



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

<b>9 APRIL 2013</b>
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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 9 April 2013, commencing at 6.05pm.

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

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

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

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

**(a) Apologies:**

Cr Warren McGrath will be late due to Work Commitments.

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

Cr Julia Wilcox on approved leave from 16 March 2013 – 14 April 2013 (inclusive) for personal reasons.

**(c) Present:**

Mayor Hon. Alannah MacTiernan Presiding Member

Cr Warren McGrath (*Deputy Mayor*) South Ward (from 6.13pm)

Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Jerilee Highfield Executive Assistant (Minutes Secretary until approximately 8.55pm)

Employee of the Month Recipient

Nil.

Media

Lauren Stringer	Journalist – <i>"The Guardian Express"</i> (from 6.18pm, until approximately 8.55pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 8.55pm)

Approximately 6 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. Tayne Evershed of Planning Solutions 296 Fitzgerald Street, Perth – Item 9.1.1 Stated the following:
  - They supported the Officer's Recommendation. There is one (1) exception to this and that related to Condition No. 3 of the Recommendation for approval which sought to restrict the hours of operation and in particular the hours of operation Monday to Friday.
  - The Medical Consulting Rooms will, as part of the services offer physiotherapy services. The nature of the services is such that the treatment offered tends to be preferred to be received by patients before work and the operating hours provided in Condition No. 3 are restrictive in sense that a start time of 7am would be preferred to enable the treatment services offered to the patients before work.
2. Innis Sportilini of 133 West Parade, Mount Lawley – Item 9.1.2 Stated the following:
  - She was disappointed that the application is being approved, with little consideration to the genuine consensus raised by the neighbours.
  - The boundary wall on the Northern side is quite substantial at 8.63metres long and 3 metres high and will affect her property in terms of visual impact, the setback of 1 metre from the boundary would minimise the perceived size and bulk of the building.
  - She had discussed this matter with the City's Planning Officer and how it can be achieved seeing as she did not provide consent for the builders to enter her property.

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

**(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 26 March 2013

**Moved Cr Harley, Seconded Cr Pintabona**

**That the Minutes of the Ordinary Meeting of Council held 26 March 2013 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

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

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

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

### 7.1 Withdrawal of Confidential Item 14.1

It is announced that the applicant has requested that Confidential Item 14.1 on tonight's Agenda relating to No. 99 Palmerston Street, Perth - Proposed Construction of Two and Three Storey Buildings Comprising Eight (8) Multiple Dwellings and Four (4) Single Bedroom Multiple Dwellings with Associated Car Parking be WITHDRAWN, as they no longer wish to continue the matter before the State Administrative Tribunal (SAT) as the property has now been sold.

### 7.2 Angove Street Festival

The Festival was held on Sunday 6 April 2013, was a great success and was a fantastic event. It was estimated that 30,000 to 40,000 people attended the festival.

I would like to compliment Izzy messina and the North Perth group, Stephanie from PSquared, City Officers and Caterina Butanoska of the Macedonian Community for a job well done.

## 8. DECLARATIONS OF INTERESTS

8.1 Cr Topelberg declared an Impartiality interest in Item 9.1.1 – No. 586 (Lot 2; D/P 825) Newcastle Street, West Perth – Proposed Change of Use from Shop to Consulting Rooms (Medical). The extent of his interest being that the owners of the site are a personal acquaintance and has not discussed the application other than explaining the planning process and the BSO requirements. He had also asked the Director Planning Services to contact the applicant in relation to some specific queries in February 2013, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

8.2 Cr Harley declared an Proximity interest in Item 9.4.1 at approximately 7.20pm. - Draft CCTV Strategic Plan 2013-2018 – Adoption in Principle. The extent of her interest being that year five (5) of the Plan covers a part of Oxford Street where she has a property. She requested Council approval to participate in the debate only.

Cr Roslyn Harley departed the Chamber at 7.21 pm – to allow the Council to consider her request to participate in the debate.

### PROCEDURAL MOTION:

Moved Cr Maier, Seconded Cr Carey

**That Cr Roslyn Harley's request to participate in the debate on item 9.4.1, be approved.**

**CARRIED UNANIMOUSLY (7-0)**

(Cr Roslyn Harley was out of the Council Chamber and did not vote.)

(Cr Wilcox was on approved leave of absence.)

The Mayor Hon. Alannah MacTiernan advised Cr Roslyn Harley that her request had been approved.

Cr Roslyn Harley returned to the Chamber at 7.22 pm.

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

Nil.

**10. REPORTS**

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.1 and 9.1.2

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

Items 9.2.1, 9.5.3, 9.5.4 and 14.2

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

Nil

Presiding Member, Mayor Hon. Alannah MacTiernan, requested Council Members to indicate:

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

<b>COUNCIL MEMBER</b>	<b>ITEMS TO BE DISCUSSED</b>
Mayor Hon. MacTiernan	Nil.
Cr Buckels	9.1.4 & 9.1.5
Cr Carey	9.4.1
Cr Harley	9.5.2 & 9.5.3
Cr Maier	Nil.
Cr McGrath	Nil.
Cr Pintabona	Nil.
Cr Topelberg	9.1.3 & 9.3.1
Cr Wilcox	On approved leave for the meeting

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer to advise the meeting of:

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

Items 9.5.1, 9.5.5 & 9.5.6

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

Item 14.2.

**New Order of Business:**

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

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

Items 9.5.1, 9.5.5 & 9.5.6

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

Items 9.1.1 & 9.1.2

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

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

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

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

**ITEMS APPROVED "*EN BLOC*":**

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

**Moved Cr Pintabona, Seconded Cr Harley**

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

**Items 9.5.1, 9.5.5 & 9.5.6**

**CARRIED UNANIMOUSLY (8-0)**

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



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

<b>Ward:</b>	-	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of March 2013.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Pintabona, Seconded Cr Harley**

That the recommendation be adopted.

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

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

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
5/03/2013	Withdrawal of Caveat	1	City of Vincent and Durack & Zilko, Lawyers of PO Box 935, Nedlands WA 6909 re: Nos. 64A (Strata Lots 1 and 2) Wasley Street, North Perth - Temporary Car Park Use and Use of Eastern Grouped Dwelling for Storage and Administration Purposes associated with the Institutional Building (St Michael's Nursing Home) - <i>To satisfy Conditional Approval of the Ordinary Meeting of Council held on 20 December 2011 ( Item 9.1.5)</i>
7/03/2013	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 28-250 Summers Street, cnr Coolgardie Terrace, Perth – Proposed Construction of a Six (6) and Seven (7) storey mixed-use Development consisting of Nineteen (19) Single Bedroom Multiple Dwellings, Seventy-one (71) Multiple Dwellings, Four (4) Offices/Showrooms, One (1) Office, Two (2) Shops, One (1) Restaurant and Associated Basement Car Parking - <i>To satisfy Clause 6.9 of Conditional Approval of the Ordinary Meeting of Council held on 23 August 2011</i>

### 9.5.5 National General Assembly of Local Government 2013

<b>Ward:</b>	-	<b>Date:</b>	25 March 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a> - National General Assembly Program 2013		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That **APPROVAL** be granted for the Mayor and Chief Executive Officer to attend the 2013 National General Assembly of Local Government to be held in Canberra from Sunday 16 June 2013 to Wednesday 19 June 2013, at an estimated cost of \$4,616 for the Mayor and at an estimated cost of \$3,166 for the Chief Executive Officer.

#### COUNCIL DECISION ITEM 9.5.5

**Moved** Cr Pintabona, **Seconded** Cr Harley

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

#### PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor's and the Chief Executive Officer's attendance at the 2013 National General Assembly to be held at the National Convention Centre in Canberra from Sunday 16 June 2013 to Wednesday 19 June 2013.

#### BACKGROUND:

The National General Assembly of Local Government (NGA) is the largest and most important event on the local government calendar and typically attracts more than 700 Mayors, Councillors and Senior Officers from local governments across Australia. It is convened by the Australian Local Government Association (ALGA) for local governments across Australia to develop and express a united voice on the core issues affecting local government and their communities.

The NGA provides an important platform to showcase local government to influential decision-makers of the federal government, at both the political and departmental levels.

#### National General Assembly

##### Theme Overview

The theme for this year's Assembly is "*Foundations for the Future - Twenty 13*".

*"This theme has been selected because it looks forward and captures the opportunities of the federal election to be held on 14 September 2013.*

*Local government plays a critical role in Australia's democratic system of government. It represents local communities and lays a key role in planning, coordinating, facilitating and providing services, infrastructure and programs that meet community and regional needs.*

*The lead up to the federal election is an opportunity to seek commitments from all federal political parties about the way in which they will work with and support councils in meeting community needs...*

*As the level of government closest to Australians, local government is aware of and understand the myriad of challenges faced by local and regional communities as they live, work and interact in an increasingly complex domestic and global environment. Local and regional communities require support to respond and adapt to factors they cannot control, such as climate change, drought, natural disasters and economic upheavals."*

### Speakers

The Prime Minister, Minister for Regional Australia, Regional Development and Local Government, the Leader of the Opposition, Shadow Minister for Regional, Local Government and Water, the Leader of the Nationals and the Leader of the Australian Greens have all been invited to address the NGA.

Confirmed Speakers are listed below:

- Geraldine Doogue, AO
- Fred Chaney AO
- Peter Fitzsimons AM

A copy of the Conference Registration Brochure is attached.

### CONSULTATION/ADVERTISING:

Not applicable.

### LEGAL POLICY:

Council's Policy No. 4.1.15 – *"Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters"* – Clause 1.1 states that up to a maximum of one Council Member and one officer may attend conferences.

### Previous Attendances

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

#### Chief Executive Officer's Comment:

*Previous attendance at the National General Assembly has been as follows;*

<u>Year*</u>	<u>Attendees</u>
1998	<i>Chief Executive Officer, John Giorgi and former Mayor John Hyde (in his capacity as President of the Local Government Association)</i>
2002	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2003	<i>Mayor Nick Catania, Chief Executive Officer, John Giorgi and Councillor Steed Farrell**</i>
2005	<i>Mayor Nick Catania (7-8/11/05 only) and Deputy Mayor, Cr Steed Farrell (7-10/11/05)</i>
2007	<i>Cr Helen Doran-Wu (representing Mayor Nick Catania) and Chief Executive Officer, John Giorgi</i>
2008	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2009	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2010	<i>Mayor Nick Catania#</i>
2011	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2012	<i>Mayor Hon. Alannah MacTiernan and Chief Executive Officer, John Giorgi</i>

\* *Nil attendance 1995, 1996, 1997, 1999, 2000, 2001, 2004 and 2006*

\*\* *Councillor Farrell was already in Canberra on work matters and therefore only a Day Registration for the Conference was paid (at a cost of \$400).*

# *Chief Executive Officer, John Giorgi, did not attend, due to heavy work commitments.*

**STRATEGIC IMPLICATIONS:**

In keeping with the City's Strategic Plan 2011-2016 – Objective 4.1 – “Provide good strategic decision making, governance, leadership and professional management”.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Mayor's Costs:**

	<b>Costs</b>
Early Bird Registration (payment by 22 April 2013)	\$899.00
Accommodation (at \$345 (Deluxe Room @ Crowne Plaza) or \$295 (Superior Room) per night x 3 nights)*	\$1,035.00 or \$885.00
Airfare Return (economy class) - indicative cost**	\$2,200.00
Expenses allowance (4 days @ \$120.52 per day)#	\$482.00
	\$4,616.00 or
	\$4,466.00

\* As per Council Policy No. 4.1.15

\*\* Fully Flexible Economy Fare

# Rounded off.

**Chief Executive Officer's Costs:**

	<b>Costs</b>
Early Bird Registration (payment by 22 April 2013)	\$899.00
Accommodation (at \$345 (Deluxe Room @ Crowne Plaza) or \$295 (Superior Room) per night x 3 nights)*	\$1,035.00 or \$885.00
Airfare Return (economy class) - indicative cost	\$750.00
Expenses allowance (4 days @ \$120.52 per day)#	\$482.00
	\$3,166.00 or
	\$3,016.00

\* As per Council Policy No. 4.1.15

\*\* Rounded off.

**COMMENT:**

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the 2013 National General Assembly to be held in Canberra.

The Assembly is a unique opportunity to hear from senior politicians and interesting key note speakers and is an unparalleled networking opportunity within the local government sector. It will also provide an opportunity for the Mayor and the Chief Executive Officer to meet with Federal Politicians, government officials and pursue funding opportunities.

**9.5.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 28 March 2013, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.6**

**Moved Cr Pintabona, Seconded Cr Harley**

That the recommendation be adopted.

