roof and one window is to be located north western portion of the roof. Both windows are to be provided within the living/dining area of the existing property;

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

4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning.

**ADVICE NOTES:**

1. With regard to condition No. 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls; and

2. Any new street/front wall, fence and gate within the Edith Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

This proposal requires referral to Council given the number of objections (5) received during the community consultation process.

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	V P Ngo
<b>Applicant:</b>	Aaron Sice
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1); Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	290 square metres total – 120 square metres specific to the development
<b>Right of Way:</b>	N/A

**ASSESSMENT:**

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density	✓		
Streetscape	✓		
Front Fence	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Building Height & Storeys	✓		
Roof Forms	✓		
Open Space	✓		
Outdoor living areas			✓
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Street Setback
Requirement:	<b>Residential Design Elements Policy SADC 5. Street Setbacks</b> Walls on Upper Floor – a minimum of two metres behind each portion of the ground floor setback Balconies on Upper Floor – a minimum of one metre behind the ground floor setback
Applicant's Proposal:	Balcony and upper floor overhangs ground floor by 1 metre.

<p>Design Principles:</p>	<p><b>Residential Design Elements Policy SPC 5. Street Setbacks</b></p> <p>(i) Development is to be appropriately location on site to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul>
<p>Applicant justification summary:</p>	<p><i>“While strict adherence to minimum setbacks is not present, the proposal provides for an acceptable averaging of mass within the street setback to maintain the intent of limiting bulk yet providing a modern facade. A number of dwellings, new and old, along the existing Edith Street frontage provide for more greater reduced setbacks than requested by the proposal – the North side of Edith Street has a majority of new development with nil ground floor and nil upper floor setbacks, for example. The proposed development seeks to maintain the ground floor setbacks of the immediate Northern neighbours to maintain the pedestrian scale and amenity of laneway streetscapes.</i></p> <p><i>The upper floor is placed forward of this line to provide for a modern facade that is in keeping with the remaining streetscape. The proposal utilises similar materials and scale as currently provided and draws its architectural influence from the ‘back shed’ that the laneway once presented.</i></p> <p><i>The streetscape is enhanced by the placement of this building as it response well to its immediate size, scale, form and material context. There is no undue impact on the neighbouring properties from the variation away from the RDEs because there are no dwellings along the Edith St streetscape that conform to them”.</i></p>
<p>Officer technical comment:</p>	<p>The proposed development is considered to comply with the design principles as:</p> <ul style="list-style-type: none"> <li>• The proposed setback variations to the upper floor will provide better articulation to the property in combination with protection from the weather. The front elevation incorporates a number of different materials and finishes to reflect the adjoining properties and present a contemporary design reflective of the changing streetscape appearance along Edith Street.</li> <li>• In addition, there are a limited number of properties fronting Edith Street. This has resulted in no clear streetscape appearance with upper floors being located directly above ground floors in combination with balconies which overhang the ground floor. The design proposed conforms to the eclectic mix of development along Edith Street and will reflect the contemporary nature of development.</li> </ul>

	<ul style="list-style-type: none"> <li>The block size in combination with its orientation makes it difficult to design a property which makes efficient use of the site whilst still creating usable and liveable space. The reduction to the street setback will ensure a practical design consistent with the minimum number of properties on the same side of the road facing Edith Street.</li> </ul>
<b>Issue/Design Element:</b>	<b>Lot Boundary Setback</b>
Requirement:	<p><b>Residential Design Codes Clause 5.1.3 (C3.1)</b></p> <p><u>Ground floor:</u> West – 1 metre South – 1 metre East – 1 metre</p> <p><u>Upper floor:</u> West – 1.5 metres South – 1.5 metres East - 1.2 metres</p> <p><u>Boundary wall</u> One side permitted Maximum height – 3.5 metres Average height – 3 metres</p>
Applicant's Proposal:	<p><u>Ground floor:</u> West – Nil (proposed variation of 1 metre) South – Nil (proposed variation of 1 metre) East – Nil (proposed variation of 1 metre)</p> <p><u>Upper floor:</u> West – 1.379 metres (proposed variation of 0.121 metres) South – Nil (proposed variation of 1.2 metres) East - 1.360 metres (proposed variation of 0.14 metres)</p> <p><u>Boundary wall</u> Three sides – west, south and east West – Maximum and average height – 2.914 metres South – Maximum and average height – 4.5 metres East – Maximum and average height – 2.914 metres</p>
Design Principles:	<p><b>Residential Design Codes Clause 5.1.3 (P3.1)</b></p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>reduce impacts of building bulk on adjoining properties;</li> <li>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>does not compromise the design principle contained in clause 5.1.3 P3.1'</li> <li>does not have any adverse impact on the amenity of the adjoining property;</li> <li>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>positively contributes to the prevailing development context and streetscape.</li> </ul>

<p>Applicant justification summary:</p>	<p><i>“The boundary walls have been designed as a wall with two distinct materials and forms. The lower portions of the boundary walls reflect the bulk, materials and heights of the existing over-height single-storey boundary walls along the Edith St streetscape.</i></p> <p><i>The upper portions of the boundary walls reflect the heights of existing two-storey boundary walls along Edith St streetscape – however, there is a visual break in both the positioning and materials to reduce the impact of the wall and provide an appearance of a lightweight structure “dropped onto” the heavier set, lower floor element.</i></p> <p><i>The walls have no adverse impact on adjoining properties as they do not restrict views or outlook, they do not cause undue or excessive overshadowing, the walls maintain a sensible height and positioning to ensure adequate daylight for neighbouring dwellings, there are no overlooking or privacy infringements and they draw their size, position and material context directly from the Edith St streetscape.</i></p>
<p>Officer technical comment:</p>	<p>The proposed development is considered to comply with the design principles as:</p> <ul style="list-style-type: none"> <li>• The design of the development responds to the context of the existing development along Edith Street instead of Ruth Street. In particular, the design reflects the street frontage, building sitting (in terms of front and side setbacks), scale, form and features of the existing built form.</li> <li>• The design of the property has been substantially amended following the community consultation process to create a design that is more considerate of the amenity of the adjoining residential properties.</li> <li>• The boundary walls on the ground floor permit the site to be used as efficiently as possible. The height of the walls has been sufficiently reduced to limit the appearance of building bulk on the adjoining properties. This reduction in height in combination with the orientation and layout of the development considers the living environment for the adjoining landowners in terms of overshadowing and visual intrusiveness.</li> </ul> <p><u>Side boundary walls (northwest and southeast)</u></p> <ul style="list-style-type: none"> <li>• The applicant has shifted the upper floor to the north western lot boundary to vary the articulation along the south eastern boundary. This substantially reduces the appearance of building bulk and reduces the height of the boundary wall to a compliant height. In addition, the boundary wall on the north western side has also been reduced to a compliant height, with the applicant providing a frosted glass screen along the balcony. Through the use of varying materials and staggering of the upper floor from the ground floor, the design will sufficiently reduce the impacts of building bulk on the adjoining properties.</li> </ul>

	<p><u>Rear boundary wall (southwest)</u></p> <ul style="list-style-type: none"> <li>The south western boundary wall abuts the common boundary of the existing dwelling. These dwellings are separated by 1.4 metres. Particular concern was raised in regards to the availability of natural sun and ventilation into the existing property fronting Ruth Street. The applicant submitted a plan demonstrating that even if the proposed development was setback off the shared boundary, the windows on the northern elevation of the existing property would still be overshadowed. To address these concerns velux lighting panels are to be built into the existing dwelling on the northeast and northwest roof elevation which permit natural sunlight and ventilation to enter into the property.</li> <li>The setback variations should be considered as they are preferable for practical and aesthetic reasons and will not be to the detriment of the amenity of adjoining properties.</li> </ul>
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Issue/Design Element:	Outdoor Living areas
Requirement:	<b>Residential Design Codes Clause 5.3.1 (C1.1)</b> An outdoor living area to be provided behind the street setback area.
Applicant's Proposal:	Outdoor living area on ground floor solely provided within front setback area.
Design Principles:	<p><b>Residential Design Codes Clause 5.3.1 (P1.1)</b></p> <p>P1.1 Outdoor living areas which provide spaces:</p> <ul style="list-style-type: none"> <li>Capable of use in conjunction with a habitable room of the dwelling;</li> <li>Open to winter sun and ventilation; and</li> <li>Optimise use of the northern aspect of the site.</li> </ul> <p>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.</p>
Applicant justification summary:	<i>Nil.</i>
Officer technical comment:	<p>The proposed development is considered to comply with the design principles as:</p> <ul style="list-style-type: none"> <li>The development incorporates sufficient outdoor living space to meet the sixteen (16) square metres of space required by the R-Codes 2013.</li> <li>The location of the outdoor living area within the front setback area and the balcony are both capable of use in conjunction with habitable rooms of the dwelling including the Living Room on the ground floor and sitting areas of the upper floor.</li> <li>The outdoor living areas provided are open to winter sun and ventilation through the design which optimises the northern aspect of the site.</li> <li>The amended design of the property is more considerate of the outdoor living areas of the adjoining properties. The overshadowing is compliant with the permitted percentage of the R-Codes 2013 and ensures that the outdoor living areas of the adjoining properties are equally open to winter sun and ventilation.</li> </ul>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	9 June 2014 to 23 June 2014.		
<b>Comments Received:</b>	Five (5) comments received objecting to the development.		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Street Setback</p> <p><i>“Proposed setback to be as per “deemed to comply: reduced aesthetics, reduced privacy, overshadowing neighbours, bulk and scale is excessive and no character”.</i></p> <p><i>“Balcony will be unattractive and make the streetscape seem overcrowded”.</i></p>	<p>Not supported. The proposed design of the property is reflective of the immediately adjoining properties fronting Edith Street as opposed to Ruth Street. In particular the multiple dwellings directly opposite the development which incorporate balconies that overhang the ground floor in their design. The inclusion of a balcony fronting Edith Street will provide a greater sense of security to a street that is largely dominated by parked cars and garage doors.</p>
<p>Issue: Lot boundary setbacks</p> <p><i>“Should be constructed with adequate space to adjoining properties”.</i></p> <p><i>“Proposed setback to be as per “deemed to comply: reduced aesthetics, reduced privacy, overshadowing neighbours, bulk and scale is excessive and no character”.</i></p> <p><i>“Object to the height and location of the east and south boundary walls, including the lack of setbacks. There are 2 bedrooms that will be seriously overshadowed and without daylight. The BBQ area and courtyard will also be seriously overshadowed. This is inconsistent with the principles”.</i></p> <p><i>“The back of the building at the East boundary is a solid wall (with a height of 6m) and the roof above it. This has a serious adverse impact on the amenity”.</i></p>	<p>Not supported. The proposal makes efficient use of a small block. The boundary walls reflect the bulk, materials and heights of the existing developments along Edith Street. Following the community consultation period amendments were made to the plans to ensure that the walls will not be of detriment of the amenity of the adjoining properties. In addition, the walls comply with the permitted average boundary wall height as specified in the R-Codes 2013 allowing for adequate daylight into neighbouring properties and increased privacy.</p> <p>Supported. The applicant has prepared amended plans reducing the height of the parapet walls on the southeast and northwest boundary to a maximum height of 2.914 metres. The reduction to the parapet wall height limits any overshadowing to the adjoining properties to the compliant percentage of 50% as stipulated by the R-Codes 2013.</p> <p>Not supported. The second storey portion of the southern parapet wall is setback 1.36 metres from both the southeast and northwest boundary. The proposed parapet wall will not pose a significant detriment to the provision of light and ventilation to the adjoining properties. The upper floors have been setback from the side boundaries to break up its appearance, limiting the appearance of building bulk.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><i>"This will seem overcrowded and unattractive. It will not be possible to walk on the footpath comfortably outside this address".</i></p> <p><i>"The two storey walls will be hard pressed against the fence line towering over into my front yard and deck, the living room and also the one bedroom. This building plan has the structure leaving no gap between the boundary and the building".</i></p>	<p>Not supported. The front elevation has incorporated varying articulation along with different materials and finishes to break up its appearance. The dwelling fronting Edith Street will provide greater surveillance along this street without impacting the privacy of the immediately adjacent dwellings.</p> <p>Not supported. Amended plans have been submitted which reduce the height of the parapet walls on the southeast and northwest boundaries to a maximum height of 2.914 metres. These amendments ensure that direct sun to major openings of habitable rooms and outdoor living areas for adjoining properties is not restricted. The overshadowing is also compliant with the requirements of the R-Codes 2013.</p>
<p>Issue: Outdoor living areas</p> <p><i>"This will contribute to the street appearing less residential and more commercial. Other dwellings like 9 Edith and 11 Edith have complied".</i></p>	<p>Not supported. The outdoor living area has been located within the street setback area as it ensures that this area is open to northern sun. The location of the outdoor living area, in combination with landscaping will enhance the visual appearance of the street and increase passive surveillance along Edith Street.</p>
<p>Issue: Materials</p> <p><i>"Previous plans showed that Zinalume was the proposed cladding material for walls – I object to the walls clad in zinalume due to reflective glare problems and where it would adversely impact upon character of heritage streetscapes".</i></p>	<p>Not supported. The proposed materials of the development are colorbond. This material choice is considered appropriate due to the custom orb profile tin-roofs on most heritage buildings in the area.</p>
<p>Issue: Parking</p> <p><i>"Parking would be adversely affected given that the existing house at 24 Ruth Street will no longer retain a parking bay and therefore will require street parking".</i></p>	<p>Not supported. The Western Australian Planning Commission granted subdivision approval on 23 December 2013. This approval removed the requirement for the existing house to provide an off-street car bay.</p>
<p>Issue: Height</p> <p><i>"The height of the proposed building is also ridiculously high".</i></p>	<p>Not supported. The height of the building is consistent with the City's Residential Design Elements Policy No. 7.2.1 which permits a maximum pitched roof height of 9 metres.</p>
<p>Issue: Appearance</p> <p><i>"The building will look out of place with the rest of the neighbourhood".</i></p>	<p>Not supported. Edith Street has an evolving streetscape appearance. The design draws from specific contextual design elements of Edith Street to combine the historic and modern form.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