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

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

**DETAILS:**

The items included in the Information Bulletin dated 28 March 2013 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Unconfirmed Minutes of the Local Business Advisory Group Meeting held on 5 March 2013
IB02	Unconfirmed Minutes of the Beaufort Street Enhancement Working Group Meeting held on 11 March 2013
IB03	Register of Petitions – Progress Report – April 2013
IB04	Register of Notices of Motion – Progress Report – April 2013
IB05	Register of Reports to be Actioned – Progress Report – April 2013
IB06	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report (April 2013)
IB07	Register of State Administrative Tribunal Appeals – Progress Report – March 2013
IB08	Register of Applications Referred to the Design Advisory Committee – April 2013
IB09	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current
IB10	Forum Notes - 19 March 2013
IB11	Notice of Forum – 15 April 2013

**9.1.1 No. 586 (Lot 2; D/P 825) Newcastle Street, West Perth – Proposed Change of Use from Shop to Consulting Rooms (Medical)**

<b>Ward:</b>	South	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	Cleaver Street Precinct; P05	<b>File Ref:</b>	PRO2332; 5.2013.16.1
<b>Attachments:</b>	001 – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B Sandri, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Planning Solutions on behalf of the owner, Riolane Nominees Pty Ltd for Proposed Change of Use from Shop to Consulting Rooms (Medical) at No. 586 (Lot 2; D/P 825) Newcastle Street, Perth, and as shown on amended plans stamp dated 8 March 2013, subject to the following conditions:

1. this approval is for Medical Consulting Room use only, and any change of use from Medical Consulting Room shall require Planning Approval to be applied for and obtained from the City prior to commencement of such use;
2. shall be limited to a maximum of three (3) consulting rooms/operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;
3. the hours of operation shall be limited to the following times 8:00am – 9:00pm Monday to Friday, 8:00am – 5:00pm Saturday and 11:00am to 5:00pm, Sunday and Public holidays;
4. the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;
5. doors and windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with the street; and
6. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**ADVICE NOTES:**

1. All signage that does not comply with the City's Policy No. 3.5.2 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.

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Carey**

“That Clause 3 be amended to read as follows:

3. the hours of operation shall be limited to the following times **8 7:00am – 9:00pm Monday to Friday, 8 7:00am – 5:00pm Saturday and 11:00am to 5:00pm, Sunday and Public holidays;**”

Debate ensued.

**AMENDMENT PUT AND CARRIED (7-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Topelberg and Cr Pintabona

**Against:** Cr Maier

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.1**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Planning Solutions on behalf of the owner, Riolane Nominees Pty Ltd for Proposed Change of Use from Shop to Consulting Rooms (Medical) at No. 586 (Lot 2; D/P 825) Newcastle Street, Perth, and as shown on amended plans stamp dated 8 March 2013, subject to the following conditions:

1. this approval is for Medical Consulting Room use only, and any change of use from Medical Consulting Room shall require Planning Approval to be applied for and obtained from the City prior to commencement of such use;
2. shall be limited to a maximum of three (3) consulting rooms/operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;
3. the hours of operation shall be limited to the following times **7:00am – 9:00pm Monday to Friday, 7:00am – 5:00pm Saturday and 11:00am to 5:00pm, Sunday and Public holidays;**
4. the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;

5. doors and windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with the street; and
6. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**ADVICE NOTES:**

1. All signage that does not comply with the City's Policy No. 3.5.2 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.

**PURPOSE OF REPORT:**

The application is referred to the Council for determination given the use is considered 'SA' and more than one (1) objection was received.

**BACKGROUND:**

14 July 2003 The Council under Delegated Authority conditionally approved a Change of Use from Office to Shop (Pharmacy).

**DETAILS:**

The application is for a change of use from shop to consulting rooms (medical) at No. 586 Newcastle Street, West Perth. The proposed consulting rooms (medical) will occupy three (3) rooms with three (3) practitioners onsite.

<b>Landowner:</b>	Riolane Pty Ltd
<b>Applicant:</b>	Planning Solutions
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
<b>Existing Land Use:</b>	Shop (Pharmacy)
<b>Use Class:</b>	Consulting Room (Medical)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	515 square metres
<b>Right of Way:</b>	Not Applicable.

**ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Boundary Wall			✓
Bicycles	✓		
Access & Parking	✓		
Surveillance	✓		
Economic Development	✓		
Consulting Rooms			✓



**Consulting Rooms 3.5.22**

Issue/Design Element:	Consulting Rooms
Objectives:	<p><b>Policy No. 3.5.22 Consulting Rooms Clause 3, Residential Areas (viii)</b></p> <p>The use of a building for the sole purpose of consulting rooms is not permitted where located in a Residential zone. A minimum of 80 per cent of the total floor area of the building is to be dedicated for residential use.</p>
Applicants Proposal:	The use of the dwelling is for the sole purpose of consulting rooms.
Performance Criteria:	Not applicable.
Applicant justification summary:	<i>"This clause is not applicable as the existing approved land use on the subject site is a Shop, not a residential dwelling"</i>
Officer technical comment:	<p>The applicant's justification is not applicable as the clause states 'residential zone' as opposed to 'residential dwelling'.</p> <p>Notwithstanding the above, the previous approval for 'Shop (Pharmacy)' was approved on 14 July 2003 for the subject site and to date has not received a complaint regarding the use.</p> <p>The consulting rooms (medical) are consistent with the City's Policy No. 3.1.5 <i>Cleaver Precinct</i> which states "low intensity commercial uses may be considered on the ground floors of building fronting or adjacent to Newcastle Street including shops serving day-to-day and convenience needs to local residents." It is considered that the proposed consulting rooms (medical) contribute to the community by providing them with a medical service within their locality consistent with Policy No. 3.1.5.</p> <p>In this instance the variation is supported.</p>

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

Issue/Design Element:	Building on Boundary
Objectives:	<p><b>Residential Design Codes Clause 6.3.2 A2 Buildings on Boundary</b></p> <p>Except where otherwise provided for in an adopted local planning policy, walls built up to a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of design element 6.9:</p> <ul style="list-style-type: none"> <li>i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or</li> <li>ii. in areas coded R20 and R25, walls not higher than 3 m with an average of 2.7 m up to 9 m in length up to one side boundary only; or</li> <li>iii. in areas coded R30 and higher, walls not higher than 3.5 m with an average of 3 m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only; or</li> <li>iv. where a detailed area plan applies to the land; or</li> </ul>

<b>Issue/Design Element:</b>	<b>Building on Boundary</b>
	v. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application.
Applicants Proposal:	<u>Western Elevation</u>  Maximum height of 4 metres Average height of 3.85 metres
Performance Criteria:	<b>Residential Design Codes Clause 6.3.2 P2 Buildings on Boundary</b>  Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to: <ul style="list-style-type: none"> <li>• make effective use of space; or</li> <li>• enhance privacy; or</li> <li>• otherwise enhance the amenity of the development;</li> <li>• not have any significant adverse effect on the amenity of the adjoining property; and</li> <li>• ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.</li> </ul>
Applicant justification summary:	Not applicable.
Officer technical comment:	The subject boundary wall is an addition to an existing boundary wall, increasing the length by 1.7 metres. The existing boundary wall has a maximum height of 4.5 metres towards the front of the property.  The proposed variations to Clause 6.3.2 of the R-Codes enable the existing dwelling to utilise more space for the staff tea room for the proposed consulting rooms. Given the small increase in wall length the privacy and amenity of the existing dwelling and adjoining neighbour is upheld. The proposed tea room will have a major opening facing north enabling natural sunlight into the room.  Given the north-south orientation of the dwelling the minor variation will not adversely impact the adjoining property by overshadowing. In this instance the variation is supported.

<b>Car Parking</b>	
Car parking requirement (nearest whole number). • Proposed Consulting Rooms (3 car bays per consulting room) o Three (3) consulting rooms = <b>9 car bays required</b>	= 9 car bays
Total car bays required = 9	
Apply the parking adjustment factors. • 0.85 the proposed development is within 800 metres of a rail station • 0.85 the proposed development is within 400 metres of a bus stop/station	(0.7225)  6.5025 car bays
Minus the car parking provided on-site	7 car bays
Minus the most recently approved on-site car parking shortfall	0 car bays
<b>Surplus</b>	<b>0.4975 car bays</b>

<b>Commercial Bicycle Parking</b>	
Proposed Consulting Room (Medical) <ul style="list-style-type: none"> <li>• One (1) space per 8 practitioners (Class 2) = 0.375 = 0 bicycle bays</li> <li>• One (1) space per four (4) practitioners (Class 3) = 0.75 = 1 bicycle bays</li> </ul>	Requires one (1) class 3 bicycle bay. Provided.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	19 February 2013 – 12 March 2013
<b>Comments Received:</b>	Three (3) objections

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
Issue: Buildings on Boundary <ul style="list-style-type: none"> <li>• The height requirements were three (3) metres and were extended to 3.75 metres and they now propose four (4) metres. At what point will the height requirements stop.</li> </ul>	The three (3) objections received were from the same unit within No. 580 Newcastle Street, Perth. The subject addition to the existing boundary wall is 1.7 metres in length on the western elevation, facing No. 588 Newcastle Street, West Perth.  As previously noted, the variation complies with the performance criteria outlined in Clause 6.8.1 of the R-codes.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

The following legislation and policies apply to the consulting room (medical) at No. 586 Newcastle Street, West Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Cleaver Precinct Policy No. 3.1.5;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Parking and Access Policy No. 3.7.1; and
- Consulting Rooms Policy No. 3.5.22.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

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

**SUSTAINABILITY IMPLICATIONS:**

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

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building for the proposed consulting room. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	
SOCIAL	
Issue	Comment
The proposal provides for an increased range of services to the local community.	
ECONOMIC	
Issue	Comment
The proposed land use will encourage local economic development through generating pedestrian movement along Newcastle Street. Furthermore, it would produce employment through office staff.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The applicant is seeking two (2) variations for the proposed change of use from shop (pharmacy) to consulting room (medical) and associated alterations and additions to existing single dwelling. Firstly the proposed addition to the existing boundary wall does not comply with Clause 6.8.1 of the R-codes relating to Buildings on Boundary.

The proposal attempts to vary the requirements, which requires the average height to be 3 metres with a maximum of 3.5 metres for buildings on boundary. As such, the proposed building on boundary will have an average height of 3.85 metres with a maximum height of 4 metres. Given the natural slope of the site the existing boundary wall has a maximum height of 4.5 metres and an average of 4.15 metres. The proposed addition to the boundary wall is 1.7 metres in length which is considered not to have a detrimental impact on No. 588 Newcastle Street through loss of amenity or privacy. Furthermore the addition will create a better use of space for the staff tea room affiliated with the consulting rooms (medical), it will also be subject to natural sunlight from the north.

The City's Policy No. 3.5.22 *Consulting Rooms* states that consulting rooms located in a residential zone cannot use the entire premises for the purpose of consulting rooms, rather a minimum of 80 percent of the total floor area of the building is to be dedicated to residential use.

Notwithstanding the above, the current approved use for the subject site is 'shop (pharmacy)'. The shop (pharmacy) use has operated without complaint since its approval on 14 July 2003. Furthermore the City's Precinct Policy No. 3.1.5 *Cleaver* encourages low intensity commercial uses that will serve the needs of the local residents. The proposed consulting rooms (medical) are consistent with the objectives of the precinct policy.

**CONCLUSION:**

In light of the above comments the proposed variation to Clause 6.8.1 *Buildings on Boundary* of the R-Codes should be considered in this instance, as the existing boundary wall has an extended height of 4.5 metres, and the additional length is still compliant with the prescribed clause. Furthermore the variation will not adversely affect the adjoining property, and is considered to make effective use of space providing amenities to the staff members within the proposed consulting rooms.

The variation to the City's Policy No. 3.5.22 is supported in this instance considering the existing residential dwelling was previously approved as 'shop (pharmacy)' and has not received any objections or complaints during its time of operation. In addition, the proposed consulting rooms (medical) will provide the local residents with localised amenities which is consistent with the City's Precinct Policy No. 3.1.5 *Cleaver*.

**9.1.2 No. 131 (Lot 144; D/P 1197) West Parade, Mount Lawley – Proposed Construction of Two-Storey Building Comprising Three (3) Multiple Dwellings and Associated Car Parking to Rear of Existing Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2323; 5.2012.423.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Neighbourhood Context Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by S Tempestt, for Proposed Construction of Two-Storey Building Comprising Three (3) Multiple Dwellings and Associated Car Parking to Rear of Existing Dwelling at No. 131 (Lot 144; D/P 1197) West Parade, Mount Lawley, and as shown on plans stamp-dated 18 March 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 133 West Parade, Mount Lawley, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;

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

**2.1 Amended Plans**

Amended plans are required demonstrating the following:

- 2.1.1 The external highlight windows and bathroom windows to each dwelling are operable; and
- 2.1.2 The location of the letterboxes and meter boxes for each dwelling;

**2.2 Construction Management Plan**

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

### **2.3 Landscape and Reticulation Plan**

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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

- 2.3.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 2.3.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.3.4 The location and type of existing and proposed trees and plants;
- 2.3.5 All vegetation including lawns;
- 2.3.6 Areas to be irrigated or reticulated;
- 2.3.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 2.3.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.3.9 Planting to the north-eastern and south-western boundaries for all common and private outdoor living areas to include 200L trees planted at 3 metre spacing's for the full width of the boundary.