*"Natural and Built Environment*

- 1.1 *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.2 *Enhance and maintain the character and heritage of the City."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwelling allows for adequate natural light and cross ventilation.	
SOCIAL	
Issue	Comment
Nil.	
ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Planning Services**

The subject planning application, particularly the design has given attention to the surrounding developments adjacent to the site. The proposal is not considered to have an undue adverse impact on the amenity of the locality as it complies with the Design Principles of the City's Residential Design Elements Policy No. 7.2.1 and the Residential Design Codes of WA 2013.

The applicant has willingly made amendments to the plans to address all the concerns raised during the community consultation process whilst ensuring that the design is consistent with the existing pattern of development along Edith Street.

**CONCLUSION:**

It is considered that the proposed building height, street setbacks and scale of the proposed dwelling would not adversely impact the existing streetscape. In addition, the applicant has provided amended plans to address the concerns raised during the community consultation process. These amendments are considered to improve the design and better reflect the existing context of the property.

On the above basis, the proposed construction of a two storey grouped dwelling and loft is supported. It is recommended that the proposal be approved subject to relevant conditions and advice notes.

**9.1.4 No. 588 (Lot 9; D/P 825) Newcastle Street, West Perth – Proposed Construction of a Four (4) Storey Multiple Dwelling Development Comprising Nine (9) Multiple Dwellings including a Home Office and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO4804; 5.2014.164.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Context Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Aaron Sice on behalf of the owners, New Castle 588 Pty Ltd for the Proposed Construction of a Four (4) Storey Multiple Dwelling Development Comprising Nine (9) Multiple Dwellings including a Home Office and Associated Car Parking at No. 588 (Lot 9; D/P 825) Newcastle Street, West Perth, as shown on amended plans date-stamped 15 July 2014 and 24 July 2014, included as Attachment 001, 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 No. 53 and No. 55 Kingston Avenue, West Perth, No. 586 and No. 590 Newcastle Street, West Perth 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 A minimum of seven (7) residential car bays and two (2) visitor bays, are to be provided on site for the development;

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

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

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

4. All the privacy screening shown on the floor and elevations plans shall comply with the requirements of the Residential Design Codes WA 2013;

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

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

**6.1 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

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

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

**6.2 Acoustic Report**

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

**6.3 Construction Management Plan**

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

**6.4 Sustainability**

An ARActive Abode report shall be prepared and submitted demonstrating the following sustainability performance outcomes:

- 6.4.1 That the final design achieves a minimum 8 Star ARActive rating for Energy;
- 6.4.2 That the final design achieves a minimum 4 Star ARActive rating for Water and incorporates the highest efficiency WELS rated tap ware, toilets, showers and fixed appliances throughout; and
- 6.4.3 That the final design achieves a minimum 5 Star ARActive rating for Liveability.

The ARActive report is to list the design features and sustainability measures incorporated into the final design in order to achieve the above ARActive star ratings; and

**6.5 Underground Power**

In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Newcastle Street frontage of the development shall be placed underground at the Developer's full cost.

The developer is required to liaise with both the City and Western Power to comply with their respective requirements;

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

7.1 Clothes Drying Facility

Each multiple dwelling shall be provided with a 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 or the Residential Design Codes of WA 2013;

7.2 Car Parking

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

7.3 Residential Bicycle Bays

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

7.4 Management Plan-Vehicular Entry Gates

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

7.5 Landscaping

With regard to condition 6.1, all 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); and

7.6 Section 70A Notification under the Transfer of Land Act

A notification shall be lodged on the Certificate(s) of Title under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

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 accords with the requirements of the Residential Design Codes of WA 2013 and the City's Policy No. 7.7.1 relating to Parking and Access; and

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

ADVICE NOTES:

1. 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; and
2. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate.

**Moved Cr Cole, Seconded Cr Buckels**

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

That Condition 2.1 be amended to read as follows:

“2.1 A minimum of ~~seven (7)~~ **nine (9)** residential car bays and ~~two (2)~~ **visitor bays**, are to be provided on site for the development;”

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.4**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Aaron Sice on behalf of the owners, New Castle 588 Pty Ltd for the Proposed Construction of a Four (4) Storey Multiple Dwelling Development Comprising Nine (9) Multiple Dwellings including a Home Office and Associated Car Parking at No. 588 (Lot 9; D/P 825) Newcastle Street, West Perth, as shown on amended plans date-stamped 15 July 2014 and 24 July 2014, included as Attachment 001, 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 No. 53 and No. 55 Kingston Avenue, West Perth, No. 586 and No. 590 Newcastle Street, West Perth 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 A minimum of nine (9) residential car bays are to be provided on site for the development;

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

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

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

4. All the privacy screening shown on the floor and elevations plans shall comply with the requirements of the Residential Design Codes WA 2013;

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

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

**6.1 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

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

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

**6.2 Acoustic Report**

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

**6.3 Construction Management Plan**

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

**6.4 Sustainability**

An ARActive Abode report shall be prepared and submitted demonstrating the following sustainability performance outcomes:

- 6.4.1 That the final design achieves a minimum 8 Star ARActive rating for Energy;
- 6.4.2 That the final design achieves a minimum 4 Star ARActive rating for Water and incorporates the highest efficiency WELS rated tap ware, toilets, showers and fixed appliances throughout; and
- 6.4.3 That the final design achieves a minimum 5 Star ARActive rating for Liveability.

The ARActive report is to list the design features and sustainability measures incorporated into the final design in order to achieve the above ARActive star ratings; and

**6.5 Underground Power**

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

7. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**
- 7.1 **Clothes Drying Facility**  
Each multiple dwelling shall be provided with a 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 or the Residential Design Codes of WA 2013;
- 7.2 **Car Parking**  
The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 7.3 **Residential Bicycle Bays**  
A minimum of three (3) residential bicycle bays and one (1) visitor bay to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;
- 7.4 **Management Plan-Vehicular Entry Gates**  
Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City;
- 7.5 **Landscaping**  
With regard to condition 6.1, all 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); and
- 7.6 **Section 70A Notification under the Transfer of Land Act**  
A notification shall be lodged on the Certificate(s) of Title under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:  
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 accords with the requirements of the Residential Design Codes of WA 2013 and the City's Policy No. 7.7.1 relating to Parking and Access; and
8. **The development is to comply with all Building, Health and Engineering Services conditions and requirements to the satisfaction of the City.**

**ADVICE NOTES:**

1. **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; and**
2. **A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate.**

**PURPOSE OF REPORT:**

The proposal is referred to Council for determination, as the applicant is seeking a variation to the number of storeys.

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	New Castle 588 Pty Ltd
<b>Applicant:</b>	Aaron Sice
<b>Zoning:</b>	Residential R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	533 square metres
<b>Right of Way:</b>	Not applicable.

The proposed application is for Construction of Four (4) Storey Multiple Dwelling Development Comprising Nine (9) Multiple Dwellings including a Home Office 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			✓
Street Setback			✓
Lot Boundary Setbacks			✓
Boundary Walls			✓
Number of Storeys			✓
Landscaping	✓		
Open Space	N/A		
Roof Forms	N/A		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Utilities & Facilities	✓		
Surveillance	✓		

**Town Planning Scheme/Residential Design Codes Assessment**

Planning Element:	Building Size
Requirement:	Residential Design Codes Clause 6.1.1 Plot Ratio = 1 = 533 square metres
Applicant's Proposal:	Plot Ratio = 1.22 = 650.3 square metres
Design Principles	Residential Design Codes Clause 6.1.1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.

Planning Element:	Building Size
Applicant justification summary:	<i>"The proposed development seeks a plot ratio concession to 1.22:1. This is solely to take advantage of the central nature of the site and provide an authentic measure of 'future-proofing' with the partial 'mixed-use' component of the proposal – as the immediate area evolves and identifies with a particular or predominant use, the building will remain relevant and purposeful to the locality. The cornerstone of sustainability is the future proofing of an element."</i>
Comments	<p>Supported. The bulk, scale and height of the development have been addressed through the articulated design and use of differing materials. The fourth storey does not occupy the whole site and is setback 5 metres from the rear property, reducing its impact to the adjoining landowners.</p> <p>It should be noted that under the Draft Town Planning Scheme No. 2 the site is proposed to be rezoned to Residential/Commercial R160 and a plot ratio of 2 will be acceptable.</p> <p>The development has also been awarded Design Excellence by the City's Design Advisory Committee allowing additional height in accordance with the City's Exercise of Discretion Policy No. 7.5.11. Plot ratio and building height contribute to the bulk and scale of a development and in this instance, support of additional storey by the Design Advisory Committee is reflected with the additional plot ratio.</p> <p>The proposal is presenting an interpretation of the allowable four storeys achieved with design excellence with a building that respects the adjoining sites and streetscape through the articulated design and setbacks. The development will reinforce the future desired built form for the area and will provide a catalyst for regeneration of existing sites along this part of Newcastle Street.</p>

Issue/Design Element:	Street Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.3 and Residential Design Elements Policy No. 7.2.1</b> Newcastle Street Ground Floor = 10.2 metres Upper floors building= 2 metres behind the ground floor setback Balconies= 1 metre behind the ground floor setback</p>
Applicant's Proposal:	<p>Ground Floor – 0.4 metre to 4.026 metres (variation of 9.8 metres to 6.174 metres) First and Second Floors = 3.936 metres (variation of 6.264 metres) Balcony-First Floor= 3.2 metres (variation of 7 metres) Second Floor= 5 metres (variation of 5.2 metres)</p>
Design Principles	<p><b>Residential Design Codes Clause 6.1.3 P3</b> Buildings are set back from street boundaries primary and secondary an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• contribute to the desired streetscape;</li> <li>• provide articulation of the building on the primary and secondary streets;</li> <li>• allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;</li> </ul>