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

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

### **2.4 Refuse Management**

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

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

**Residential:**

**~~1 x mobile garbage bin per unit; and~~**

**~~1 x paper recycle bin per unit;~~**

**Waste bins for general waste and recycling as per the City's Technical Services requirements;**

**2.5 Single Bedroom Dwellings**

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 single bedroom dwelling that:

- 2.5.1 A maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;
- 2.5.2 The floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and
- 2.5.3 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

**2.6 Right of Way Widening**

No new development shall occur within 1.19 metres of the north-western boundary of No. 131 West Parade, Mount Lawley, to facilitate future right-of-way widening;

**2.7 Schedule of External Finishes**

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

**2.8 Design Features**

- 2.8.1 The south-western elevation of the garage is to include timber slats or similar; and
- 2.8.2 A minimum of two (2) appropriate significant design features being incorporated into the walls of the north-eastern and south-western upper floor elevations; and

**2.9 Vehicular Access**

Where vehicular access to the property is via a right-of-way and the right-of-way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right-of-way, to the satisfaction of the City;

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

**3.1 Car Parking**

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

**3.2 Clothes Drying Facilities**

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones;

**3.3 Residential Car Bays**

A minimum of three (3) and one (1) car bays shall be provided for the residents and visitors respectively. The four (4) car parking spaces shall be clearly marked and signposted accordingly;

**3.4 Visitor Bays**

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

**3.5 Bicycle Parking**

One (1) and one (1) bicycle bays shall each be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

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

**ADVICE NOTES:**

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
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 West Parade and the north-western right-of-way;
4. Any new street/front wall, fence and gate within the West Parade and north-western right-of-way setback areas, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

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



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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Buckels, Seconded Cr Maier**

**That the recommendation be adopted.**

**Debate ensued.**

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Pintabona**

**“That new Clauses 2.1.3 and 2.1.4 be added to read as follows:**

**2.1.3 The upper floor south-western wall is to be setback in accordance with the Acceptable Development provisions of Clause 7.1.4 “Side and Rear Boundary Setback” of the Residential Design Codes of Western Australia; and**

**2.1.4 The upper floor north-eastern wall is to be setback in accordance with the Acceptable Development provisions of Clause 7.1.4 “Side and Rear Boundary Setback” of the Residential Design Codes of Western Australia;”**

**Debate ensued.**

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Pintabona**

**That the item be DEFERRED for further consideration.**

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

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

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**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination given that the development comprises four (4) dwellings.

**BACKGROUND:**

**History:**

<b>Date</b>	<b>Comment</b>
1 October 2003	A development application was approved under delegated authority for an additional two-storey grouped dwelling to existing dwelling at No. 131 West Parade, Mount Lawley.
20 January 2004	A development application was approved under delegated authority for alterations and additions to a carport to an existing single house at No. 131 West Parade, Mount Lawley.
16 January 2009	The Western Australian Planning Commission conditionally approved a two lot survey-strata subdivision at No. 131 West Parade, Mount Lawley.
19 July 2011	A development application was approved under delegated authority for the construction of a two-storey grouped dwelling to an existing single house at No. 131 West Parade, Mount Lawley.
23 April 2012	The Western Australian Planning Commission conditionally approved a two lot survey-strata subdivision at No. 131 West Parade, Mount Lawley.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The application is for the construction of a two-storey building to the rear of an existing single house, where the proposed building fronts the rear right-of-way, at No. 131 West Parade, Mount Lawley. The proposed two-storey building comprises one (1) two bedroom and two (2) single bedroom, multiple dwellings and associated car parking.

<b>Landowner:</b>	S Tempestt
<b>Applicant:</b>	S Tempestt
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House and Multiple Dwellings
<b>Use Classification:</b>	"P" and "P"
<b>Lot Area:</b>	597 square metres
<b>Right of Way:</b>	North-western side, 4 metres wide, sealed

**ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Setbacks from Rights-of-Way			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		
Open Space			✓
Outdoor Living Areas			✓
Bicycles			✓
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities			✓
Surveillance			✓
Dwelling Size	✓		
Landscaping			✓
Energy Efficient Design	✓		

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

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements BDADC 3</b> The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	Flat roof, 20 degree and 35 degree roof pitch proposed.
Performance Criteria:	<b>Residential Design Elements BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognized streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>"The R.O.W. is 3.6m wide, sealed and drained. It is not overly developed, however, the two most significant developments in recent years are immediately to the South at #129 and two (2) blocks to the North at #135. Both these dwellings are a very modern style of architecture, utilising mixed materials, modern colours and untraditional roof forms."</i>
Officer technical comment:	The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building, with the roof pitch being predominantly in keeping with the Acceptable Development provisions of the Residential Design Elements. It is noted that the 35 degree roof pitch is the predominant roof pitch for the dwelling, with portions of flat roof being visible from the right-of-way and the 20 degree roof pitch being visible from the north-eastern and south-western elevations.
	As the overall building height complies with the Performance Criteria provisions of Clause BDPC 5 "Building Height" of the City's Policy No. 3.2.1 relating to Residential Design Elements and the City's Policy No. 3.4.8 relating to Multiple Dwellings, it considered that the proposal will not have an undue impact on the existing and desired future streetscape.  It is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 108.48 square metres (17.17 per cent), whereas 316 square metres (50 per cent) is permitted.

<b>Issue/Design Element:</b>	<b>Setbacks from Rights-of-Way</b>
Requirement:	<b>Residential Design Elements SADC 9</b> <u>Upper Floor</u> 1 metre behind each portion of the ground floor setback.  <u>Balconies</u> 2.5 metres

Issue/Design Element:	Setbacks from Rights-of-Way
Applicants Proposal:	<p><u>Upper Floor</u> 0.12 metres in front of the garage – 1.8 metres behind the garage</p> <p>3.84 metres – 5.76 metres in front of the ground floor building line</p> <p><u>Balcony</u> 2.1 metres</p>
Performance Criteria:	<p><b>Residential Design Elements SPC 9</b> The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p> <p>The minimum width of a right of way is to be 6 metres, in accordance with the Western Australian Planning Commission’s Policy DC 2.6 – ‘Residential Road Planning’. However, there are a number of rights of way within the City that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.</p>
Applicant justification summary:	<p><i>“The R.O.W. is 3.6m wide, sealed and drained. It is not overly developed, however, the two most significant developments in recent years are immediately to the South at #129 and two (2) blocks to the North at #135. Both these dwellings are a very modern style of architecture, utilising mixed materials, modern colours and untraditional roof forms.</i></p>
	<p><i>It is clear that the proposed development is of a more modern influence that would complement the emerging R.O.W. streetscape. Both the existing R.O.W. developments do not comply at all with Residential Design Elements SADC5 “Street Setbacks” Table (c), however, the proposed development complies with SADC5 (b) –</i></p> <p><i>“...Where the predominant setback pattern requires a setback distance that exceeds or is less than the below required minimum, the greater or lesser setback required to maintain the character of the street will apply...”</i></p> <p><i>- and also complies with Figure 2 of the policy, highlighting that the impact of the development will not affect West Parade at all.”</i></p>
Officer technical comment:	<p>The proposed setback to the right-of-way complies in this instance as it is considered to be compatible and consistent with the surrounding properties fronting the right-of-way.</p> <p>The upper floor of the south-western dwellings (Nos. 129A West Parade and No. 6 Chertsey Street) facing the right-of-way are flush with the ground floor. The north-eastern dwelling which faces the right of way has an upper floor which projects 1 metre forward of the ground floor garage. As the proposed upper floor is 0.12 metres forward of the garage, it is considered to be consistent with the setbacks of surrounding properties</p>

<b>Issue/Design Element:</b>	<b>Setbacks from Rights-of-Way</b>
	which face the right-of-way.
	It is a condition of approval that no new development shall occur within 1.19 metres of the north-western boundary, to accommodate the future right-of-way widening. It is also noted that the garage is setback 2.7 metres from the lot boundary, which provides for a 6.7 metre manoeuvring depth.

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
Requirement:	<b>Residential Design Codes Clause 7.1.4 A4.1</b> <u>Ground Floor</u> South-western boundary: 1 metre  <u>Upper Floor</u> North-eastern boundary: 2 metres South-western boundary: 2.1 metres
Applicants Proposal:	<u>Ground Floor</u> South-western boundary: 0.94 metres – 1.24 metres  <u>Upper Floor</u> North-eastern boundary: 1.24 metres – 1.84 metres South-western boundary: 1.24 metres – 1.94 metres
Performance Criteria:	<b>Residential Design Codes Clause 7.1.4 P4.1</b> Buildings set back 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 the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<i>“As highlighted in Principle 3, the proposed development provides for a modern, well articulated façade to the R.O.W. and clearly identifies as this as being the “front” of the development. The proposal also has well articulated side and rear elevations to ensure that when viewed from any angle, it presents an interesting and visually cohesive building for both occupants and neighbours.</i>  <i>The proposal is consistent with existing development along the R.O.W, providing for modern architectural styles in complete contrast to the existing West Parade streetscape. In my professional opinion, I believe it is better to clearly delineate between old and new, along a concerted effort to reduce the impact of the new; to avoid making a mockery of the old with poorly replicated period styles. The proposed development at #131 West Parade provides for exactly this scenario; and is in keeping with existing R.O.W. development in the immediate surrounds.”</i>
Officer technical comment:	The proposed setbacks from the boundaries comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to both the subject site and the adjoining property, with it also moderating the impact of building bulk on the

Issue/Design Element:	Building Setbacks
	<p>adjoining property.</p> <p>The proposed lot orientation provides some constraints with respect to solar access and achieving direct sun. It is considered that the proposal comprises adequate direct sun as there is a bedroom window and the proposed balcony to the front upper floor dwelling on the north-western elevation, which increases the usability of these rooms. There are also highlight windows located along the north-eastern elevation and the living areas to the ground floor and rear upper floor dwellings, which also aids in increasing the usability of these areas.</p> <p>The north-western and south-western elevations of the dwelling demonstrate that the ground floor garage and foyer area and upper floor balcony are located to the western most aspect of the site. This is acceptable as the ground floor does not comprise a habitable area, with the balcony being screened to reduce the impact of the summer sun.</p>
	<p>The southernmost aspect of the site comprises major openings on the south-western elevation, which is able to take advantage of the south-western breeze.</p> <p>It is a condition of approval that each of the external windows is operable; therefore providing cross ventilation to each of the dwellings.</p> <p>It is a condition of approval that the north-eastern and south-western upper floor elevations are to include a minimum of two design features, as this will aid in minimising the building bulk on the adjoining properties. It is noted that the proposal does contain a number of different finishes and includes the windows on each of these elevations which currently reduces the building bulk; however the condition is in place to ensure that at least two of the design features are included.</p> <p>The location of the proposed building does not adversely affect the adjoining properties access to day light and direct sun. With regards to the adjoining north-eastern property the proposed building does not adversely affect its access to sun for the following reasons:</p> <ul style="list-style-type: none"> <li>• The outdoor living area of the northern property is located to the northern aspect of its site, therefore the proposed building will not result in any undue impact on its solar access;</li> <li>• As the proposed building is located to the south-west of this property, it will not have any impact on the northern aspect of the site or on its access to western afternoon summer sun; and</li> <li>• The sun never hits the southern face of a building in winter; therefore as the proposed building is located on the adjoining south-western property it will not alter the current situation.</li> </ul>

Issue/Design Element:	Building Setbacks
	<p>With regards to the adjoining south-western property the proposed building does not adversely affect its access for the following reasons:</p> <ul style="list-style-type: none"> <li>• The outdoor living area of the dwelling is located to the northern aspect of their site, whereby the shadow cast by the proposed building falls over 28.05 percent (11.78 square metres) of the outdoor living area whereas 50 percent (21 square metres) is permitted under the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes;</li> <li>• The south-eastern, south-western and north-western sides of the dwelling is not compromised by the proposed building; and</li> <li>• As the proposed building is located to the north-western side of the dwelling, it provides a buffer from the afternoon summer sun.</li> </ul>
	<p>Further to the above, it is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 108.48 square metres (17.17 per cent), whereas 316 square metres (50 per cent) is permitted.</p> <p>As the proposal complies with the Acceptable Development provisions of Clause 7.4.1 “Visual Privacy” of the R-Codes, the proposed setbacks do not result in any detrimental impact with regards to visual privacy.</p>
Issue/Design Element:	Boundary Wall
Requirement:	<p><b>Residential Design Codes Clause 7.1.4 A4.4</b> A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum height: 3.5 metres Average height: 3 metres North-eastern length: 11.67 metres South-eastern length: 6.33 metres</p>
Applicants Proposal:	<p><u>North-eastern boundary</u> Maximum height: 3.44 metres Average height: 3 metres Length: 8.63 metres</p> <p><u>South-eastern boundary</u> Maximum height: 5.7 metres Average height: 5.7 metres Length: 7.66 metres</p>
Performance Criteria:	<p><b>Residential Design Codes Clause 7.1.4 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>