Issue/Design Element:	Street Setbacks
	<ul style="list-style-type: none"> <li>• are appropriate to its location, respecting the adjoining development and existing streetscape; and</li> <li>• facilitate the provision of weather protection where appropriate.</li> </ul>
Applicant justification summary:	<p><i>“The immediate neighbourhood, current and future, has a strong sense of verticality. The Newcastle Street elevation seeks to capitalize on this trend without dominating the streetscape.”</i></p>
Officer technical comment:	<p>Supported. There have been developments approved along Newcastle Street with nil setback to the street. Therefore this development will provide a transitional emerging streetscape form existing lower scale development to higher scale development along a major road such as Newcastle Street.</p> <p>The main building of the proposed development is setback to 4.026 metres; only the screen wall will be setback 0.4 metre from Newcastle Street. In addition, the front façade of the proposed building is articulated with varying setbacks, openings and construction materials which will contribute to the emerging streetscape.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4</b> North All floors = 3 metres East and West All floors= 4 metres</p>
Applicant’s Proposal:	<p>North Ground and First Floors = Nil ( variation of 3 metres) Second Floor= 1.79 metres (variation of 1.21 metres) East Ground and First Floors = Nil (variation of 4 metres) Second Floor= 1.232 metres to 3.232 metres (variation of 2.768 metres to 0.768 metres) Third Floor= 1.232 metres to 1.632 metres (variation of 2.768 metres to 2.368 metres) West Ground and First Floors = Nil (variation of 4 metres) Second Floor = Nil to 3.2 metres (variation of 4 metres to 0.8 metre) Third Floor = 3.2 metres (variation of 0.8 metre)</p>
Design Principles	<p><b>Residential Design Codes Clause 6.1.4 P4.1</b> Buildings setback from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with protection of privacy between adjoining properties.</li> </ul>

Issue/Design Element:	Building Setbacks
Applicant justification summary:	<i>“Design as podium-style terraces, side setbacks are employed to bring light and ventilation into the development as well as reduce the height of boundary walls to ensure a positive outcome for any neighbouring development.”</i>
Officer technical comment:	<p>Supported. In consideration of the performance criteria of the Residential Design Codes;</p> <ul style="list-style-type: none"> <li>• the layout of the building ensures adequate northern sunlight and cross-ventilation to each individual apartment and given the site is zoned Residential R80 open space is not a criteria applicable for this development as per Residential Design Codes. The upper floors walls on the eastern and western sides are staggered and the fourth floor to the northern boundary is setback 5 metres which will minimise the impact on the adjoining properties;</li> <li>• the fourth storey do not occupy the whole site and is setback from the adjoining boundaries. The boundary walls comply with the required heights in relation to the northern and eastern boundaries and with regard to the western boundary, the boundary walls are staggered which will minimise the visual impact on the adjoining properties;</li> <li>• the proposal complies with the overshadowing requirement as per the Residential Design Codes;</li> <li>• the proposal complies with the privacy requirements;</li> </ul> <p>Given the above, it is considered that the variations to the building setbacks can be supported as there will be no undue impact on the adjoining properties in terms of sunlight, ventilation, bulk and privacy.</p>

Issue/Design Element:	Boundary Wall
Requirement:	Residential Design Codes Clause 6.1.4 Walls built to one boundary Two third of length of boundary North and East= 27.2 metres Maximum Height= 7 metres Average Height= 6 metres
Applicant’s Proposal:	Three boundaries Length=North and Eastern boundaries= 46 metres Western boundary Maximum Height=9.8 metres Average Height= 7.05 metres
Design Principles	Residential Design Codes Clause 6.1.4 P4.1 Buildings setback from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with protection of privacy between adjoining properties.</li> </ul>

Issue/Design Element:	Boundary Wall
Applicant justification summary:	<i>“Design as podium-style terraces, side setbacks are employed to bring light and ventilation into the development as well as reduce the height of boundary walls to ensure a positive outcome for any neighbouring development.”</i>
Officer technical comment:	<p>Supported. In consideration of the performance criteria of the Residential Design Codes;</p> <ul style="list-style-type: none"> <li>• the boundary walls on the northern and eastern sides comply with the heights requirements, on the western side the boundary walls are staggered which will ensure adequate sunlight and ventilation to the apartments. They are considered appropriate with such a narrow width of the site which will make the building more functional;</li> <li>• on the western elevation the heights of the boundary wall vary from 5.2 metres (rear) to 9.9 metres (front), being staggered and the two other side boundary walls comply with the R-Codes in respect of height. Therefore there will be no visual impact on the adjoining properties.</li> <li>• the proposal complies with the overshadowing requirement as per the Residential Design Codes;</li> <li>• the proposal complies with the privacy requirements;</li> </ul> <p>Given the above, it is considered that the variations to the boundary walls can be supported as there will be no undue impact on the adjoining properties in terms of sunlight, ventilation, bulk and privacy.</p>
Issue/Design Element:	Number of Storeys
Requirement:	<p>Development Guidelines for Multiple Dwellings Policy No. 7.4.8, Residential Design Codes Clause 6.1.2 and Exercise of Discretion Policy No. 7.5.11.</p> <p>Three (3) storeys including loft to a height of 12.5 metres.</p>
Applicant's Proposal:	Four Storeys to a height of 12.5 metres
Design Principles	<p><b>Residential Design Codes Clause 6.1.2 P2</b> Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:</p> <ul style="list-style-type: none"> <li>• adequate direct sun to buildings and outdoor living areas;</li> </ul>
	<ul style="list-style-type: none"> <li>• adequate daylight to major openings to habitable rooms;</li> <li>• access to views of significance from public places;</li> <li>• buildings present a human scale for pedestrians;</li> <li>• building façades are designed to reduce the perception of height through design measures; and</li> <li>• podium style development is provided where appropriate.</li> </ul>

Issue/Design Element:	Number of Storeys
Applicant justification summary:	<p><i>“The development derives its architecture from the Light Industrial style of architecture in the immediate area – which allows the development to ‘step’ organically with the contours of the land. This provides an element of individuality; and with that, a stronger sense of ownership. The roof form is a direct reflection of the shape of the intersection to which the site addresses, providing a strong sense of visual fluidity when viewing the development from any angle.</i></p> <p><i>This allows for a real ‘de-massing’ of the proposal and allows the development to be contained within all allowable height limits.</i></p> <p><i>This de-massing is evident on the immediate neighbouring properties, with only 46 per cent overshadowing provided and visual blending of heights as the streetscape progresses away from Loftus Street.”</i></p>
Officer technical comment:	<p>Supported. The additional one storey proposed by the development can be considered if the applicant achieves design excellence and can satisfy one of the additional requirements as listed under the City’s Policy No. 7.5.11 Exercise of Discretion for Development Variations. In this case the proposed development has been awarded Design Excellence by the City’s Design Advisory Committee (DAC) and is considered to meet the sustainability requirements under Clause AR1.3. Given the proposal has been awarded Design Excellence and satisfies the sustainability requirement therefore it is considered that the development can be supported with a height of four storeys.</p> <p>In consideration of the performance criteria of the Residential Design Codes;</p> <ul style="list-style-type: none"> <li>• the fourth storey does not occupy the whole site and generally complies with the 12 metres height which minimise the impact on the adjoining properties. The development meets the requirements of overshadowing and therefore it is considered to allow adequate direct light to adjoining buildings and outdoor living areas;</li> </ul>
	<ul style="list-style-type: none"> <li>• the proposal is not considered to deny significant views given a three storey development with 12 metres height is permitted on the site and proposed building height is 12.5 metres;</li> <li>• the human scale is considered to be taken into account as upper floors are stepped back, while the ground floor maintains interaction with the street;</li> </ul>
	<ul style="list-style-type: none"> <li>• significant articulation has been incorporated into the design to reduced the perceived height and visual impact to the extent that it has received exemplary design excellence from the City’s Design Advisory Committee;</li> <li>• given the upper floor increased setbacks podium style development has been achieved and is considered appropriate to the site with a narrow width;</li> </ul>

Issue/Design Element:	Number of Storeys
	<p>It is noted that Council at its Ordinary Meeting held on 13 September 2011 conditionally approved a four storey residential building at No. 65 Kingston Street, West Perth, on north-west corner. There are also some existing high rise buildings (eight storeys) at No. 572 and No. 580 Newcastle Street, two blocks east of the subject property. In addition, Council at its Ordinary Meeting held on 22 November 2011 conditionally approved a five storey mixed-use redevelopment at No. 590 Newcastle Street, West Perth, located adjacent to the subject site. Based on these examples, the additional storey is not considered out of context with the emerging height for this area and is supported accordingly.</p>

Issue/Design Element:	Car Parking
Requirement:	Residential Design Codes 6.3.3 Total Car Parking required= 10 car bays
Applicant's Proposal:	Car Parking bays provided= 9 car bays Shortfall= 1 car bay
Design Principles	<p>Residential Design Codes 6.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> <li>• the type, number and size of dwellings;</li> <li>• the availability of on-street and other off-site parking; and</li> <li>• the proximity of the proposed development in relation to public transport and other facilities</li> </ul>
Applicant justification summary:	<p><i>"We understand the provisions of the City's Policy 7.4.8 – Development Guidelines for Multiple Dwellings (The Policy) prohibits landscaped area less than 0.5 metres wide to be included in the overall calculations as such. To this end, my clients are amicable to amending the submitted plans to comply with the provisions of the Policy pertaining to landscaping. The size of the subject site will render compliance achievable.</i></p>
Officer technical comment:	Supported. Refer to comments below.

### Car and Bicycle Parking

Residential Car Parking	
Small Dwelling (<75 square metres or 1 bedroom)-0.75 spaces per dwelling (8 dwellings)= 6 car bays	
Medium Multiple Dwelling (75-110 square metres)- 1 bay per dwelling (1 dwellings)= 1 car bay	
Visitors= 0.25 per dwelling (9) dwellings) = 2.25 car bay= 3 car bays	
Total Required = 10 car bays (7 Residential/3 Visitors)	9.0 Car Bays Proposed
Shortfall	1 car bay

Residential Bicycle Parking		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (9 dwellings – 3 bays required) and 1 bicycle space to each 10 dwellings for visitors (9 dwellings – 0.9 or 1.0 bicycle bay):	Proposed

<b>Residential Bicycle Parking</b>		
	Three (3) bicycle bays for the residents and one (1) bicycle bay for the visitors.	Seven (7) bicycle bays provided.

With regard to the shortfall of 1 car bay, the Residential Design Codes specify that variation can be considered subject to the availability of on-street parking and other off-site parking and the availability of public transport.

There is availability of on-street car parking along Newcastle Street, West Perth, the site is easily accessible by public transport and there are public car parks not far from the subject site. Moreover, given the layout of the building and the site is restricted by the width of the lot, it will be difficult for the applicant to comply with the car parking requirements.

Given the above, the variation to the car parking is supported, resulting in 7 bays being provided for the residents and 2 car bays for the visitors.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	22 May 2014 –5 June 2014
<b>Comments Received:</b>	Four (4) Comments received with Two (2) Objections and Two (2) Support

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Issue: Boundary Walls</u></p> <p>The rear elevation will have been visually intrusive to the adjoining property.</p> <p>The boundary walls will impact on the amenity of the adjoining neighbours and will impact on the future development on the adjoining lots.</p>	<p>The applicant amended the plans to comply with the required average and maximum heights along the northern boundary (rear) for the boundary wall. On the western elevation the heights of the boundary wall vary from 5.2 metres (rear) to 9.9 metres (front) and therefore given the boundary wall being staggered there will be minimal impact on the adjoining property. The boundary wall along the western boundary will face mostly the site at No. 590 Newcastle Street whose owner has not objected to the boundary wall. The boundary wall along the eastern boundary complies with the height requirements. Moreover in the future buildings on the adjoining properties can use the boundary wall for their development. The proposal complies with the overshadowing and privacy and therefore there will be no impact on the adjoining properties. The proposal was awarded Design Excellence and the width of the lot is narrow, with the boundary walls the development will be more functional.</p>
<p><u>Issue: Privacy</u></p> <p>Concern in relation privacy impact on the adjoining properties.</p>	<p>The applicant has amended the plans to provide screening to the balconies and therefore the proposal complies with the privacy requirements.</p>
<p><u>Issue: Car Parking</u></p> <p>The grade of the car parking is not compliant. There should have been an access from Newcastle Street so as not to provide a steep access ramp.</p>	<p>The City Technical Services are satisfied with the car parking grade.</p>

Summary of Comments Received:	Officers Technical Comment:
The undercroft car parking will not have natural lighting and mechanical ventilation will be required.	The undercroft parking will require to comply with the Building Codes of Australia with regard to ventilation and lighting.
<u>Issue: Building</u>	
The building does not comply with the fire requirements.	This matter will be addressed at the Building Permit stage.
<u>Issue: Open Space</u>	
The applicant should have complied with the open space requirement.	As per the R-Codes for multiple dwellings in a Residential R80 open space is not required.
No proper ventilation to the proposed units.	The City Design Advisory Committee was satisfied that adequate ventilation and light are provided to the units. Moreover the City Officers are satisfied that the proposed development achieve the sustainability performance which ensures adequate ventilation to each apartment.
<u>Issue: Air Conditioners</u>	
No air conditioners are shown on the plans which may impact on the visual amenity of the adjoining properties.	Any air conditioning proposed in the future will have to comply with the requirements of R-Codes with regard to External Fixtures.

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

#### Internal Consultation

##### Environmental Sustainability

Overall, the proposed sustainability performance of this development is commendable and the proposed development complies with the requirement for sustainability performance under Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations. In addition to achieving significant improvements in energy and water efficiency, the design is accessible, adaptable and encouraging of sustainable lifestyle choices and behaviours by occupants.

#### Design Advisory Committee (DAC)

Referred to Design Advisory Committee: Yes

The proposal was referred to the City's DAC on the 5 June 2013.

#### *Discussion:*

- *Well designed. Difficult site because of the width is acknowledged.*
- *DAC support the project.*
- *High quality product has been produced.*
- *Good sustainable design.*
- *Entrance very narrow.*
- *Ventilation will be lost on boundary because of fire rating.*
- *Building on boundary – look at wall on boundary for ventilation and bulk impact.*

#### *Recommendation:*

- *Confirm the materials.*

#### *Mandatory:*

- *Nil*

*Design Considerations:*

- *Look at generosity of entry increase width where appropriate.*
- *Increase definition of pedestrian entry to avoid confusion with vehicle entry/driveway. Integrate letterboxes and other services in to this wall. A canopy over the entry may also increase the presence of the entry*
- *Driveway - permeable gate that closes off driveway should be provided.*
- *Consider relocating stores off the boundary.*
- *Consider shading highlight windows on the west.*
- *Materials – confirm specific list of ‘eco’ materials.*
- *There are only minor design and some technical issues.*
- *Reduce the bulk and scale of the West facing boundary wall.*

*Technical:*

*Confirm the fire separation requirements for the west parapet wall”*

The proposal was again referred to the City’s DAC on the 19 February 2014.

*Discussion:*

- *The DAC supports and considers this proposal to have achieved Design Excellence.*
- *This proposal presents a good case study for mixed use development on 10.5m wide lots. The applicant consents to the City of Vincent using drawings supplied for case study purposes.*
- *Reconsider the treatment of the front retaining wall and handrail to the courtyard of the commercial tenancy to optimise street engagement to improve street activation.*

*Project attributes include;*

- *Mass and scale of the development is appropriate within this context.*
- *Built form is very well articulated.*
- *Proposal has achieved an active ground floor use with a generously sized commercial tenancy with good facilities on a narrow lot. This contributes to street activation and passive surveillance and will benefit the locality as well as the development.*
- *The proposal capitalises on the site contours. Built form is ‘stepped’ as the site inclines creating distinct building forms. Aside from breaking down the perceived building mass, this move has the added benefit of offering an element of independence and identity (clear ownership) to the apartments, which adds value.*
- *This proposal has rigorously applied the principles of passive solar design.*
- *All apartments receive good northern solar access to living areas, balconies and most bedrooms.*
- *Bathrooms have access to daylight and ventilation.*
- *Apartments are dual aspect and shallow in plan optimising opportunity for ventilation.*
- *Well considered use of landscaping elements to enhance amenity. The balconies on the second floor use a planter edge to keep occupants away from the edge thus providing privacy to the courtyards below in different ownership. Green wall to entry sequence is well considered and viable.*
- *Building entry points are clearly legible.*
- *Proposed materials are contemporary interpretations of those commonly used in the locality with the addition of stone, green walls, and eco-timber features.*

*Recommendation:*

*The DAC supports and considers this proposal to have achieved Design Excellence, pending a very minor revision to the drawings presented. The DAC wishes to congratulate the Applicant for having achieved such high design quality on such a challenging site. This proposal presents a good case study for mixed use development on 10.5m wide lots.*

*Mandatory:*

- *Optimise the engagement between the ground floor commercial unit and the street. Optimise the visual connection between the two. Reconsider the treatment of the front retaining wall and handrail to the courtyard of the commercial tenancy.*

The applicant has provided the following comments:

*“The front fence treatment for HO1 courtyard was presented to the DAC as a 1200h solid brick fence and a 600h permeable infill above. The DAC thought that because it was already above the road, that this could be reversed (so 600h wall with 1200h permeable infill above). The plans as submitted reflect this change as requested.”*

In view of the above, amendments noted to the meeting of DAC, the proposed development as it currently stands is deemed to have met the intent of the mandatory requirements of the DAC.

**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;
- Cleaver Precinct Policy No. 7.1.1; and
- Exercise of Discretion for Development Variations Policy No. 7.5.11.

**RISK MANAGEMENT IMPLICATIONS:**

Should 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:**

**Comments**

The City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations allows for additional storey to the proposal subject to the application meets the Essential Criteria (EC), in addition to at least one Additional Requirement (AR).

The proposal complies with the Essential Criteria as there will be no impact on the amenity of the locality as outlined in the Assessment table, the site is zoned Residential R80 and was awarded Design Excellence by the City Design Advisory Committee. With regard to the Additional Requirement, the proposed development incorporates sustainable design features which comply with the City's requirement for sustainability performance.

The subject site is proposed to be rezoned from Residential R80 to Residential R160 in draft Town Planning Scheme No. 2 and the subject development requirements will be as per the proposed Perth Precinct Policy. This policy proposes a maximum height limit of five (5) storeys for this site, with a maximum plot ratio of 2.0 (in a mixed use or residential development). This height limit is reflective of the height of the proposed building.

Council at its Ordinary Meeting held on 13 September 2011 conditionally approved a four storey residential building at No. 65 Kingston Street, West Perth, on north-west corner. There are also some existing high rise buildings (eight storeys) at No. 572 and No. 580 Newcastle Street, two blocks east of the subject property. In addition, Council at its Ordinary Meeting held on 22 November 2011 conditionally approved a five storey mixed-use redevelopment at No. 590 Newcastle Street, West Perth, located adjacent to the subject site. Therefore the proposed height is consistent with the emerging built form of the area.

In view of the above, the four storey building will be consistent with the scale, form and use of development in the immediate and surrounding vicinity. Furthermore, this proposed development was awarded Design Excellence by the Design Advisory Committee. In this instance, it is considered that the proposal will not have any impact on the surrounding area.

**Conclusion**

The proposal is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. This development will contribute positively to the future streetscape of Newcastle Street and redevelopment of the area. The variations to the number of storeys, plot ratio, setbacks and car parking will not have an impact on the surrounding area and in this instance the application is recommended for approval subject to standard and appropriate conditions.

**9.1.1 FURTHER REPORT: No. 39 (Lot 2; D/P 9083) Cowle Street, West Perth – Proposed Demolition of Existing Single House and Construction of Four (4) Storey Multiple Dwelling Development Comprising Nine (9) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO3038; 5.2014.78.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Justification Report <a href="#">003</a> – Further Applicant Justification <a href="#">004</a> – Car Parking Calculation <a href="#">005</a> – Applicant Design Advisory Committee Timeline Document		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Planning Solutions Pty Ltd on behalf of the owner JVP1 Pty Ltd for Proposed Demolition of Existing Single House and Construction of a Four-Storey Multiple Dwelling Building Comprising Nine (9) Multiple Dwellings and Associated Car parking, at No. 39 (Lot 2; D/P: 9083) Cowle Street, West Perth, and as shown on amended plans date-stamped 30 July 2014, included as Attachment 001, for the following reasons:

1. The development is contrary to the orderly and proper planning as its proposed scale and bulk is excessive for both its current and future context; and
2. The proposal does not satisfy Clause 40 (3) (i) and (ii) of Town Planning Scheme No. 1 as the development does not comply with the development standards expected of the locality in that the development does not maintain the amenity of current and future residents.

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (2-4)**

**For:** Cr Buckels and Cr Cole

**Against:** Presiding Member Mayor Carey, Cr Pintabona Cr Topelberg and Cr Wilcox

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**Reason**

The Development was considered to accord with relevant planning requirements.

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Topelberg, Seconded Cr Wilcox**

**ALTERNATIVE RECOMMENDATION:**

That 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 Planning Solutions Pty Ltd on behalf of the owner JVP1 Pty Ltd for Proposed Demolition of Existing Single House and Construction of a Four-Storey Multiple Dwelling Building Comprising Nine (9) Multiple Dwellings and Associated Car parking, at No. 39 (Lot 2; D/P 9083) Cowle Street, West Perth, and as shown on amended plans date-stamped 30 July 2014, included as Attachment 001, 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. 37 and 41 Cowle Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. 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. 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 Cowle Street;

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

**5. On-Site Car Parking**

5.1 A minimum of seven (7) residential car bays and three (3) visitor bays, are to be provided on site for the development;

**6. Car Parking and Accessways**

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

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

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

6.4 Access to visitor car parking bays shall be available at all times;

7. **Vertical Landscaping**

7.1 All vertical landscaping along the eastern and western elevation of the building in addition to all other landscaping on-site is to be appropriately maintained to the satisfaction of the City;

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

8.1 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the City's Policy 7.4.8 relating to Multiple Dwellings for the development site and adjoining road verge shall be submitted to the City for assessment and approval. For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

8.1.1 A minimum of 5% or 30.1 square metres of private courtyard areas of the total site area to be provided as soft landscaping

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

8.1.3 All vegetation including lawns;

8.1.4 Areas to be irrigated or reticulated;

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

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

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);

8.2 **Acoustic Report**

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

8.3 **Schedule of External Finishes**

A detailed schedule of external finishes is to be provided by the applicant (including materials and colour schemes and details) to the satisfaction of the City;

8.4 **Construction Management Plan**

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

**8.5 Section 70 A Notification under the Transfer of Land Act**

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

8.5.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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;

8.5.2 Where a car stacker weight capacity is less than 2,500kg, A Section 70A notification under the Transfer of Land Act will be required to advise future owners and occupiers of the limitation; and

8.5.3 Where a car stacker proposes an aisle width less than 7 metres, a Section 70A notification under the Transfer of Land Act will be required to advise owners that multiple manoeuvres may be required to enter an exit the car stacker;

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

**8.6 Privacy**

The balconies to Units 3-9 on the eastern elevation to be compliant with the privacy provisions of the Residential Design Codes 2013;

**8.7 Outdoor Living Area**

The applicant to provide amended plans denoting the proposed outdoor living areas of Units 4-9 having a minimum area of 10 square metres;

**8.8 Refuse Management**

A refuse and recycling management plan shall be submitted and approved by the City. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring; and

**8.9 Sustainability**

The applicant providing a report from an Organisation recognised by the City, that the proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum;

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

**9.1 Clothes Drying Facility**

Each multiple dwelling shall be provided with a clothes drying facility or communal area to be incorporated into the development in accordance with the Residential Design Codes of WA 2013;

**9.2 Car Parking**

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

**9.3 Bicycle Bays**

A minimum of three (3) residential bicycle bays and one (1) visitor bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**9.4 Management Plan-Vehicular Entry Gates**

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

**9.5 Parking Management Plan – Car Stacker**

The owner/strata body is required to enter into a maintenance agreement with the manufacturer or their nominee to ensure regular ongoing maintenance of the car stacker installation. A Parking Management Plan, detailing the maintenance plan and agreement, together with training of users of the car stacker installation, is required to be submitted and approved prior to first occupation of the development.