Issue/Design Element:	Boundary Wall
Applicant justification summary:	<p><i>“As highlighted in Principle 3, the proposed development provides for a modern, well articulated façade to the R.O.W. and clearly identifies as this as being the “front” of the development. The proposal also has well articulated side and rear elevations to ensure that when viewed from any angle, it presents an interesting and visually cohesive building for both occupants and neighbours.</i></p>
	<p><i>The proposal is consistent with existing development along the R.O.W, providing for modern architectural styles in complete contrast to the existing West Parade streetscape. In my professional opinion, I believe it is better to clearly delineate between old and new, along a concerted effort to reduce the impact of the new; to avoid making a mockery of the old with poorly replicated period styles. The proposed development at #131 West Parade provides for exactly this scenario; and is in keeping with existing R.O.W. development in the immediate surrounds.”</i></p>
Officer technical comment:	<p>The proposed boundary walls comply with the Performance Criteria in this instance as they provide for adequate daylight and direct sun and ventilation to both the subject site and the adjoining property, with it also moderating the impact of building bulk on the adjoining property.</p> <p>As outlined in the table above, there is adequate direct sun and ventilation provided to the subject site, with there being windows and living areas located to take advantage of the northern sun and south-western breeze.</p> <p>The proposed south-eastern boundary wall is located along a proposed lot boundary, where varying finishes to the wall are proposed to reduce the impact of the wall on the existing dwelling.</p> <p>With regards to the boundary wall located along the north-eastern boundary, it is noted that individually this wall complies with the permitted length and heights under the Acceptable Development provisions of Clause 7.1.4 “Side and Rear Boundary Setback” of the R-Codes. As the wall is located to the south-western boundary of the adjoining property it will not compromise the adjoining property’s access to northern sun, nor will it result in any overshadowing of an adjoining property.</p> <p>Further to the above, it is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 108.48 square metres (17.17 per cent), whereas 316 square metres (50 per cent) is permitted.</p> <p>As the proposal complies with the Acceptable Development provisions of Clause 7.4.1 “Visual Privacy” of the R-Codes, the proposed boundary walls do not result in any detrimental impact with regards to visual privacy.</p>



<b>Issue/Design Element:</b>	<b>Building Height</b>
Requirement:	<b>Residential Design Elements BDADC 5</b> Top of external wall (roof above): 6 metres
Applicants Proposal:	Top of external wall (roof above): 6.442 metres
Performance Criteria:	<b>Residential Design Elements BDPC 5</b> Building height is to be considered to: <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed building height complies with the Performance Criteria in this instance as it does not result in the building dominating the streetscape. The portions of the building which comprise a flat roof on the north-western, north-eastern and southern western elevations that exceed the 6 metre wall height by 0.442 metres. It is noted that the portion of the wall exceeding 6 metres occupies 4.79 metres (being 42.58 percent) of the north-western elevation, 8.99 metres (being 57.08 percent) of the north-eastern elevation and 5.75 metres (being 37.46 percent) of the south-western elevation. These portions of wall provide interest and articulation to the building, which will aid in developing the streetscape of the right-of-way.</p> <p>The proposed building height does not result in any undue overshadowing or visual intrusion on an adjoining property. It is noted that the proposal complies with the Acceptable Development provision of 7.4.1 "Visual Privacy" and Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with there being no overlooking and the overshadowing being 108.48 square metres (17.17 per cent), whereas 316 square metres (50 per cent) is permitted.</p>

<b>Issue/Design Element:</b>	<b>Open Space</b>
Requirement:	<b>Residential Design Codes Clause 7.1.5 A5</b> <u>Proposed Building</u> 45 percent 122.4 square metres
Applicants Proposal:	<u>Proposed Building</u> 44.57 percent 121.23 square metres
Performance Criteria:	<b>Residential Design Codes Clause 7.1.5 P5</b> Open space respects existing or preferred neighbourhood character and responds to the features of the site.
Applicant justification summary:	No justification received.

<b>Issue/Design Element:</b>	<b>Open Space</b>
Officer technical comment:	<p>The proposed amount of open space complies with the Performance Criteria in this instance as it respects the existing and future neighbourhood character.</p> <p>It is considered that the proposed amount of open space is generally consistent with the amount of open space on surrounding developments.</p> <p>It is also noted that the portion of the upper floor that overhangs the ground floor comprises 14.75 square metres; where the proposal is 1.17 square metres short of the Acceptable Development provisions. The area beneath the upper floor functions as open space; however it does not fall within the definition of 'Open Space' as outlined in the R-Codes. If this area were included in the open space calculations it would result in 135.98 square metres, being 49.99 per cent, open space.</p> <p>In light of the above, combined with the open space variation being 1.17 square metres, it is considered that the proposal is in keeping with the existing and desired future character of the locality.</p>

<b>Issue/Design Element:</b>	<b>Outdoor Living Areas</b>
Requirement:	<p><b>Residential Design Codes Clause 6.4.2 A2</b> <u>Existing Dwelling</u> An outdoor living area to be provided:</p> <ul style="list-style-type: none"> <li>• 16 square metres;</li> <li>• Behind the street set-back area;</li> <li>• Directly accessible from a habitable room of the dwelling;</li> <li>• With a minimum length and width dimension of 4 metres; and</li> <li>• To have at least two-thirds (10.67 square metres) of the required area without permanent roof cover.</li> </ul>
Applicants Proposal:	The outdoor living areas has a minimum dimension of 3 metres.
Performance Criteria:	<p><b>Residential Design Codes Clause 6.4.2 P2.1 and P2.2</b> An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.</p> <p>An outdoor area that takes the best advantage of the northern aspect of the site.</p>
Applicant justification summary:	<p><i>"The proposed development provides for predominantly single-person dwellings. All rooms are designed to accommodate a good amount of furniture in a layout that should suit the needs of a majority of potential occupants. All living areas relate directly to the outdoor living space without excessive glazing reducing the furnish-ability of the living space. Each dwelling is separated from another in a manner to reduce trans-occupant noise levels where appropriate."</i></p>

Issue/Design Element:	Outdoor Living Areas
Officer technical comment:	<p>The proposed outdoor living area to the existing dwelling complies with the Performance Criteria in this instance as the access and functionality of the area is as existing. The location of the outdoor living area to the rear of the site is to the northern most aspect of the lot, whereby it is open to winter sun.</p> <p>It is noted that there is the potential for the front setback area to be utilised as an additional outdoor living area.</p> <p>It is also noted that the Western Australian Planning Commission have conditionally approved a two-lot survey strata subdivision at the subject site.</p>

Issue/Design Element:	Bicycles
Requirement:	<p><b>Residential Design Codes Clause 7.3.3 A3.2</b> 1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3.</p> <p>Residents: 1 space Visitors: 1 space</p>
Applicants Proposal:	Residents: Nil Visitors: Nil
Performance Criteria:	<p><b>Residential Design Codes Clause 7.3.3 P3.1</b> 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 offsite parking; and</li> <li>• The location of the proposed development in relation to public transport and other facilities.</li> </ul>
Applicant justification summary:	No justification received.
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes in this instance; therefore it is recommended that it be a condition of approval that one residents and one visitors bicycle spaces are provided.

Issue/Design Element:	Essential Facilities
Requirement:	<p><b>Residential Design Codes Clause 7.4.7 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> <p><b>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 5.2 A7.3</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.</p>

Issue/Design Element:	Essential Facilities
Applicants Proposal:	A clothes-drying area is not provided for the upper floor units.
Performance Criteria:	<p><b>Residential Design Codes Clause 7.4.7 P7</b> Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are:</p> <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:	No justification received.
Officer technical comment:	The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in this instance; therefore it is recommended that it be a condition of approval that a clothes-drying area is provided.

Issue/Design Element:	Surveillance
Requirement:	<p><b>Residential Design Elements SADC 12</b> At least one major opening window to a habitable room facing the street and right of way (where practical), on the ground and upper floors.</p>
Applicants Proposal:	No major openings on the ground floor facing the right-of-way.
Performance Criteria:	<p><b>Residential Design Elements SPC 12</b> Development to be designed to enhance the safety and security of the surrounding area.</p>
Applicant justification summary:	<p><i>"The design provides for surveillance of the R.O.W. and activation of the space with the placement of upper floor bedrooms and balconies. Two (2) of four (4) dwellings directly survey the R.O.W. providing an immediate defensible space in front of (and adjacent to) the proposed development.</i></p> <p><i>All communal areas, including stairwells, are proposed to be lit as per the Residential Design Codes 7.3.2 (A2) iv and all sightlines are maintained for vehicle ingress and egress."</i></p>
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as provides adequate surveillance of the right-of-way.</p> <p>The proposed building comprises a major opening on the upper floor facing the right-of-way which provides surveillance of the right-of-way. There are no major openings to the ground floor which face the right-of-way; however the foyer on the ground floor has been opened up to increase passive surveillance between the ground floor and the right-of-way. As the vehicle access is required off the right of way, the location of the garage provides a constraint to achieving a direct line of sight between the ground floor and the right-of-way.</p> <p>It is also noted that the ground floor of the surrounding properties front the right-of-way, do not incorporate major opening facing the right-of-way on the ground floor.</p>

Issue/Design Element:	Landscaping
Requirement:	<p><b>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 4.2 A2</b> A minimum of 5 percent of the total site area shall be provided as <i>soft landscaping</i> within the private outdoor living areas of the dwellings.</p> <p>5 percent: 13.6 square metres</p>
Applicants Proposal:	<p>1.21 percent 3.282 square metres</p>
Performance Criteria:	<p><b>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 4.2 P2</b></p> <ul style="list-style-type: none"> <li>• Assists in contributing to the amenity of the locality.</li> <li>• Assists in providing a landscaped setting for the building.</li> <li>• Assists in the protection of mature trees.</li> <li>• Maintains a sense of open space between buildings.</li> <li>• Assists in increasing tree and vegetation coverage.</li> </ul>
Applicant justification summary:	<p><i>“All landscaping on the site for the proposed development is mix of hard and soft landscaping, with use of paving for trafficable areas, reticulated native shrubbery and the retention of a large, established Eucalypt at the rear of the property. The existing property has an established garden to the front of the property with a large, established Banksia tree to the verge and seeks to retain the large, established Eucalypt to the front courtyard.</i></p> <p><i>The established trees have long been a part of the immediate neighbourhood and the owner has no plans to remove them.”</i></p>
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions of the City’s Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in this instance; therefore it is recommended that it be a condition of approval that landscaping is provided in accordance with Clause 4.2 “Landscaping” of the City’s Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones as the landscaping can be increased through modifications to the proposal without increasing the building footprint.</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	22 February 2013 to 8 March 2013
<b>Comments Received:</b>	Four (4) objections and one (1) neither support or object.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Setbacks from Rights-of-Way</p> <ul style="list-style-type: none"> <li>• Clearly does not comply. The plan has token allowance of 0.12 metres in front of the garage.</li> </ul>	<p>Dismissed. The proposed setback to the upper floor is compatible and consistent with the surrounding properties which face the right-of-way.</p>