**ADVICE NOTES:**

1. 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;
2. A demolition permit shall be obtained from the City prior to commencement of any works on the site;
3. With regard to Condition 8.6 the balcony being screened with a permanent obscure material and non-openable to a height of 1.6 metres above the finished floor level, any point within the cone of vision less than 6.0 metres respectively from neighbouring boundaries;
4. Any new street/front wall, fence and gate within the Vincent Street setback areas, including along the side boundaries within these street setback areas shall comply with the City's Policy provisions relating to Street Walls and Fences;
5. The proposed crossover to be brushed concrete and the footpath to carry through;
6. The proposed crossover to be offset 0.5 metres from the side boundary;
7. With regard to Landscaping (Condition 8), the Council encourages landscaping methods and species selection which do not rely on reticulation and promote the conservation of water;

**ALTERNATIVE MOTION PUT AND CARRIED (4-2)**

**For:** Presiding Member Mayor Carey, Cr Pintabona, Cr Topelberg and Cr Wilcox  
**Against:** Cr Buckels and Cr Cole

**(Cr Harley was an apology for the Meeting.)**  
**(Cr Peart and Cr McDonald were on approved leave of absence.)**

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

8 February 2005	Council at its Ordinary Meeting approved an application for Two-Storey Additions and Alterations to the Existing Dwelling.
27 May 2014	Council at its Ordinary Meeting deferred an application for Proposed Demolition of existing Single House and Construction of Four (4) Storey Multiple Dwelling Development Comprising of Ten (10) Multiple Dwellings and Associated Car Parking.

This proposal was considered as Item 9.1.11 at the Ordinary Meeting of Council on 27 May 2014, where the following was resolved:

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

The inconsistencies referred to in Council’s resolution related to the assessment of the application in particular to variations concerning visual privacy, clothes drying areas, car parking, street setbacks and landscaping. These matters have now been addressed in this report to Council under the Assessment section under each criteria.

**Planning Assessment**

**Design Advisory Committee:**

The proposal was referred to the Design Advisory Committee on 18 September 2013, 16 October 2013, 4 December 2013 and 2 July 2014.

Since the decision of deferral at the meeting of Council on 27 May 2014, the applicant represented the proposal at the Design Advisory Committee (DAC) meeting of 2 July 2014, in order for further consideration of Design Excellence.

The following comments are from the DAC meeting of 2 July 2014. Please also find attached a summary of a response to the DAC comments from the applicant in Attachment 5.

**“Discussion:**

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

- *In order to achieve Design Excellence the design is required to have adequately responded to the 10 Principles of Good Design.*
- *Applicant has addressed height and bulk concerns at the front of the site, with an appropriate upper floor setback.*
- *The revisions to the proposal have introduced a number of issues;*
  - *The new Bedroom 1 in Apt 1 will have poor amenity. Mostly below ground with a single highlight window, fronting the sloped driveway with electric gate at approximately sill level, which will act to create noise, fumes and privacy issues for occupants. Furthermore the bin store area is located above the bedroom.*
  - *The introduction of high screening (in response to privacy concerns from neighbour) results in poor outlook for residences. For all but the front apartments, outlook is mostly via highlight windows or into balconies enclosed with full-height screens. A Design Excellence case study was tabled (on a narrower north facing site) that captured good northern solar access for balconies and living areas and was designed to avoid the need for screening, demonstrating one of many techniques for achieving a better outcome.*
  - *While some bulk issues have been addressed, bulk has increased to the eastern neighbouring site with the introduction of a long heavy roof element, consolidating the mass of the building and further reducing access to daylight to the balconies and living areas.*

- *Increased bulk and scale raised questions about heights generally, including questioning some of the earlier decisions to raise the development (with introduced fill) above an already steeply sloping site.*
- *The applicant was previously asked to demonstrate adequate cross-ventilation. Proposed development remains in defiance of patterns of desirable afternoon cooling breezes. As previously cited, south west is the direction from which to capture cooling breezes (a well-known Perth "rule of thumb") not south east as the applicant maintains. Cross ventilation will also be limited by the predominance of highlight windows.*
- *Visitor bays located beyond electric gate act to privatise carbays and discourage use by visitors.*

#### **4 December 2013**

##### **MANDATORY:**

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

##### **Recommendation:**

***This proposal has returned to the DAC more than is usually necessary as with each redesign new issues emerge. The DAC are yet to support this proposal and do not consider it to have achieved Design Excellence. Impact on neighbouring sites remains a concern as is the level of amenity offered to occupants.***

##### **Mandatory:**

- *Cross ventilation requires further attention. Cooling breezes come from the south west, not the south east as indicated in the diagrams. Increase the percentage of apartments that achieve good cross ventilation. Consider window types and how this contributes to cross-ventilation.*
- *In response to revisions;*
  1. *Reduce bulk and scale to the neighbouring site. Consider removing the long continuous heavy roof element which sits over the balcony elements and consolidates the mass of the building.*
  2. *Improve access to daylight, particularly northern solar access for balconies and habitable rooms, and ventilation.*
  3. *Reduce the reliance on highlight windows, particularly in habitable rooms.*
  4. *Reduce the reliance upon full height screening to balconies for privacy, as this is compromising outlook, access to daylight and ventilation.*
  5. *Bedroom 1 in Apartment 1 should be removed due to poor outlook and general amenity issues detailed above.*

##### **Design Considerations:**

- *In light of the bulk issues presented in this redesign, consider the benefits of excavation (instead of fill) to balance site levels to assist reduce overall bulk and scale of the development, reduce heights to the street, reduce impact on neighbouring sites.*

##### **Technical:**

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

### **ADDITIONAL INFORMATION**

Following further consideration by the applicant, amended plans that show the following changes were received by the City:

- Reduction in number of apartments from ten (10) to nine (9) from the reworking of the fourth floor apartment 7 into apartment 8;
- Additional landscaping provided along eastern and southern elevations and to the rear of the site. Vertical landscaping provided along fences in this area;
- Ground Floor apartment has increased to a 67m<sup>2</sup> two-bedroom apartment;
- Setting back of fourth floor front apartment (apartment 7) building wall to 8.0 metres and the inclusion of balcony/planter across the extent of the floor. 24.5m<sup>2</sup> roof top terrace has been provided for top floor apartment softening the impact to the streetscape;
- Western boundary setbacks increased by a further 0.5m;
- Visual impact of Apartment 4 'boxed' element has been reduced;
- Reduction in bulk to western elevation to front;
- Relocation of storerooms to rear of ground floor apartment;
- Removal of two (2) car bays;
- Reworking of staircase in the middle of the site;
- Addition of bedroom to Apartment 1;
- Living area 'blade' protrusions for Apartments 3 and 7 have been removed.

Whilst these addressed some of the DAC concerns it raised new issues which prevented DAC to give Design Excellence. The applicant has advised that there is no desire to further refine the proposal. The applicant believed that they had adequately satisfied the mandatory items presented at the previous DAC meetings on and felt that the further meetings would present new obstacles for them.

### ***Heritage Services***

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

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

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

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

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

**ASSESSMENT:**

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

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

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

**Acceptable Variations**

Issue/Design Element:	Street Setback
Requirement:	<p><b>Residential Design Codes Clause 6.1.3 (C3.1)</b>                      Ground Floor                      An average of Five (5) Properties Either Side of Subject Lot – 5.85 metres                      Upper Floors                      A minimum of two metres behind each portion of the ground floor setback.</p> <ul style="list-style-type: none"> <li>• Upper Floors – 7.85 metres</li> <li>• Balcony – 6.85 metres</li> </ul>
Applicant's Proposal:	<p>First Floor 2.7 – 3.3 metres (Variation of 2.65 - 3.15 metres)                      Second Floor 1.53 – 3.2 metres (Variation of 4.65 metres 5.32 metres)                      Third Floor – 4.0 metres (Variation of 3.85 metres)                      Fourth Floor – 4.0 metres (Balcony)/8.0 metres (upper floor) (Variation of 3.85 metres)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.3 (P3.1)</b>                      Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul>

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

<b>Issue/Design Element:</b>	<b>Landscaping</b>
Requirement:	<b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b> A minimum of 5 percent of the total site area, shall be provided as soft landscaping within the private outdoor living areas of the dwellings (30.1m <sup>2</sup> ).
Applicant's Proposal:	The applicant has achieved the 30% requirement over the subject site (180.6m <sup>2</sup> )  4.7% (28.325m <sup>2</sup> ) of the total site area, is provided as soft landscaping within the private outdoor living areas of the dwellings. (Variation of 0.3% or 1.775 square metres)
Design Principles:	<b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b> The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:  Meets the projected needs of the residents;  Enhances security and safety for residents; and  Contributes to streetscape.
Applicant justification summary:	Nil
Officer technical comment:	Not supported. In the event of approval the applicant would be required to provide sufficient landscaping on-site.

<b>Issue/Design Element:</b>	<b>Visual Privacy</b>
Requirement:	<b>Residential Design Codes Clause 6.4.1 C1.1</b> Balcony – 6.0 metres
Applicant's Proposal:	Eastern Unit 3 – (Balcony) –2.461 metres (Variation of 3.539 metres) Unit 4 – (Balcony) – 3.109 metres (Variation of 2.891 metres) Unit 5 – (Balcony) – 3.109 metres (Variation of 2.891 metres) Unit 6 – (Balcony) – 2.8 metres (Variation of 3.2 metres) Unit 7 – (Balcony) – 3.13 metres (Variation of 2.87 metres) Unit 8 – (Balcony) – 3.1 metres (Variation of 2.9 metres) Unit 9 – (Balcony) - 2.714 metres (Variation of 3.286 metres)
Design Principles:	<b>Residential Design Codes Clause P1.1</b> P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>• building layout, location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> </ul>
	<ul style="list-style-type: none"> <li>• location of screening devices.</li> </ul>

Issue/Design Element:	Visual Privacy
	<p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant justification summary:	Nil
Officer technical comment:	<p>Not supported. The applicant is required to screen the applicable balconies accordingly in accordance with the Residential Design Codes of WA 2013. It is noted however that the inclusion of the balconies will result in blocked in balconies and a reduction in amenity for the future residents of the dwelling.</p> <p>The design is not ideal and there is scope in improving design to change outcomes for privacy screening.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p><b>Residential Design Elements Policy BDADC 3. Roof Forms</b> 30- 45 degrees</p>
Applicant's Proposal:	Flat Roof
Design Principles:	<p><b>Residential Design Elements Policy BDPC 3 Roof Forms</b> The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	Nil
Officer technical comment:	Supported. The proposed roof form is considered to reduce the maximum height that could be proposed by the development given the 15.0 metre pitched roof height permitted under the Residential Design Codes.

Issue/Design Element:	Utilities and Facilities
Requirement:	<p><b>Residential Design Codes Clause 6.4.6 C6.1 and C6.3 and Multiple Dwellings Policy No. 3.4.8 Clause 5.2 A7.3</b> Developments are provided with:</p> <ul style="list-style-type: none"> <li>• An adequate communal area set aside for clothes drying, screened from the primary or secondary street; or</li> <li>• Clothes drying facilities excluding electric clothes dryers screened, from public view, provided for each multiple dwelling.</li> </ul>

<b>Issue/Design Element:</b>	<b>Utilities and Facilities</b>
	Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows: 1-15 dwellings = 3 lineal metres of clothes line per dwelling.
Applicant's Proposal:	<b>Residential Design Codes Clause 6.4.6 P6</b> Area provided at the rear of the site for a communal area however no specified clothes-drying area/facilities provided.
Design Principles:	Provision made for external storage, rubbish collection/storage areas and clothes drying areas that are: <ul style="list-style-type: none"> <li>• Adequate for the needs of residents; and</li> <li>• Without detriment to the amenity of the locality.</li> </ul>
Applicant justification summary:	Nil
Officer technical comment:	Supported in part. In the event of an approval the applicant would be required to provide clothesline/clothes drying facilities either within each dwelling in accordance with the standard requirements or in a communal area. In the current built form it is considered there is adequate area to bring it into compliance.

<b>Issue/Design Element:</b>	<b>Outdoor Living Areas</b>
Requirement:	<b>Residential Design Codes Clause 6.3.1 C1</b> Each Unit to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10m <sup>2</sup> and a minimum dimension of 2.4 metres
Applicant's Proposal:	Units 4, 5, 6, 8, 9 – 8.54 square metres – 9.47 square metres (Variation of 1.46 square metres – 0.53 square metres)
Design Principles:	<b>Residential Design Codes Clause 6.3.1 P1</b> 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:	Nil
Officer technical comment:	Not Supported. However this could be addressed with an improved design and condition.

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

**Issues**

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4 C4.2</b>  <u>First/Second/Third/Fourth Floor</u>                      Western – 3.0 metres                      Eastern – 3.0 metres  <u>Boundary Wall</u>                      Maximum Boundary Wall Height – 7.0 metres                      Average Boundary Wall Height – 6.0 metres                      Built to one side Boundary only.</p>
Applicant's Proposal:	<p><u>Western Elevation</u>                      First Floor                      1.711 metres (Variation of 1.289 metres)                      Second Floor                      1.7 metres. (Variation of 1.3 metres)                      Third Floor                      1.5-3.1 metres (Variation of 1.5 metres)                      1.51 - 3.5 metres. (Variation of 1.49 metres)                      Fourth Floor                      1.5-3.1 metres (Variation of 1.5 metres)  <u>Eastern Elevation</u>                      Third Floor                      1.489 metres – 3.511 metres (Variation of 1.511 metres)                      Fourth Floor                      1.51- 3.5 metres. (Variation of 1.49 metres)  <u>Boundary Wall</u>                      Walls on Two side boundaries. (Variation of One Side Boundary)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.4 (P4.1)</b>                      Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<p><i>The neighbouring dwelling to the west of the subject site comprises a brick parapet wall to the boundary and an iron patio awning that runs the length of the dwelling with no major openings. As such, the western setbacks of the proposed building will not be detrimental to the neighbouring property to the west, in terms of adequate daylight, direct sun or ventilation. There are no major openings to the neighbouring property to the east of the subject site. As such, the eastern proposed setbacks of the upper two storeys will not detrimentally affect the neighbouring property to the east, in terms of adequate daylight, direct sun or ventilation.</i></p> <p><i>The visual impact of building bulk on the neighbouring properties is moderated through the use of articulation and variance in building materials, colours and textures.</i></p>

<b>Issue/Design Element:</b>	<b>Lot Boundary Setbacks</b>
Officer technical comment:	Not supported. It is considered that the setback variations proposed are significant and will have a negative impact. Despite the articulation provided as a result of these setbacks the proposed building is excessively bulky and in regard to the adjoining eastern property will impact the amenity of the property for both existing and future residents. Significant overshadowing and reduction in amenity to their property will also be experienced.

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

Issue/Design Element:	Number of Storeys
<p>Applicant justification summary:</p>	<p><i>The proposed building height has been supported by the City's DAC at its meeting of 16 October 2013, subject to minor modifications that were incorporated into the lodged plans.</i></p> <p><i>The current zoning of the locality is intended to provide for higher density infill development. It is important to note that draft Town Planning Scheme No 2, currently being advertised for public comment, proposes to retain the same density code and to increase maximum building heights to 4 storeys in this area. The proposed built form is therefore entirely consistent with the desired future character of the locality.</i></p> <p><i>The design is of a high quality, contemporary style, and is comparable to the recently-approved similar development on 28-44 Cowle Street (opposite).</i></p>
<p>Officer technical comment:</p>	<p>Not supported. Whilst the proposed area surrounding the subject site is currently in a transitional state with a number of three (3) storey developments approved along the street of a similar style to the subject development, and are in accordance with the future planning of the area the subject development is not in compliance.</p> <p>The proposal is for four (4) storeys, however the City as per Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations can only support the variation if firstly the development is compliant with each essential criteria (EC) under the policy and one additional requirement (AR). The applicant should be advised that the proposed development does not currently achieve the allowance in the present design and is not entitled to the development bonus.</p> <p>In terms of the Essential Criteria, the development is considered to only meet EC1.2, whereby the property is located in a Residential R80 zoning. EC1.1 and EC1.3 relating to retention of amenity to the adjoining property and the awarding of design excellence from the City's Design Advisory Committee have not been met by the current design.</p> <p>The applicant provides justification that the height of four (4) storeys is in accordance with the seriously entertained provisions under Town Planning Scheme No. 2, however the maximum height is three (3) storeys and only the granting of discretion would provide for additional storeys.</p> <p>Overall the building is considered to be bulky to the street and this bulk provides excessive scale to the adjoining properties. It is considered on the above basis that the proposed number of storeys is not supported.</p>

**CONSULTATION/ADVERTISING:**

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

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Issue: Street Setbacks</u></p> <p>Concern in relation to proposed street setback of 2.7-3.3 metres in lieu of 5.85 metres. The variation is considered excessive and will result in adverse impact on the Cowle Street streetscape. The setback will not be consistent with other setbacks along the street.</p>	<p>Noted. It is considered the proposed setbacks presented provide for adequate retention of the streetscape.</p>
<p><u>Issue: Bulk and Scale</u></p> <p>Concern in relation to plot ratio as the bulk and scale of the development is out of context with the existing built form along Cowle Street. It is considered the floor area will not meet the visual privacy requirements, impact to light and ventilation on any adjoining properties and the streetscape.</p> <p>Overall note the development is an overdevelopment of the land and in doing so will impact the adjoining landowners.</p>	<p>Supported. It is considered that whilst the overall plot ratio proposed by the development is compliant, the cumulative nature of the built form presented will have a detrimental impact as a result of the excessive setback on the amenity of the adjoining properties. Any privacy impacts will be required to be compliant with the Residential Design Codes of WA 2013.</p> <p>Supported. See Above.</p>
<p><u>Issue: Lot Boundary Setbacks</u></p> <p>Concern in relation to building setbacks for the new development as the side setbacks are likely to have impact to the adjoining property in terms of bulk and scale, noise, access to ventilation, impact to outdoor living areas of adjoining properties and insufficient fire separation.</p>	<p>Supported. It is considered on balance the proposed variations to the setbacks, particularly on the eastern elevation will reduce the amenity of the adjoining properties and provide for impacts to solar access and ventilation. Combined with the additional building height, the setbacks contribute to an overdevelopment of the site.</p>
<p><u>Issue: Car Parking</u></p> <p>Concern in relation to design of car parking spaces in relation to the stackable car bays, promoting traffic congestion, non-compliance with the Australian Standards, convenient methods of access to the site, security will be compromised through the common access for occupants. It also will possibly result in the banking up of cars along Cowle Street. It is therefore contended that these issues do not comply with the design principles.</p>	<p>Not supported. The proposed car parking is compliant with the requirements of the Residential Design Codes of WA 2013.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Building Height</u></p> <p>Concern in relation to building height providing for issues with regard to amenity of the streetscape in terms of bulk and scale, the amenity of the adjoining dwellings, out of character with the street, and compromise views.</p>	<p>Supported. It is considered the building height at four (4) storeys or 11.7 metres is an overdevelopment of the site in terms of the height of the building and out of scale with the fabric of the existing streetscape.</p>
<p><u>Issue: Visual Privacy</u></p> <p>Concern in relation to visual privacy and the impact to adjoining properties and their habitable rooms. Request that all major windows/balconies comply with the requirements.</p>	<p>Supported. The non-compliant privacy setbacks to the balconies will be required to comply with the Residential Design Codes.</p>
<p><u>Issue: Retaining and Building on the Boundary</u></p> <p>Concern in relation to retaining and building on the boundary and highlight that the proposed plans do not adequately show the full story in relation to the extent of fill/retaining and maximum wall height. The level of retaining and fill is excessive and likely to have an adverse impact on the adjoining dwellings. The extent of the retaining wall and maximum building height along the western side boundary is likely to have an adverse impact to ventilation of the adjoining property.</p>	<p>Supported. It is considered the scale of the building is an overdevelopment of the site and reduces the amenity of the adjoining properties.</p>

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

#### LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Existing Building and Construction of Four-Storey Multiple Dwelling Comprising of Nine (9) Multiple Dwellings and Associated Car parking at No. 39 Cowle Street, West Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Development Guidelines for Multiple Dwellings Policy No. 7.4.8;
- Hyde Park Precinct Policy No. 7.1.12; and
- Residential Design Elements Policy No. 7.2.1.

#### RISK MANAGEMENT IMPLICATIONS:

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

#### STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

##### "Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure.*
  - 1.1.2 *Enhance and maintain the character and heritage of the City."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Planning Services**

The proposed development has attempted to achieve a development worthy of design excellence. However with each change to the proposal additional issues arose. The current design is out of context with that of Cowle Street and not considered to be of high quality design. The resultant design is of a large scale and has significant setback and height variations proposed. It is considered had the proposal incorporated elements that contribute to Design Excellence it would have been possible to reduce the perceived impact of its scale and bulk.

It is considered that the building height of four (4) storeys and scale of the proposed development adversely impacts the existing streetscape, given the topography of the property. It is not considered to comply with the Design Principles/Design Solutions of the Residential Design Codes of WA 2013, Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations and Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings.

Whilst the emerging nature of Cowle Street is three (3) storeys, the additional storeys, proposed in this instance are considered to be excessive in the absence of Design Excellence.

**Conclusion**

The proposed four-storey development is considered to have a detrimental impact on the adjoining properties in terms of bulk and scale and together with the non compliant side setbacks, contribute to an overdevelopment of the site. In addition, the proposed height and number of storeys is not in keeping with the existing and desired streetscape along Cowle Street.

These factors when considered objectively do not meet the objectives of the City of Vincent Town Planning Scheme No. 1, whereby the aim is to preserve the amenity of the area, create orderly and proper planning outcomes, and allow for the future development of the area in a concise fashion with consideration of current and future property owners.

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

**9.2.2 Proposed 'Kiss and Drive' Zone Sacred Heart Primary School - Mary Street, Highgate outside Sacred Heart Primary School**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	SC877, SC1847
<b>Attachments:</b>	<a href="#">001</a> – Mary Street 'Kiss & Drive' Plan No. 3162-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That Council;

- 1. APPROVES** undertaking a trial, for the remainder of the school year, concluding Friday 19 December 2014, of a five (5) minute 'Kiss and Drive' drop off and pick-up zone in Mary Street, Highgate adjacent to the Sacred Heart Catholic Primary School to operate between the hours of 7.30am to 9.00am and 2.30pm to 4.00pm Monday to Friday, as shown on attached Plan No 3162-PP-01, included as Attachment 001.
- 2. NOTES** that at all other times the existing parking mix in the proposed 'Kiss and Drive' drop off and pick-up zone is 2P and 1/4 P, 9am to 6pm Monday to Friday;
- 3. ADVISES** the Sacred Heart Catholic Primary School and residents of Mary Street prior to commencing the trial;
- 4. RECEIVES** a further report at the conclusion of the trial; and
- 5. PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks following the installation of the new parking restriction signage.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to seek Council's approval to trial a five (5) minute 'Kiss and Drive' drop off and pick-up zone in Mary Street, Highgate, adjacent the Sacred Heart Catholic Primary School, for the remainder of the school year, to operate between the hours of 7.30am to 9.00am and 2.30pm to 4.00pm Monday to Friday.

**BACKGROUND:**

The City has progressively established five (5) minute 'Kiss and Drive' drop off and pick-up zones at four (4) of the other seven (7) primary schools within the City of Vincent.

While enforcement, and therefore infringements, for exceeding the five (5) minute limit can only be issued by the Rangers, they are rare, as the five (5) minute zones are generally monitored by a school staff member who, with the support of the P&C, ensures that parents/guardians do not leave the vehicle and walk the children into the school.

The Sacred Heart Catholic Primary School does not have a 'Kiss and Drive' zone and as a consequence the traffic and parking in Mary Street can be chaotic at peak times. It is not uncommon to see double parking occurring with children running between cars when dropped off in the middle of the road.