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Surveillance</p> <ul style="list-style-type: none"> <li>A clear breach as there is no concept of duty of care.</li> </ul>	<p>Dismissed. The proposal provides for a ground floor foyer area and comprises a major opening to the upper floor, which provides surveillance to the right-of-way. The proposal complies with Clause SPC 12 of the City's Policy No. 3.2.1 relating Residential Design Elements.</p>
<p>Issue: Roof Forms</p> <ul style="list-style-type: none"> <li>The building is factory like, particularly on the north boundary. Overshadowing of adjoining property appears to be extreme according to the plan, as half of the property will be affected.</li> </ul>	<p>Dismissed. The proposed roof pitch complies with the Performance Criteria of Clause BDPC 3 of the City's Policy No. 3.2.1 relating to Residential Design Elements as it does not unduly increase the bulk of the building, with the roof pitch being predominantly in keeping with the Acceptable Development provisions of the Residential Design Elements. It is noted that the 35 degree roof pitch is the predominant roof pitch for the dwelling, with portions of flat roof being visible from the right-of-way and the 20 degree roof pitch being visible from the north-eastern and south-western elevations.</p>
<p>Issue: Building Height</p> <ul style="list-style-type: none"> <li>Building height is excessive and should not be allowed.</li> <li>Object to the height, bulk and scale of the proposed building.</li> </ul>	<p>Dismissed. The proposed building height complies with the Performance Criteria of Clause BDPC 5 of the City's Policy No. 3.2.1 relating to Residential Design Elements as it does not result in the building dominating the streetscape. The portions of the building which comprise a flat roof provide interest and articulation to the building, which will aid in developing the streetscape of the right-of-way.</p>
<p>Issue: Landscaping</p> <ul style="list-style-type: none"> <li>Plan does not meet your minimums.</li> </ul>	<p>Supported and Addressed. It is a condition of approval that landscaping is provided on-site in accordance with the Acceptable Development provisions of Clause 4.2 "Landscaping" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p> <p>It is noted that this requires an increase of soft landscaping within the private outdoor living areas of the dwellings, as the proposed landscaping of the total site complies with the Acceptable Development provisions of Clause 4.2 "Landscaping" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zone.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Energy Efficient Design</p> <ul style="list-style-type: none"> <li>Obviously the proponent has given no thought to utilising solar passive technique. It will impact severely on neighbours heating requirements.</li> </ul>	<p>Dismissed. The proposal maximises the amount of northern light that is able to be achieved.</p> <p>It is a condition of approval that all external highlight windows are operable, which will aid in improving ventilation to each of the dwellings.</p>
<p>Issue: Side and Rear Boundary Setbacks</p> <ul style="list-style-type: none"> <li>This part of the proposal is horrific. There is no sensitivity for their neighbours. What is proposed is akin to a factory wall in a residential location.</li> </ul>	<p>Dismissed. The proposed side setbacks provide adequate light and ventilation to both the subject site and adjoining properties. It is also noted that the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes; therefore it does not result in an adverse impact on the adjoining properties.</p> <p>It is a condition of approval that the north-eastern and south-western upper floors comprise a minimum of two significant design features to aid in moderating building bulk.</p>
<p>Issue: Open Space</p> <ul style="list-style-type: none"> <li>Once again – non-compliant.</li> </ul>	<p>Dismissed. The amount of open space provided on-site is in keeping with the existing and preferred character of the locality, with the proposal complying with the Performance Criteria of Clause 7.1.5 "Open Space" of the R-Codes.</p>
<p>Issue: Essential Facilities</p> <ul style="list-style-type: none"> <li>It seems ludicrous that they will be relying solely on energy consuming means for clothes drying. They have either overlooked this basic tenet or have blatantly ignored it. Perhaps they could hang the clothes from the balconies as is done in other countries.</li> </ul>	<p>Supported and Addressed. It is a condition of approval that an adequate clothes drying area is provided for the development in accordance with the Acceptable Development provisions of Clause 7.4.7 "Essential Facilities" of the Residential Design Codes and Clause 5.2 "Essential Facilities" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p>
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> <li>There appears to be gross neglect of this provision.</li> <li>The first floor balcony and adjoining window are not the required setback, giving unrestricted views into adjoining properties.</li> </ul>	<p>Supported and Addressed. Amended plans have been submitted which demonstrate that all windows comply with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>
<p>Issue: Traffic</p> <ul style="list-style-type: none"> <li>Three apartments will result in an increase of traffic in the laneway.</li> <li>The proposal will result in congestion when people are coming and going.</li> <li>The character of the laneway will be changed forever.</li> </ul>	<p>Dismissed. The proposed development complies with the R-Codes and the City's Policy No. 3.2.1 relating to Residential Design Elements, which requires vehicle access to be provided from a right-of-way where one exists.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Number of Dwellings</p> <ul style="list-style-type: none"> <li>Do not agree that the size of this development is suitable for this site.</li> <li>Understand that infill is to occur, however this is too many dwellings on this area of land.</li> </ul>	<p>Dismissed. The proposal complies with the Acceptable Development provisions of Clause 6.1.1 "Site Area Requirements" of the R-Codes and the City's Policy No. 3.4.6 relating to "Residential Subdivisions", with regards to the lot configuration and size of each of the two proposed lots.</p> <p>The proposed multiple dwellings located on the rear lot comply with the Acceptable Development provisions of Clause 7.1.1 "Building Size" of the R-Codes, which provides for a maximum plot ratio of 0.7 (190.4 square metres) whereas 0.639 (173.83 square metres) is proposed.</p>
<p>Issue: Number of Variations</p> <ul style="list-style-type: none"> <li>Concerns that a plan was being considered when it so flagrantly exceeds the Acceptable Development Standard. It is thought that the very word "acceptable" meant rejection of this plan.</li> <li>Concerns that this plan has the feeling of de facto re-zoning by stealth.</li> <li>Do not allow happily people to exceed regulations as they should be more rigorously enforced.</li> <li>If it exceeds "Acceptable Standards", then surely it becomes "Unacceptable".</li> <li>This plan appears to be solely motivated by commercial intent and has no consideration for acceptable building standards or care for the amenity of their neighbours.</li> </ul>	<p>Dismissed. The R-Codes comprises both Acceptable Development and Performance Criteria provisions, where an applicant can select an Acceptable Development assessment, a Performance Criteria assessment or a combination of the two.</p> <p>Further to the above, the Explanatory Guidelines of the R-Codes states:</p> <p><i>"The acceptable development provisions illustrate one way of satisfactorily meeting the corresponding performance criterion, and are provided as examples of acceptable design outcomes. Acceptable Development provisions are intended to provide a straightforward pathway to assessment and approval; compliance with an acceptable development provision automatically means compliance with the corresponding performance criterion, and thus fulfilment of the objective."</i></p> <p><i>"Given the acceptable development provisions illustrate only one way of satisfactorily meeting the corresponding criterion, the use of an acceptable development provision as a yardstick or evaluation standard during a performance criteria assessment is generally not appropriate."</i></p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: 3 October 2012

Summary of Design Advisory Committee Comments:

*The current proposal is unacceptable due to the introduction of the additional apartment on the third level. It is recommended this level form part of the apartments below in the form of a 'true' loft space. Additional areas of concern:*

- Increase ceiling heights to provide more generous spaces- refer to the projects by Brian Klopper, a catalogue of work is available from UWA. Also worth noting is the approach to material selection by Brian Klopper. This is considered more appropriate than the current selection.*



2. *Reduce the plot ratio to conform to the Residential Planning Codes.*
3. *Increase balcony depth to conform to R-Codes.*
4. *Balconies will require conforming privacy screens.*
5. *Improve natural light and ventilation to all spaces especially bathrooms.*
6. *Improve the entry by reducing the impact of the garage door and reducing the impact of the drying court.*

The Applicant submitted amended plans to the Design Advisory Committee. The Design Advisory Committee has reviewed the amended plans and notes the following:

1. *The rear laneway is viewed as the street or public face of this proposal. The current arrangement of 3 garage doors can be significantly improved by providing a timber slat or similar garage door and sidewall to the third car bay. The drying court should be removed and the wall associated with this also removed to improve the available space at the entry.*
2. *Improve natural light to the living areas by increasing door sizes or adding windows.*
3. *Improve the sense of space by introducing raked ceilings over the upper level living areas (and kitchen).*
4. *Introduce operable windows to the bathroom areas.*

The following Officer comments are provided in light of the above Design Advisory Committee comments:

1. The proposal comprises a screen to the south-western elevation of the garage as per the Design Advisory Committees comments. It is also a condition of approval that this is required, to ensure that it is not removed at a later stage.

The drying courtyard, which was previously located in front of the courtyard, has been removed to improve the foyer area and the relationship between the building and the right-of-way. It is noted that although the drying courtyard has been removed, it is a condition of approval that a drying courtyard be provided as this is a requirement of Clause 7.4.7 "Essential Facilities" A7.3 of the R-Codes and Clause 5.2 "Essential Facilities" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

2. Additional openings have been included in the south-western elevation of the proposal.
3. The City is unable to enforce raked ceiling over the upper level living areas and kitchens as this is not governed under planning legislation.
4. It is a condition of approval that the bathroom windows are to be operable.

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

The following legislation and policies apply to the two-storey building comprising three (3) multiple dwellings and associated car parking at No. 131 West Parade, Mount Lawley:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Banks Precinct Policy No. 3.1.15;
- Residential Design Elements Policy No. 3.2.1;
- Residential Subdivisions Policy No. 3.4.6;
- Single Bedroom Dwellings Policy No. 3.4.7; and
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8.

It is noted that Clause 2.5.4 of the R-Codes States:

*“A council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council’s planning scheme or a local planning policy.”*

Further to the above, it is also noted that the “Description of the Performance Approach Used in the R-Codes” of the Explanatory Guidelines of the R-Codes states:

*“The objective the desired outcome for a particular design element or special provision.*

*The performance criteria are general statements of the means of achieving the objective. They are not meant to be limiting in nature. Instead, they provide applicants with an opportunity to develop a variety of design responses to address each residential design issue.*

*The acceptable development provisions illustrate one way of satisfactorily meeting the corresponding performance criterion, and are provided as examples of acceptable design outcomes. Acceptable Development provisions are intended to provide a straightforward pathway to assessment and approval; compliance with an acceptable development provision automatically means compliance with the corresponding performance criterion, and thus fulfilment of the objective.*

*The codes have been designed to provide a clear choice for applicants to select either a performance criteria approach for assessment, an acceptable development provision approach, or a combination of the two.”*

*“Given the acceptable development provisions illustrate only one way of satisfactorily meeting the corresponding criterion, the use of an acceptable development provision as a yardstick or evaluation standard during a performance criteria assessment is generally not appropriate.”*

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2011-2016 states:

*“Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The application proposes adequate soft landscaping on-site, therefore providing sufficient permeable surfaces for the development. It’s also noted that the design of the two-storey building provides for adequate light and cross ventilation.	

<b>SOCIAL</b>	
<b>Issue</b>	<b>Comment</b>
The proposal provides for an increase in housing diversity within the City.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The subject proposal is not considered to have an undue impact on the amenity of the locality as it is within the plot ratio and the proposed building height complies with the Performance Criteria of Clause BDPC 5 of the City's Policy No. 3.2.1 relating to Residential Design Elements.

The proposal does not result in any undue building bulk on the north-western right-off-way or the adjoining residential properties. The proposed building height and setbacks have taken into consideration the requirements of the City's Policies, the R-Codes and the adjoining properties and it has been designed accordingly.

The proposal has been amended since it was originally presented to the City's Design Advisory Committee to accommodate their comments; therefore satisfying the Design Advisory Committees requirements.

**CONCLUSION:**

In view of the above, the application is supportable as the proposal complies with the City of Vincent Town Planning Scheme No. 1, the Acceptable Development and Performance Criteria provisions of the Residential Design Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements, the City's Policy No. 3.4.7 relating to Single Bedroom Dwellings, and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Accordingly, it is recommended that the application be approved subject to standard and appropriate conditions and advice notes.

**9.1.3 Amendment No. 112 to Planning and Building Policies – Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations**

<b>Ward:</b>	Both Wards	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0244
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Planning and Building Policy No. 3.5.11, relating to Exercise of Discretion for Development Variations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Elliott, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.11 Exercise of Discretion for Development Variations as shown in Appendix 9.1.3, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation; and
2. After the expiry period for submissions:
  - 2.1 **REVIEWS** the Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, having regard to any submissions; and
  - 2.2 **DETERMINES** the Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

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Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 1 be amended to read as follows:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.11 Exercise of Discretion for Development Variations as shown in Appendix 9.1.3, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation subject to the draft Policy being amended as follows:
  - 1.1 table 3 of the Policy being amended and renumbered as follows:
    - EC 2.2 the site is regarded by Council as a strategic development site in accordance with the following criteria;
      - ~~EC 2.2.1 the site has an area in excess of 1000 square metres; and~~
      - EC 2.2.2 1 the site adjoins a road prescribed on the Main Roads WA Perth Metropolitan Functional Road Hierarchy map as a Primary Distributor or District Distributor; or

EC 2.2.3 2 the site is located in District Centre or a Commercial or a Residential/Commercial zoned area; or

EC 2.2.4 3 the building would be a prominent gateway building into the district of the local government and/or the site is a prominent gateway site into the district of the local government.”