**DETAILS:**

The City's Rangers have been aware of the above situation for some time but it is difficult to control during the peak drop off and pick-up times.

Further, a number of the residents who live opposite the school have also raised the matter as they are concerned about safe access, both their own and the children's, during these periods.

A recent email received by the Rangers from a resident of Mary Street read, in part':

*"I write to express concern regards the ongoing traffic difficulties in our street at 3pm each school day, caused by Sacred Heart Primary parents attempting to collect their children at pickup time.*

*As you are aware, the School has limited access to onsite parking bays. Vincent has recently reorganised street parking arrangements to provide additional parking capacity around the school site. This has not improved the situation.*

*I saw again yesterday, the danger and the inconvenience caused by parents of SHPS students blocking the street while waiting to pull into the pick up bay off Mary Street. A little boy from the school was nearly hit when crossing the street, by the car in front of me, which had pulled out to overtake the line of (10 or more?) stationary cars.*

*The irresponsible behaviour of parents not wishing to find a street park to collect their children after school, is a risk to SHPS students and other pedestrians as it makes safe crossing of the street difficult. It's not the first time I've seen drivers lose patience and in frustration pull onto the wrong side of the road to pass the waiting cars and nearly hit someone trying to cross or risk a collision with oncoming traffic from the east. Furthermore, as a resident of the street, I can attest to how inconvenient it is to be trapped behind an unmoving line of vehicles and be unable to pass and reach my driveway at school finish time. These traffic problems are an ongoing, daily occurrence during term time.*

*Many of the additional street parking bays provide by the City remain unused at 3 pm. So parent behaviour rather than availability of parking spaces, seems to be the problem.*

*I have tried for the third time to bring this matter to the School's attention, as I believe there is some onus upon the School to show neighbourliness to local residents and other road users and manage this situation better.*

*I'm also seeking advice from Vincent as to whether the Rangers are in a position to do anything to improve the flow of traffic and direct parents to park rather than queue."*

While the proposed five (5) minute 'Kiss and Drive' zone does not, and in this instance, will not solve all the issues associated with congestion and driver behaviour, it should alleviate some of the problems.

Essentially the parent/guardian is obliged to stay in the vehicle while the children alight and enter the school grounds. Obviously once the child/children are out of sight the parent/guardian has no reason to stay enabling the parking space to be turned over quickly.

The proposed location is between the entrance to the Church and the 90° angled parking, as shown on Plan No. 3162-PP-01 (Refer Attachment 001), and should accommodate up to seven (7) vehicles.

Those parents/guardians who prefer to walk their children into the school grounds still have the option of parking either in the angled parking or the unrestricted kerb-side parallel parking towards William Street.

**Note:** the signs deliberately indicate that the restriction is to apply Monday to Friday rather than *school days* as there have been legal challenges in the past where people have argued that they should not be expected to know when it is a school day or school holidays etc. However on non school days there is little impact of a vehicle overstaying the five (5) minute limit before 9.00am, after which the 2P restriction applies.

**CONSULTATION/ADVERTISING:**

As the proposed five (5) minute 'Kiss and Drive' zone does not directly impact upon residents, and given that it is expected to improve both their, and the school community's amenity and safety, it is not intended to carry out any consultation before commencing the trial. It is, however, recommended that all residents be notified in writing prior to the final commencing.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** Related to amenity/safety improvements for the residents of Mary Street and the Sacred Heart Catholic Primary School community.

**STRATEGIC IMPLICATIONS:**

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

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

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

*1.1.5(a) Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to install the signage and in Mary Street is in the order of \$600.

**COMMENTS:**

The proposed five (5) minute 'Kiss and Drive' zone in Mary Street is a relatively simple and inexpensive means of improving traffic management and therefore road safety (both for pedestrians and vehicles) and it is recommended That Council endorses the proposal for the reasons discussed in the report.

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

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	SC1203
<b>Attachments:</b>	<a href="#">001</a> – Leederville Tennis Club CSRFF application		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Birch, Acting Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That Council **APPROVES BY AN ABSOLUTE MAJORITY;**

1. The lodgement of the following application to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF); and

Ranking	Facility	Project	Amount
1	Leederville Tennis Club	Repair and resurfacing of six (6) courts, both hard and synthetic grass	\$101,030 (exclusive of GST)

2. The reallocation of \$33,676 from the Capital Miscellaneous Initiatives budget to fund the works, subject to matched funding being received from DSR.

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

To obtain the Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Small Grants application from the Leederville Tennis Club as shown in Attachment 9.4.2 (001) and if successful, to fund one-third of the total project cost to the amount of \$33,676 (excl. GST) from the Capital Miscellaneous Initiatives budget.

**BACKGROUND:**

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

On Tuesday, 1 July 2014, the CSRFF 2014/2015 Winter Small Grant round opened; applications were due to be lodged with the City by Friday, 1 August 2014 and to DSR by Friday, 29 August 2014. Small Grants are allocated to projects that do not exceed \$150,000 and involve a basic level of planning and implementation. These funds must be acquitted prior to 15 June 2015.

On Friday 1 August 2014, Leederville Tennis Club submitted their CSRFF Grant application to the City of Vincent for consideration.

**DETAILS:**

**Leederville Tennis Club**

Leederville Tennis Club is situated on Bourke Street in Leederville. Established in 1924, the Leederville Tennis Club has been an integral part of the local community for 90 years. The Club aims to provide a friendly atmosphere that supports all levels of tennis play with a diverse membership.

Leederville Tennis Club currently has 320 members and an average facility use of 410 individuals each week.

Leederville Tennis Club's current lease over the area is valid until August 2014 with a renewal being finalised. Leederville Tennis Club pays all outgoings as well as \$1,021.08 per annum for the sinking fund.

The Club's financial position, as shown in Attachment 9.4.2 (001) indicates not only their ability to fund their portion of the court repair and resurfacing project but also their long-term commitment to the continuation of the Club.

**Proposed Project**

The courts at Leederville Tennis Club experience a high volume of use and have deteriorated over the years. The Tennis Club proposes to repair and resurface a total of six (6) tennis courts, as follows:

- Repair and resurface two (2) existing hard courts in synthetic grass;
- Repair and resurface two (2) existing hard courts; and
- Resurface two (2) existing synthetic grass courts.

**Costs**

The budget, as shown in Attachment 9.4.2 (001) outlines the overall cost and breakdown of funding sought as follows:

Amount contributed by Leederville Tennis Club:	\$ 33,678 (excl. GST)
Amount sought from City of Vincent:	\$ 33,676 (excl. GST)
Amount sought from DSR:	\$ 33,676 (excl. GST)
Total:	\$101,030 (excl. GST)

This costing is based on the best of three (3) quotes sought by Leederville Tennis Club for the proposed project.

Recommendation

The Council to support the project to repair and resurface six (6) courts at Leederville Tennis Club with the provision of \$33,676 (excl. GST), subject to equivalent funding being provided by DSR through the CSRFF Grant process.

**CONSULTATION/ADVERTISING:**

Consultation is not required for this project.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

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

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

*Community Development and Wellbeing*

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.3 *Promote health and wellbeing in the community*

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Recommended funding for the project is requested to be reallocated from the 'Capital Miscellaneous Initiatives' budget, as follows:

Budget Amount:	\$85,000.
Spent to Date:	<u>\$26,600</u>
Balance:	\$58,400

The Council contribution to Leederville Tennis Club will be subject to initial DSR grant approval and will match the contribution by DSR.

**COMMENTS:**

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

By funding Leederville Tennis Club to repair and resurface six (6) of their existing tennis courts, the City will not only be preserving a facility they own but also investing in and supporting their residents' health and wellbeing.

**9.4.3 Major Artwork for Leederville Town Centre – Progress Report No. 1**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	SC659
<b>Attachments:</b>	001 – CONFIDENTIAL: Phil and Dawn Gamblen Public Art submission for Leederville Town Centre (Council Members Only) 002 – CONFIDENTIAL: Tony Jones Team Public Art submission for Leederville Town Centre (Council Members Only) 003 – CONFIDENTIAL: Lorena Grant Public Art submission for Leederville Town Centre (Council Members Only) <a href="#">004</a> – Selected Public Art for Leederville Town Centre		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Birch, Acting Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That Council:

1. **RECEIVES** Progress Report No. 1 relating to the Leederville Town Centre Major Artwork;
2. **APPROVES:**
  - 2.1 The appointment of the Artist Team Phil and Dawn Gamblen, as the successful tender; and
  - 2.2 The commissioning of the Public Art Concept as detailed in Confidential Attachment 9.4.3 (001 & 004) for the Leederville Town Centre Major Artwork;
3. **NOTES** that a further report will be presented to Council once further work has been progressed on the project.

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**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be amended the read as follows:

“That Council:

1. **RECEIVES** Progress Report No. 1 relating to the Leederville Town Centre Major Artwork;
2. **DEFERS consideration of the appointment of an artist team and the commissioning of a Public Art Concept for the Leederville Town Centre, pending Council’s future determination of budget variations relating to Item 9.5.1 on this Agenda (Budget Deficit).**

***APPROVES:***

- ~~2.1 — The appointment of the Artist Team Phil and Dawn Gamblen, as the successful tender; and~~
- ~~2.2 — The commissioning of the Public Art Concept as detailed in Confidential Attachment 9.4.3 (001 & 004) for the Leederville Town Centre Major Artwork;~~
- ~~3. — NOTES that a further report will be presented to Council once further work has been progressed on the project.”~~

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)  
(Cr Peart and Cr McDonald were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.3**

That Council:

1. **RECEIVES** Progress Report No. 1 relating to the Leederville Town Centre Major Artwork; and
2. **DEFERS** consideration of the appointment of an artist team and the commissioning of a Public Art Concept for the Leederville Town Centre, pending Council's future determination of budget variations relating to Item 9.5.1 on this Agenda (Budget Deficit).

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**PURPOSE OF REPORT:**

The purpose of this report is to seek Council approval for the appointment of Artist Team, Phil and Dawn Gamblen and the commissioning of their Public Art Concept, as detailed in Confidential Attachment 9.4.3 (001) and shown in Attachment 9.4.1 (004), for the Leederville Town Centre Major Artwork.

**BACKGROUND:**

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

At the Ordinary Meeting of Council held on 27 August 2013, the following was resolved;

*“That Council;*

1. *ACCEPTS* the quotations submitted by Jenny Beahan and Helen Curtis as being the most suitable to the City for the project management and procurement services of the Arts consultancy for the projects listed below;
2. *APPROVES* the:
  - 2.1 *Beatty Park Percent for Art project and Leederville Town Centre Public Art project, to be managed by Jenny Beahan; and*

- 2.2 *North Perth Town Centre Public Art project, to be managed by Helen Curtis;*
3. *AUTHORISES the Chief Executive Officer to negotiate the consultancy Agreements, in accordance with the specifications as detailed in the Request for Quotation (Attachment 002);*
4. *DEFERS consideration to contract consultancy services to review and revise the City's Arts policies and artwork procurement processes, until completion of the listed projects; and*
5. *NOTES that the procurement of the Aboriginal Sculpture for Weld Square will be given further consideration as a community project to be undertaken by the City in consultation with Aboriginal stakeholders"*

**DETAILS:**

The City's Officers have been working with Jenny Beahan, Arts Consultant, to undertake the Leederville Town Centre Major Artwork project.

On Wednesday 21 May 2014, the Artist Brief for the Leederville Town Centre Major Artwork 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 on Thursday 12 June 2014 and thirteen (13) submissions were received from Artist Teams.

On Thursday 19 June 2014, a panel consisting of Acting Director Community Services, Acting Manager Community Development, representative for Leederville Enhancement Working Group, De Williams, Curator at Lawrence Wilson Art Gallery (University of Western Australia), Dr Janice Lally and Arts Consultant, Ms. Jenny Beahan met to shortlist three (3) Artist Teams to develop their concepts and submissions in response to the Request For Tender.

In order to shortlist three (3) Artist Teams, the selection panel reviewed applications from each of the thirteen (13) Artist Teams and a total of 144 images of their previous work. Informed discussion was also completed, led by Arts Consultant Ms. Beahan. The shortlisting selection criterion was weighted as follows:

<b>Criteria</b>	<b>Weighting</b>
Quality of previous work	40%
Relevant experience	30%
Response to the brief	30%

The three (3) Artist Teams shortlisted for tender were:

- Phil and Dawn Gamblen;
- Lorenna Grant; and
- Tony Jones and Angela McHarrie.

On Tuesday 1 July 2014, a site visit at the intersection of Newcastle Street and Carr Place, Leederville, was held with the three (3) shortlisted Artist Teams. The Acting Director Community Services, Acting Manager Community Development and Manager Asset and Design Services 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 Friday 1 August, 2014. 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 Attachment 9.4.3 (001), 9.4.3 (002) and 9.4.3 (003).

On Thursday 7 August, 2014, the selection panel reconvened. 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 follows:

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

### **The Gamblen Design Concept**

Philip and Dawn Gamblen proposed a series of boldly coloured whimsical sculptures in the form of 'upside down' lampshades. These would be inverted and thrust into the ground 'as if staking a claim for the town centre'. Their supporting pedestals 'reach skywards like brightly coloured markers'. These sculptural forms would be fabricated from rolled, cast and water- jet cut metal, illuminated from within, with energy efficient LED lights of various colours. Each individual lamp would glow and pulse with its own colours. A light-responsive sensor designed to detect the changing light levels on the street as dusk approaches, or weather patterns change dramatically, would activate the lights. The lighting would maximise the impact of the sculptures, enhancing their character and night- time ambience. (The programming of the lights would be subject to consultation and stakeholder perspectives to ensure that it provided a positive new element to the Leederville Town Centre operations and community life).

The cut out patterns encircling the light shades would, by day, cast reflections and at night time project light through these cut outs onto the pavement surfaces. Their curved contours and rounded edges were intended to provide balance to the geometric shapes. The detailing on the shades and the lamp stands would evoke the urban, retro chic atmosphere of the Leederville Town Centre. Humour and whimsy characterised this work with the Gamblens' proposing that these glowing and amusing artworks would have an iconic quality and become recognisable landmarks for Leederville. The artists also proposed a rug like pavement pattern which could be used by the City's landscapers/ urban designers in the foreshadowed street realignment. This would heighten the outdoor lounge- like, retro dimensions of these artworks. The Gamblen team would provide the pattern.

The artists presented a model and illuminated this to show the effect of the lighting and the (reflected) patterns which would be realised with this artwork. The sculptures are intended for a broad audience. Phil and Dawn Gamblen's concept, is detailed in Confidential Attachment 9.4.3 (001).

### **Tony Jones Art Team's Design Concept**

Tony Jones and Angela McHarrie presented for the Tony Jones Art Team. Their proposal was for a single 'carnavalesque', figurative, bird-like, metal sculpture. The figure was intended to be lively, vibrant and fun. Both through its form and fanciful detailing, this artwork was intended to evoke the tradition of the figurative presence which recurs in street festivals, parades and carnivals. Photographs of Leederville festivals had helped inspire the form of the figure and its colour palette. It would have a mystical, humorous and quirky quality- a bird's head, elongated body and long legs with one wing and one arm. The figure would hold to its breast, the 'pulsing heart of Leederville'.

The artists also suggested that whilst the artwork would be open to interpretation it could also be seen to be inspired by the classical god, *Morpheus*. *Morpheus* as a god of dreams had the ability to take any form and appear in dreams, his true semblance being that of a winged creature. His wing held in anticipation of good times. The bird head also makes reference to *Loplop* surrealist artist, Max Earnst's, character, 'an enduring image that embodies the mystery of the carnival as a transformative experience'. The figure was designed to be iconic and to loom above any crowd, king or queen like and be seen from a distance.

This sculpture would be constructed from aluminium and steel with a colourful painted finish. It would be 'up-lit', with the heart possibly, also illuminated. The paint would be an industrial epoxy finish to ensure low maintenance. It would be around 8 metres tall. The artists were also open to a reduction in the size of the figure, to allow for the creation of a pair of figures. Jones and McHarrie tabled five painted wooden models (of the figure), each with its own individual characteristics and palette of colours, all versions of the carnival-like, iconic figure proposed. The colour palette to be used was flexible and open to discussion in design development. The sculpture would be a landmark and become adopted as part of the iconography of Leederville.

### **The Grant Design Concept**

The Grant proposal was for an abstract contemporary metal sculpture entitled *Stella* and four seating elements, one illuminated as a 'play on' seat. This artwork drew on the mirrored star atop the Leederville Hotel for its symbolism and from this the artist plotted the likely trajectory of a three point falling star. Also symbolised in the geometric configuration of this sculpture, were the three intersecting streets of the location and 'three wishes on a falling star', representative of community desire, imagining and the aspirations of those arriving in the Leederville town centre for a night of entertainment, dining, coffee or shopping. Each linear, geometric form was cylindrical, slim, pointing skywards and triangular in configuration, emanating from the imaginary points of the 'fallen star'.

Grant proposed that one linear triangle and cylindrical form would arc from the roundabout across to Carr Place, the adjacent street, in effect creating a triangular arch and an interactive dimension to the sculpture. This would be *Stella*'s highest point at 7.2 metres. It would give the sculpture an interactive quality. Other apexes of the triangles would be 6.4 metres and 5.0 metres high. The artwork would be coloured in a dynamic palette of graduating mauves and magenta pinks, referencing an evening sky in Leederville. The sculptures would be painted in two-pack automotive enamel, to ensure longevity and robustness. The triangular tips/apexes of the sculptural forms would be embellished with mirror-finish stainless steel, delicate criss-cross patterns based on the constellations far above Leederville's town centre, silhouettes of intersecting streets and tree twigs. This detailing will twinkle and reflect the colour of the sky, change from day to night as well as varying weather and cloud formations.

A second element seating inclusive of the 'play on' cylindrical seat would be created in metal and Tessimate, a strong acrylic-like material, with internal lighting. People would be able to look into this seat, which would have straw-like tubes of light within. The Tessimate would filter the light, giving it a fascinating glowing quality for the viewer. All the artworks would be up lit.

The artist presented a model of the sculpture, a lighting concept plan, material and product samples and a further example of the graduation of colour proposed for the exterior surfaces of the sculptures.

Upon review of the submissions, presentations by the Artist, discussion and subsequent scoring, Artist Team Phil and Dawn Gamblen were weighted the highest score and recommended to be the Artist Team and Art Concept to be commissioned for the Leederville Town Centre Major Artwork.

The panel agreed that the Gamblen design concept should be selected for the Leederville Town Centre Art Commission. The Panel scored as follows:

Dawn & Philip Gamblen (377)  
Lorenna Grant (355)  
Tony Jones Art Team (320)

The recommendation of the selection panel is for the commissioning of Artist Team Phil and Dawn Gamblen and their Public Art Concept, as detailed in the body of this report and as shown in Confidential Attachment 9.4.3 (001), for the Leederville Town Centre 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 Leederville Town Centre 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 the Leederville Town Centre will enhance the area, providing a level of cultural interest and intrigue for the benefit of the community.

The Panel considered the Gamblen proposal and saw this as capturing more closely, not only the urban feel of Leederville Town Centre, but offering an imaginative, colourful artwork that had an intimacy and whimsical quality, which could engage an audience of all ages. It was seen as the most compatible with the character of the precinct for which it was being created. The illumination of the sculptural elements central to this work, was seen as giving the artwork a vibrancy and energy which would have a strong night presence but also be interesting in the day time. It was noted that the Gamblen team had significant experience in lighting of artworks and other technical considerations as well as aesthetic issues.

It was agreed that whilst this artwork lacked the scale of the other two artworks, it would achieve status and the potential to become a local icon, through the nature and appropriateness of its imagery to 'place', that being the Leederville Town Centre. It was agreed that the detailing of the forms, their surfaces and their placement would be crucial both to maximise their illumination and their character.

Artist Team Phil and Dawn Gamblen's submission was the most responsive to the Artist Brief and will provide ongoing enjoyment and aesthetic experiences for residents, businesses and visitors of Leederville Town Centre.

**9.4.4 Upgrade of non Europay, Mastercard and Visa (EMV) compliant Parking Machines**

<b>Ward:</b>	Both	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0047
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Butler, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That Council **APPROVES BY AN ABSOLUTE MAJORITY** the purchase of eleven (11) Europay, Mastercard and Visa (EMV) upgrade kits at a cost of up to \$40,000 (exclusive of GST), to enable eleven (11) non compliant parking ticket machines to be upgraded for EMV compliance.

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Pintabona, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to obtain Council approval to purchase eleven (11) EMV upgrade kits to enable the parking machines held at the City's Depot to be EMV compliant.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 March 2014, the Council resolved the following;

*"That Council;*

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

**DETAILS:**

At the Ordinary Meeting of Council held on 22 April 2014, the Council was provided with details of the Ticket Parking Machine Inventory. The ticket parking meter inventory listed that the City currently has one hundred and ninety three (193) ticket parking machines in operation. One hundred and fourteen (114) are APARC/Parkeon parking machines and seventy-nine (79) are Cale/PSA2000 parking machines.

The one hundred and fourteen (114) APARC/Parkeon machines were recently retrofitted with EMV credit card compliant readers to ensure compliance with the new EMV credit card requirements.

It was also reported that the City had fourteen (14) Parkeon ticket machines held at the Depot that require an EMV upgrade to make them compliant with current credit card standards. After consolidation of damaged and replacement machines, there remains eleven (11) Parkeon ticket machines requiring an EMV upgrade.

It is proposed to utilise these machines to replace existing outdated Cale parking machines which are currently being maintained at a high cost to the City. Recent maintenance costs of the outdated Cale machines averaged at \$12,250 per month. Additional costs due to outdated Cale technology is evidenced by the recent tariff changes from \$2.20 to \$2.30. The City was quoted \$9,887.68 to change sixty four (64) machines Cale machines, whereas the Parkeon machines with newer technology cost \$1,450 to change 114 of the machines.

A report is currently being drafted seeking approval to implement a replacement plan for the outdated Cale machines to reduce this ongoing cost.

**LEGAL/POLICY:**

Nil.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Failure to upgrade the parking meters to EMV compliance will not permit the machines to be deployed at the City's parking facilities.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The EMV kits are currently priced at \$3,450 per unit plus GST, fully installed. If approved, the \$37,950 in total for the purchase of eleven (11) EMV upgrade kits would be funded from the Parking Facilities Reserve Fund.

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

Budget Amount:	\$339,337
Eleven EMV Kits:	<u>\$ 37,950</u>
Balance:	\$301,387

**COMMENTS:**

Once approval is obtained, the new upgrade kits can be delivered by the end of September 2014.

**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 7.20 pm Moved Cr Topelberg, Seconded Cr Buckels

That the Council proceed "behind closed doors" to consider confidential item 14.1, 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.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

There were no members of the public present.

**PRESENT:**

Mayor John Carey	Presiding Member
Cr Matt Buckels	North Ward
Cr Emma Cole	North 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
Petar Mrdja	Acting Director Planning Services
Jerilee Highfield	Executive Assistant Minutes Secretary
Julie Lennox-Bradley	Acting Executive Assistant Minutes Secretary

**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**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2014
<b>Precinct:</b>	EPRA (15)	<b>File Ref:</b>	DA 5.2013.438.1; PR50533, PR50888
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	H Au, Heritage Officer		
<b>Responsible Officer:</b>	Gabriela Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That 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 date-stamped 3 October 2013 included as Attachment 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.

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

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**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.

**PROCEDURAL MOTION**

At 7.25.pm **Moved** Cr Pintabona, **Seconded** Cr Wilcox.

That the Council resume an “open meeting”.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Harley was an apology for the Meeting.)

(Cr Peart and Cr McDonald were on approved leave of absence.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 7.25.pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Matt Buckels	North Ward
Cr Emma Cole	North 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
Petar Mrdja	Acting Director Planning Services
Jerilee Highfield	Executive Assistant Minutes Secretary
Julie Lennox-Bradley	Acting Executive Assistant Minutes Secretary

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 26 August. 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.