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.3**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.11 Exercise of Discretion for Development Variations as shown in Appendix 9.1.3, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation subject to the draft Policy being amended as follows;

- 1.1 “table 3 of the Policy being amended and renumbered as follows:

EC 2.2 the site is regarded by Council as a strategic development site in accordance with the following criteria;

EC 2.2.1 the site adjoins a road prescribed on the Main Roads WA Perth Metropolitan Functional Road Hierarchy map as a Primary Distributor or District Distributor;

EC 2.2.2 the site is located in District Centre or a Commercial or a Residential/Commercial zoned area; and

EC 2.2.3 the building would be a prominent gateway building into the district of the local government and/or the site is a prominent gateway site into the district of the local government”; and

2. **After the expiry period for submissions:**

- 2.1 **REVIEWS** the Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, having regard to any submissions; and

- 2.2 **DETERMINES** the Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

**PURPOSE OF REPORT:**

The purpose of this report is to present the Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations for consideration by the Council, and to seek the Council's approval to advertise the Draft Amended Policy.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 March 2013 item 9.1.1 relating to No. 12 (Lot 801) Smith Street, Perth for proposed construction of four-storey building comprising nineteen (19) multiple dwellings (aged or dependant person dwellings) and associated car parking revealed a shortfall within the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. More specifically, it has indicated that in the table "REQUIREMENTS FOR VARIATIONS TO NUMBER OF STOREYS" development with a prescribed height of 2 or 3 storeys, seeking a variation of 1 additional storey, currently does not include the promotion of affordable housing as an additional requirement.

**History:**

Date	Comment
24 February 2009	The Council at its Ordinary Meeting endorsed the City of Vincent Affordable Housing Strategy. One of the recommendations in the Strategy was for the City to investigate mechanisms to promote affordable housing through the planning framework.
14 August 2012	The Council at its Ordinary Meeting resolved to adopt Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. The purpose of the Policy is to provide a clearer framework for the Council to exercise discretion with respect to development applications seeking a variation, in regard to height.

**Previous Reports to Council:**

This matter was previously reported to the Council on 14 August 2012.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 14 August 2012 relating to this report is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**DETAILS:**

Following the assessment of the proposed development at No. 12 (Lot 801) Smith Street, Perth the City's Planning Officers conveyed concerns that the additional requirement pertaining to affordable housing had been omitted from Policy No. 3.5.11 for developments where the prescribed height is 2 – 3 storeys and seek a variation of one additional storey.

To attain greater height for developments applicants must meet essential criteria (EC) and one additional requirement (AR) contained in Policy No. 3.5.11. Table 2 of the Policy contains both EC and AR for developments with a *prescribed height limit* of 4 storeys or more seeking 1 additional storey. Table 3 of the Policy also contains EC and AR for developments with a *prescribed height limit* of 4 storeys or more seeking 2 additional storeys. Both Table 2 and 3 of the Policy contain AR 2.5, 'the proposed development provides affordable housing, demonstrated through partnership agreements with a recognised or approved housing provider'. AR 2.5 currently exists in only tables 2 and 3 of the Policy, to ensure consistency and avail the AR option of affordable housing Policy Amendment No. 112 proposes to introduce the same AR to table 1.

The following table highlights the proposed addition of AR 1.5 and provides Officer justification.

**POLICY CHANGES PROPOSED:**

Amendments	Comments
<p>REQUIREMENTS FOR VARIATIONS TO NUMBER OF STOREYS</p> <p><i>Table 1: Prescribed Height Limit – 2 or 3 Storeys. Variation - 1 Additional Storey</i></p> <p><b>AR 1.5</b> the proposed development provides <u>affordable housing, demonstrated through partnership agreements with a recognised or approved housing provider.</u></p>	<p>The insertion of clause AR 1.5 is to ensure that this additional requirement, related to affordable housing, is available to applicants proposing development of prescribed height limit 2 or 3 storeys with a variation of 1 additional storey. The additional requirement pertaining to affordable housing had been omitted from the adopted policy and therefore was unavailable to applications for development in areas zoned 'Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial'.</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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In accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1 the Draft Amended Policy No. 3.5.11 will require advertising for 28 days.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** It is important that the City's Local Planning Policies are reviewed regularly to ensure that they are consistent with the requirements of the Western Australian Planning Commission, and align with the City's strategic direction. It is also important that a Local Planning Policy provides a clear and transparent planning tool when assessing and determining applications for Planning Approval.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1:

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

**SUSTAINABILITY IMPLICATIONS:**

ENVIRONMENTAL
<p>Allowing additional height in exchange for the provision of affordable housing will permit an alternative to the urban fringe therefore alleviating pressure on urban expansion.</p>
SOCIAL
<p>For an applicant to attain greater height for their development additional requirements must be met. Prior to Policy Amendment No. 112 the additional requirement of affordable housing applied only to areas with a <i>prescribed height limit</i> of 4 storeys and above. Amendment No. 112 proposes that this additional requirement apply also to the <i>prescribed height limit</i> of 2 or 3 storeys. This will facilitate the development of a range of housing types providing choice to the City's residence, and support the recommendations of the City's Affordable Housing Strategy.</p>
ECONOMIC
<p>Allowing additional height for applicants who meet the additional requirement of affordable housing could mean an increase in populace for the City and therefore an increase in economic activity.</p>

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$ 80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$ 74,556

**COMMENTS & CONCLUSION:**

The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations provides additional requirements and criteria to vary the number of storeys of a development. To attain additional height applicants must meet criteria pertaining to building adaption and retention; design excellence; and sustainable design. The introduction of clause AR 1.5 will allow applicants for sites where there is a height limit of 2 – 3 storeys the opportunity of an additional storey if affordable housing is provided. Providing applicants with an incentive for meeting additional requirements is a positive outcome for the City.

The proposed amendment is also consistent with the City's Affordable Housing Strategy which promotes incentives through the planning process to encourage affordable housing options in the City.

In light of the above it is requested that the Council approves advertising of the Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as the changes prescribed will facilitate the provision of housing diversity within the City.



**9.1.4 Request for Review of the City's Municipal Heritage Inventory (MHI) – Progress Report No. 1**

<b>Ward:</b>	Both Wards	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0098
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ENDORSES** the methodology as outlined in 'Option 2 – Heritage Area Survey Report', as shown in the 'Details' section of this report as the preferred approach to review the City's Municipal Heritage Inventory (MHI);
2. **AUTHORISES** the Chief Executive Officer to report back to the Council following the gazettal of the City's Town Planning Scheme No. 2 to progress the review of the City's Municipal Heritage Inventory and Heritage Areas; and
3. **NOTES** that the City's Municipal Heritage Inventory is identified by the State Heritage Office as "under on-going review" and therefore is not in breach of Section 45 of the Heritage of Western Australia 1990 or Section 23 of the City's Town Planning Scheme No.1.

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (1-7)**

**For:** Cr Pintabona

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

**REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION**

The Council requires a more targeted approach to the review of the City's Municipal Heritage Inventory (MHI).

Debate ensued.

**COUNCIL DECISION ALTERNATIVE RECOMMENDATION ITEM 9.1.4**

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr McGrath, Seconded Cr Topelberg**

**That the Council;**

- 1. APPROVES a review by external heritage consultants of all Places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as part of the last review, but which were not entered on the City's MHI and provide recommendations;**
- 2. LISTS FOR CONSIDERATION an amount of \$25,000 in the Draft Budget 2013/2014 to implement the review outlined in Clause 1 above; and**
- 3. NOTES that the City's Municipal Heritage Inventory is identified by the State Heritage Office as "under on-going review" and therefore is not in breach of Section 45 of the Heritage of Western Australia 1990 or Section 23 of the City's Town Planning Scheme No.1.**

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

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

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**PURPOSE OF REPORT:**

The purpose of the report is to present to the Council a response to the requests outlined in the Notice of Motion resolved by the Council at its Ordinary Meeting held on 12 February 2013, relating to a Review of the City of Vincent's Municipal Heritage Inventory. More specifically the report will;

- 1. Provide a Budget Estimate for Undertaking a Municipal Heritage Inventory Review consistent with the requirements under the Heritage of Western Australia Act 1990 and the City of Vincent Town Planning Scheme No. 1;**
- 2. Report on the request for an interim review of the Municipal Heritage Inventory to be carried out on the properties that were recommended for inclusion during the last review, but not endorsed by the Council;**
- 3. Outline a process for the Council to undertake community consultation in relation to determining if properties should be entered on the City's Municipal Heritage Inventory; and**
- 4. Provide the Council with information with relevant information from the previous review of the City's Municipal Heritage Inventory, together with detail on the provisions relating to Heritage and Demolition in both the Town Planning Scheme No. 1 and that in the Model Scheme Text, to consider when embarking on another review and what form and when this should be undertaken.**

**BACKGROUND:**

The first Municipal Heritage Inventory was endorsed by the Council in 1995. The City undertook an extensive review of its Municipal Heritage Inventory during the period from 2004 – 2007, which was endorsed by the Council in stages during the course of late 2006 and early 2007. The review resulted in a 65 per cent increase of places listed on the City's Municipal Heritage Inventory with property owner support (compared with 10 per cent support in 1995). In 1995, the Municipal Heritage Inventory contained 155 places, comprising 270 properties: following the review, it now contains 246 places, comprising 419 properties.

At its Ordinary Meeting held on 12 February 2013, the Council resolved a Notice of Motion to Request a Review of the City's Municipal Heritage Inventory.

**History:**

Date	Comment
22 August 2000	The Council at its Ordinary Meeting endorses the tender to engage Hocking Planning Collaboration for the review of the City's Municipal Heritage Inventory.
March 2004	Consultants, Hocking Planning Collaboration submit the draft Municipal Heritage Inventory and associated documentation to the City. Contract terminated with the consultants.
2005 – 2006	The City's Heritage Officers spent considerable time in preparation for the release of the Municipal Heritage Inventory, including; preparation of heritage policies, preparation of incentives package (including the Heritage Assistance Fund), amending and editing the draft MHI documentation that was submitted to the City by the consultants, preparation of a Model to manage the City's MHI and facilitation of a Community Consultation Plan.
14 March 2006	The Council adopts the Model to manage the City's Municipal Heritage Inventory (Heritage List). This comprises two Management Categories (A – Conservation Essential) and (B – Conservation Recommended) and as per the City's Town Planning Scheme No. 1 the Municipal Heritage Inventory is the Heritage List and both categories are protected under the Town Planning Scheme No. 1.
23 May 2006	The Council endorses the list of places to be considered entry onto the City's Municipal Heritage Inventory for public comment for a period of 42 days. This comprised a total of 350 places.
June – August 2006	The City undertakes community consultation on the proposed entry of places onto the City's Municipal Heritage Inventory.
12 September 2006	Following the collation of comments received during the consultation, the Council endorses the adoption of 241 places onto the City's Municipal Heritage Inventory, which received a letter of support or no objection during the advertising period. At this meeting the Council noted that the City's Officers would present further reports to Council to consider the determination of places where objections were received.
7 November 2006	<p>The Council considered the properties identified as Management Category A, where an objection had been received. The Council's decisions were consistent with the Officers with the exceptions of No. 54 (Lot 41), No. 28 – 30 (Lot 13) and No. 68-70 (Lot 41) Cowle Street, West Perth; No. 14 (Lot 119) Franklin Street, Leederville; and Nos. 1 (Lots 48 &amp; 49) and 21 (Lot 1) Bulwer Avenue, Perth.</p> <p>At this meeting the Council also agreed to the grouping of heritage listed places, yet to be adopted onto the MHI as follows:</p> <ul style="list-style-type: none"> <li>• <u>GROUP 1</u> - Properties where the owner has either lodged or not lodged an objection and the property is considered not to meet the threshold for inclusion on the Municipal Heritage Inventory (MHI);</li> </ul>

Date	Comment
	<ul style="list-style-type: none"> <li>• <u>GROUP 2</u> - Properties forming part of a group, where the owner has not objected but forms part of a group within which another owner has objected. These places without objections are considered to meet the threshold for inclusion on the Town's MHI; and</li> <li>• <u>GROUP 3</u> - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.</li> </ul>
	<ul style="list-style-type: none"> <li>• <u>GROUP 4</u> - Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made.</li> </ul>
5 December 2006	The Council approved the methodology to undertake full heritage assessments for a list of 43 properties that were identified as 'Group 4', and the owners had submitted an objection during the advertising period.
23 January 2007	The Council considered ten (10) Group 4 properties, where it resolved to include 3 properties and not include 7 properties on the City's Municipal Heritage Inventory. The Council's decisions were all consistent with the Officer's Recommendations.
3 April 2007	The Council considered all outstanding properties as part of the MHI review process as to whether they should be adopted onto the City's Municipal Heritage Inventory. The Council's decision was consistent with the Officers Recommendation to include 15 places on the MHI and 23 places not to be included on the MHI. The final MHI list was forwarded to the Heritage Council of Western Australia in accordance with the Heritage Act of Western Australia 1990 and the City's electronic database viewed from the City's dedicated heritage website. This Council date marked the end of the MHI review.
2007 – 2013	The City has received nominations for both inclusion and removal of properties on the City's Municipal Heritage Inventory. These have been assessed and considered by the Council on a case by case basis in accordance with the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI).
12 February 2013	Notice of Motion resolved by the Council to investigate a review of the City's Municipal Heritage Inventory.

**Previous Reports to Council:**

This matter was presented to the Council on 12 February 2013 (Item 10.3), as a Notice of Motion.

The Minutes for the above Ordinary Meeting of Council relating to this report are available on the City's website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**DETAILS:**

This section addresses each of the requests made by the Council through the Notice of Motion presented to the Council at its Ordinary Meeting on 12 February 2013.

1. *The Chief Executive Officer to provide a budget and timing estimate for undertaking a comprehensive review of the City of Vincent Municipal Heritage Inventory (MHI), consistent with the requirement under the TPS for regular review of the inventory;*

The following budget and time frame has been prepared as preliminary only, based on indicative hourly rates of heritage architects and historians. This would obviously depend on the level of experience and expertise of the consultancy selected. The time frame where consultants were engaged would also depend on availability and resource capacity. Once the Council agree on a Project Brief detailing the specifics of the review and provided it with a Budget allocation, the City will then be in a position to call a formal Request for Quotation.

Alternatively, it is to be noted that the Western Australian Local Government Association (WALGA) in association with the State Heritage Office are currently preparing a Panel of Regional Heritage Advisors to be confirmed by April/May 2013. The primary goal of the Heritage Advisory Service is to support the conservation of heritage places by assisting local governments and their community to effectively manage their heritage assets. Once established this will provide a panel that has been endorsed by both WALGA and the State Heritage Office, that the City can draw on directly to source its preferred consultancy to undertake the MHI Review.

**OPTION ONE – MHI REVIEW AND HERITAGE AREA SURVEY REPORT**

<b>Task</b>	<b>Responsibility</b>	<b>Time Frame</b>	<b>Budget</b>
Review and Update Places on the Existing MHI	External Heritage Consultancy	1 month	\$130 per hour (historian)  \$180 per hour (architect)  TOTAL = \$15,000
Review all Places that were identified in the 2004 documentation submitted by the Consultants as part of the last review that were not entered on the City's MHI and provide recommendations	External Heritage Consultancy	1 month	\$130 per hour (historian)  \$180 per hour (architect)  TOTAL = \$20,000
Re-survey the City to consider any places that should be on the City's MHI and provide recommendations	External Heritage Consultancy	2 months	\$130 per hour (historian)  \$180 per hour (architect)  TOTAL = \$40,000
Identification of Heritage Areas and prepare recommendations to manage these areas in the planning framework	External Heritage Consultancy	3 months	\$130 per hour (historian)  \$180 per hour (architect)  TOTAL = \$40,000
Pre-Advertising Consultation	City of Vincent	2 months	\$5,000
Formal Consultation period	City of Vincent	3 months	\$20,000
Administration & Project Management	City of Vincent	On-Going	In-House
<b>TOTAL</b>			<b>\$140,000</b>

Officer Comment

The City of Vincent is one of very few local government authorities who have a Municipal Heritage Inventory that can be viewed by the public and readily updated electronically. It is also one of very few Local Government Authorities in which the Municipal Heritage Inventory is the Heritage List (i.e. protected under the Town Planning Scheme), and is very well supported by robust Local Planning Policies which provide a strong framework for the assessment and management of heritage places and a system to add or remove a place from the City's Municipal Heritage Inventory. In addition, when compared to other Local Government Authorities the City also a lot of places on its MHI (Heritage List) that are under private ownership.

The City already has an adopted Policy No. 3.6.5 relating to Heritage Management – Amendment to the City's Municipal Heritage Inventory (MHI), which provides both the Council and the Community the opportunity to update and review the Inventory on an on-going basis. This Policy has been recognised by the State Heritage Office as addressing section 45 of the Heritage of Western Australia Act 1990, which is the clause that requires each Local Government Authority to have, maintain and review a Municipal Heritage Inventory. This has meant that the City has been classified by the State Heritage Office in terms of the status of its Municipal Heritage Inventory as 'on-going review', similar to the City of Fremantle and the City of Perth, and therefore not earmarked as in breach of Section 45 of the Heritage Act of Western Australia 1990.

Officer Recommendation

As a preferred way forward it is recommended that rather than undertake any more surveys or listing of individual places on the City's Municipal Heritage Inventory as shown in Option One, it is strongly recommended that a much better approach would be to engage consultants to identify and provide recommendations on heritage or character areas in the City, and how the City can manage these properties within its planning framework, as shown in Option Two below. This is an area in which the City and the Council have attempted to implement over the years, however to date have yet to agree on a preferred framework. It is recommended that this be project managed by the City and involve extensive community engagement and consultation, with the technical information and assessment being prepared by specialist heritage consultants.

OPTION TWO – HERITAGE AREA SURVEY REPORT

<b>Task</b>	<b>Responsibility</b>	<b>Time Frame</b>	<b>Budget</b>
Preparation of framework to identify Heritage Areas in the City and how would be managed in the planning framework	External Heritage Consultants	1 month	\$180 per hour (architect/planner)  TOTAL = \$15,000
Survey of City to identify Heritage Areas	External Heritage Consultants	2 months	\$130 per hour (historian)  \$180 per hour (architect/planner)  TOTAL = \$20,000

Task	Responsibility	Time Frame	Budget
Community Consultation and Workshop to seek input on Heritage Areas identified and ideas on management from the Community	City of Vincent/ External Heritage Consultants	2 months	City of Vincent Advertising and Administration - \$5,000  Consultants: \$5,000  TOTAL = \$10,000
Report detailing identified Heritage Areas and recommendation of management	External Heritage Consultants	2 months	\$130 per hour (historian)  \$180 per hour (architect/planner)  TOTAL = \$20,000
Formal Advertising of Identified Heritage Areas	City of Vincent	2 months	City of Vincent Advertising and Administration  TOTAL = \$2,000
Council Consideration and Final Adoption	City of Vincent	2 months	N/A
<b>TOTAL</b>			<b>\$67,000</b>

"2. An interim review of the MHI be carried out of any properties (where that property still exists) previously recommended by the City's Officers for inclusion on the MHI, but not supported by the Council at the time, and a report be prepared with recommendations from the City's Officers for consideration by the Council,"

As outlined in the 'Background' section above under 'History', the review of the City's Municipal Heritage Inventory was undertaken over an extended period of time. Essentially the key stages were:

- *August 2000* – The City engage Hocking Planning Collaboration to undertake the review of the City's Municipal Heritage Inventory.
- *March 2004* – draft Municipal Heritage Inventory and associated documentation submitted to the City by the consultants, following which the consultant's contract was terminated.
- *March 2004 – March 2006* – the City's Officers undertook all the preparatory work for the advertising of the Municipal Heritage Inventory, including; reviewing and editing the consultants documentation, finalising the MHI list be advertising, preparing the heritage planning policies, preparing the incentive package and facilitating a communication plan.
- *June 2006 – August 2006* – draft Municipal Heritage Inventory advertised for public comment.
- *September 2006 – April 2007* – a series of reports presented to the Council to determine which of the places on the draft Municipal Heritage Inventory where to be adopted.

The City's Officers have gone through all the reports from September 2006 to April 2007 and there were only three (3) examples of the Officer Recommendation being inconsistent with the Council resolution and/or a Corrected Officer Recommendation made by the Chief Executive Officer. These were:

**Nos. 1 and 21 Bulwer Avenue, Perth** The Heritage Assessment undertaken by the City's Officers indicated that these two properties met the threshold for entry onto the City's Municipal Heritage Inventory as part of a group comprising all properties on the western side of Bulwer Avenue, Perth. Subsequently this informed the Officer Recommendation to include all the properties on the western side of Bulwer Avenue on the City's Municipal Heritage Inventory, as Management Category A – Conservation Essential. This recommendation was changed by the Chief Executive Officer. The Council endorsed the Chief Executive Officer's recommendation, to not include No. 1 (Lots 48 & 49) and No. 21 (Lot 1) Bulwer Avenue on the City's Municipal Heritage Inventory.

Since this time No. 21 (Lot 1) Bulwer Avenue has been demolished and the owners of No.1 (Lots 48 & 49) Bulwer Avenue, which is the former shop at the southern end, remain strongly opposed to the heritage listing. All the other residential properties along Bulwer Avenue are currently listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential.

**No. 14 (Lot 119) Franklin Street, Leederville** The City's Officers identified that this place met the threshold for entry onto the City's Municipal Heritage Inventory as a Management Category A – Conservation Essential, and subsequently recommended the place to be entered on the Municipal Heritage Inventory. Due to various personal reasons cited by the owner, the Chief Executive Officer changed the Officer Recommendation, to recommend that this place not be included on the MHI. The Council endorsed the Chief Executive Officer's recommendation.

Since this time, the property was issued planning approval for demolition by the Council at its Ordinary Meeting on 13 February 2007.

**No. 54 (Lot 41) Cowle Street, West Perth** The City's Officers recommended that this property not be included on the City's Municipal Heritage Inventory. This recommendation was not endorsed by the Council - who resolved to adopt the property as a Management Category A, along with Nos. 28-30 (Lot 13) Cowle Street and Nos. 68 – 70 (Lot 41) Cowle Street, West Perth.

The Council also resolved that Design Guidelines be prepared for the large single land holding along the northern portion of Cowle Street, which incorporates the retention of No. 54 Cowle Street, Nos. 28-30 (Lot 13) Cowle Street and Nos. 68 – 70 (Lot 41) Cowle Street, West Perth. The City's planning and heritage staff, continue to be in liaison with the owners of the property to progress this matter to inform any redevelopment of this site.

#### Officer Comment

As outlined above, there were very few examples whereby the Officer's Recommendation was inconsistent with the Council resolution. Of the examples listed above, two (2) properties have been approved for demolition; the City is in liaison with owners of Cowle Street to reach a favourable outcome to retain these properties and in terms of No.1 (Lots 48 & 49) Bulwer Avenue, given that all the residential properties excluding the two book end sites are heritage listed, and the owner remains opposed to the heritage listing it does not seem worthwhile to aggrieve the owner again unnecessarily to pursue the heritage listing of this property.

Further to this, it is worth noting that the approach endorsed by the Council at its Ordinary Meeting on 6 November 2006, to categorise the properties into 4 different groups, where there was an objection or where more information was required enabled the City's Officers to undertake a thorough investigation into all the properties which were on the draft Municipal Heritage Inventory that had not yet been determined by the Council at its Ordinary Meeting on 12 September 2006, and report back to the Council accordingly. This resulted in full Heritage Assessments being undertaken on all those properties where it was considered likely that the property met the threshold for entry onto the Municipal Heritage Inventory, and thereby enabling the Council to make an informed decision on the Officer Recommendation.



### Officer Recommendation

In light of the above, it is not considered necessary to review the heritage listing of No. 1 (Lots 48 & 49) Bulwer Avenue, Perth, which is the only property which falls into the request outlined in clause 2 above of the Notice of Motion considered by the Council at its Ordinary Meeting on 12 February 2013.

- “3. *Following further consideration by the Council, any proposed additions to the MHI would be advertised for public comment, (together with comments from the land owner), as per requirements of the Town Planning Scheme, before being considered for formal inclusion in the MHI; and”*

As a point of clarification, it is section 45 of the Heritage Act of Western Australia 1990 that ultimately prescribes that each Local Government Authority is to prepare, maintain and review its Municipal Heritage Inventory, and that this is to be undertaken through proper consultation. This is then to be read in conjunction with clause 23 of the City's Town Planning Scheme No.1. As noted earlier, the City has an existing Local Planning Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) which sets out the process for community comment and Council endorsement of new places being considered entry on the City's MHI. This Policy is also to be read in conjunction with the City's Policy No. 4.5.1 relating to Community Consultation.

In addition, as outlined in the recommended framework for the review of the Municipal Heritage Inventory, or the identification and management of Heritage Areas, both early and on-going engagement with the community was identified as a important element of these processes, together with any formal advertising, which in the case of a Heritage Area is to be pursuant to clause 24 of the City's Town Planning Scheme No.1.

- “4. *A report be submitted to the Council no later than 23 April 2013.”*

This Agenda Report has met this request by the Council.

### **Additional Information on Statutory Planning Context**

#### Town Planning Scheme No.1

The City of Vincent's Town Planning Scheme No.1 is relatively unique compared with other Town Planning Schemes in terms of the following matters relating to heritage and demolition:

- Clause 23 (2) of the Town Planning Scheme No.1 prescribes that the Heritage List has the same meaning as the Municipal Heritage Inventory. This then results in all places on the City's Municipal Heritage Inventory being governed by the provisions in the Town Planning Scheme No.1 and any associated local planning policies that are adopted pursuant to the Scheme.
- Demolition is considered a form of development under the City's Town Planning Scheme, and therefore planning approval is required for all full developments proposing full demolition.
- Clause 41 of the Town Planning Scheme No.1 enables the Council to either refuse or conditionally approve a development application for demolition, regardless if the property is heritage listed or not.

Model Scheme Text (Appendix B of Town Planning Regulations 1967)

In accordance with the Town Planning Regulations 1967 in the preparation of a new Town Planning Scheme, all Local Government Authorities are to use the Model Scheme Text (MST) as a base to guide the provisions. Where variations to the MST are sought, these must be justified to the Western Australian Planning Commission for consideration. With respect to heritage and demolition, the MST differs to the City's Town Planning Scheme in the following ways:

- The Municipal Heritage Inventory does not have the same meaning as the Heritage List. Rather, the Local Government is to include on the heritage list such entries on the Municipal Heritage Inventory it considers appropriate. This means that only those on the 'Heritage List' are managed through the planning framework and not the entire MHI.
- The Local Government can only require a heritage assessment to be carried out prior to a development approval when a property is on the Heritage List or in a Heritage Area, as opposed to the practice now which enables the City to undertake a Heritage Assessment on a property prior to approval regardless of whether it is heritage listed or not.
- Planning approval for demolition is exempt unless a property is on the Heritage List or Heritage Area.

Officer Comment

As part of Town Planning Scheme No.2, the City has requested that the Model Scheme Text be amended to reflect the provisions in the City's existing Town Planning Scheme No.1, in that planning approval is required for all demolition, regardless of if a place is heritage listed and in a heritage area, and for the purpose of the Scheme, the Heritage List has the same meaning as the Municipal Heritage Inventory.

These requests for variations to the Model Scheme Text have been raised as areas of concern by the Department of Planning, and may not be supported in the version of Town Planning Scheme No.2, in which the Western Australian Planning Commission provides conditional consent to advertise.

Recommendation

In light of the concerns raised by the Department of Planning, in the City's request for variation to the Model Scheme Text with respect to Heritage and Demolition, it is recommended that the Town Planning Scheme No.2 is gazetted prior to undertaking any sort of review of the City's Municipal Heritage Inventory, given the planning framework may be subject to change.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Type:	<ul style="list-style-type: none"> <li>• Written notification to owner(s) and occupier(s) to affected properties</li> <li>• Community Workshops</li> <li>• Advertisements in local newspaper;</li> <li>• Advertisement in E-Newsletter</li> <li>• Council member notification;</li> <li>• Community Precinct Group notification;</li> <li>• Notice on the City's website; and</li> <li>• Displays at City of Vincent Administration and Civic Centre and Library.</li> <li>• Circulation to Local History and Heritage Advisory Group</li> </ul>		
Comments Period:	28 days		

It is recommended that a Community Engagement Plan be prepared and endorsed by the Council prior to advertising of either the Municipal Heritage Inventory and/or Heritage Areas.

**LEGAL/POLICY:**

- Heritage of Western Australia Act 1990;
- Town Planning Scheme No.1;
- City of Vincent Local Planning Policies relating to Heritage Management;
- State Planning Policy No. 3.5 relating to Historic Heritage Conservation; and
- City of Vincent Community Consultation Policy 4.1.5.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Heritage Listing is a very contentious matter that should be managed with immense care to ensure effective community engagement that does not result in unnecessary heightened negative feedback being placed on the Council. Relatively speaking, the review of the City’s Municipal Heritage Inventory was undertaken not so long ago, and therefore proper community engagement is paramount should the Council wish to undertake this review effectively.

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2011-2016 states:

*“Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Sustainable Environment Strategy 2011 – 2016 states:

*“1.2 The Environmental Sustainability Context*

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

The following tables outline the applicable sustainability issues for this Strategic Plan:

ENVIRONMENTAL	
Issue	Comment
The retention of heritage buildings that are capable of reasonable adaptation and re-use can have a significant impact on reducing demolition waste.	

SOCIAL	
Issue	Comment
The City’s residents will have a strong sense of belonging and will value Vincent as a unique place to live and work because of its unique cultural heritage.	

ECONOMIC	
Issue	Comment
By promoting and facilitating the continuing use of heritage assets, the City’s heritage can be retained to contribute to rich variety of economic activity.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

There are currently no budget allocations for a review of the City's Municipal Heritage Inventory. Indicatively, the following costs would incur for the two scenarios presented:

*MHI Review and Heritage Area Survey Report – \$140,000*

*Heritage Area Survey Report - \$77,000*

**COMMENTS & CONCLUSION:**

Since its inception the City has shown a strong commitment to heritage management. This has been illustrated through the allocation of resources, the planning framework, the implementation of numerous community based heritage initiatives, its incentives based program, its dedicated heritage website and its adopted heritage strategic plan which provides the framework to ensure that heritage is allocated suitable resources through the budgetary process and that key actions are implemented in an efficient manner.

Whilst it is recognised that the City's Municipal Heritage Inventory is a key component to the City's approach to heritage management, it is just one aspect. Currently it is considered that the Municipal Heritage Inventory provides a good basis to protect places of cultural heritage value through the City's planning framework.

Drawing from the information outlined in this report, it is considered that the City's resources would be best spent on further developing the notion of Heritage Areas in the City and how they can be managed in the planning framework to broaden the importance of adaptive re-use and alterations and additions to existing housing stock from both an aesthetic, urban design and a sustainability perspective, rather than undertaking another MHI review.

As noted in the report, the City's Municipal Heritage Inventory is identified by the State Heritage Office as 'under on-going review' and therefore is not in breach of Section 45 of the Heritage of Western Australia Act 1990 or clause 23 of the City's Town Planning Scheme No. 1. In addition to this, as also mentioned in the report it is yet unknown what provisions in the new Town Planning Scheme No. 2 will be supported by the Western Australian Planning Commission where they vary to the Model Scheme Text in terms of heritage and demolition.

In light of the above, it is considered that at this point in time the City should pursue Option 2 outlined in the 'Details' section of this report to investigate the concept of Heritage Areas in the planning framework, however wait until the gazettal of the Town Planning Scheme No. 2 to progress the matter to the point of engaging consultants. For these reasons it is requested that the Council endorse the Officer's Recommendation accordingly.

**9.1.5 Request for Investigation of Streetscape Policy – Progress Report No. 1**

<b>Ward:</b>	Both Wards	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0179
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council **ENDORSES** a twofold approach to addressing Residential Streetscapes as follows and **AUTHORISES** the Chief Executive Officer to:

1. review the City's Policy No. 3.2.1 relating to Residential Design Elements as a matter of priority to incorporate the management of streetscape types into the assessment process and report back to the Council by June 2013; and
2. further investigate the concept of Heritage Areas and associated Surveys, through the engagement of a specialist consultant following the gazettal of the City's Town Planning Scheme No. 2.

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

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Harley, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Maier**

That the item be **DEFERRED** for further consideration.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of the report is to present to the Council a response to the Notice of Motion considered at its Ordinary Meeting held on 28 August 2012, relating to the investigation of a Residential Streetscape Policy.

**BACKGROUND:**

At its Ordinary Meeting held on 28 August 2012, the Council resolved a Notice of Motion relating to the investigation of a Residential Streetscape Policy as follows:

*“That the Council;*

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

**History:**

Date	Comment
22 August 2000	The Council at its Ordinary Meeting endorses the tender to engage Hocking Planning Collaboration for the review of the City’s Municipal Heritage Inventory. This review included the consideration of ‘Townscape Areas’.
March 2004	Consultants, Hocking Planning Collaboration submit the draft Municipal Heritage Inventory and associated documentation, including proposed ‘Townscape Areas’.
23 May 2006	The Council approves for advertising the list of places to be considered entry onto the City’s Municipal Heritage Inventory for public comment for a period of 42 days. The Council resolves that the matter of Townscapes/Streetscapes be considered as a separate process to the Municipal Heritage Inventory Review.
23 January 2007	A Notice of Motion was endorsed by the Council requesting that a new Policy relating to Residential Streetscapes be prepared that is independent to but inherently linked to the Residential Design Elements Policy and future Town Planning Scheme and reported to the Council accordingly.
18 December 2007	Residential Design Elements Policy No. 3.2.1 was endorsed by the Council. Since this time the Policy has had two minor amendments relating to solar access and setbacks that were endorsed by the Council at its Ordinary Meetings on 16 December 2008 and 14 April 2007 respectively.
25 August 2009	The Council resolved to not continue with Amendment No. 43 to the City’s Planning and Policy Manual relating to the adoption of a Policy relating to Residential Streetscapes in its current form. Since this version of the Policy was first considered by the Council in 2007, in which it identified set streets selected by the Council for specific ‘streetscape protection’, following the public advertising it was diluted to the extent that the provisions in the Policy provided no further ‘streetscape protection’ than that already outlined in the City’s Policy No. 3.2.1 relating to Residential Design Elements. At this meeting the Council also resolved for further investigation and engagement being undertaken to progress the matter of streetscape management in alternative form. The minutes of this Agenda Report highlight the lengthy and contentious nature of this Policy and the heightened negative publicity it received from the community.

Date	Comment
27 April 2010	The Council resolved to not continue with Amendment No. 71 to the City's Planning and Policy Manual relating to the adoption of a new Policy relating to Residential Streetscapes, which provided criteria and associated provisions for the nomination of streets as worthy of streetscape protection, rather than a list of selected streets. The Council decision not to continue with this more procedural version of the Policy was based on number of objections received, and the recommendation that the matter shall be investigated further as part of the Town Planning Scheme Review and new Precinct Policies.
28 August 2012	A Notice of Motion to re-consider a Residential Streetscape Policy was endorsed by the Council.
18 September 2012	Proposal for Residential Streetscapes presented to a Council Member Forum by the City's Officers.

#### Previous Reports to Council:

This matter was presented to the Council at its Ordinary Meeting on 28 August 2012 (Item 10.1), as a Notice of Motion.

The Minutes for the above Ordinary Meeting of Council relating to this report are available on the City's website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

#### DETAILS:

In light of the number of iterations that the concept of a Residential Streetscapes Policy has been advertised to the community and considered by the Council, and the comments received from the community and requests from the Council for the City's staff to continue to look at the concept of Residential Streetscapes in varying forms, the City's Officers are of the view that the recommendations presented at the Council Member Forum on 18 September 2012 provides the preferred basis to progress this matter, through two key approaches.

#### Approach One – Review of Residential Design Elements Policy

As outlined in the 'Background' section above, when the direction was first given to the City's staff to prepare a Residential Streetscapes Policy in 2007, the emphasis was given to link the Policy to the City's Policy No. 3.2.1 relating to Residential Design Elements. Two iterations of the Policy have since been prepared and advertised by the Council, the first being based on streets identified by the Council as 'worthy of protection' with set provisions; and the second being more of a procedural Policy to enable streets to be nominated and assessed against set criteria, with subsequent Design Guidelines being prepared to guide development within the street. Both versions of the Policy were never formally adopted by the Council and received overwhelming objection from the community.

It is therefore considered appropriate that the best approach to address this matter is rather than have a standalone 'Streetscapes Policy', priority be given to amend the City's Policy No. 3.2.1 relating to Residential Design Elements, which will serve to define a level of streetscape intactness in each street and to ensure adherence to compliance. The proposal to achieve this is summarised as follows:

The amended Policy will provide clearer and more defined criteria for identifying type of streetscape, as follows:

Type A = Intact Street/Street Block (e.g. 90 per cent +)

Type B = Mostly Intact Street/Street Block

Type C = Emerging Streetscape (e.g. more than 50 per cent non-compliant with Residential Design Element Policy setbacks)

More specifically, the three types of streets will comprise the following:

Type A = Intact Street/Street Block

- All houses predominately the same architectural style, bulk and scale (i.e. more than 90%);
- New development to be consistent with existing architectural style;
- Street / Street Block be nominated as a 'Heritage Area' with dedicated design guidelines in a local planning policy;
- Full demolition can be refused.

Type B = Mostly Intact Street/Street block

- Most houses are similar in architectural style, bulk and scale, with only some new developments or new developments that generally comply with the Residential Design Elements Policy No. 3.2.1 (i.e. more than 70%);
- Residential Design Elements Policy No. 3.2.1 to be reviewed to clearly define a mostly intact streetscape; and
- New development adheres to the provisions of the Residential Design Elements Policy No. 3.2.1 for 'mostly intact streetscape' e.g. upper floor setbacks, garages and car ports.

Type C = Emerging Street/Street Block

- Street exhibits an eclectic mix of housing styles and eras;
- Residential Design Elements Policy No. 3.2.1 be reviewed to improve identification of an 'emerging streetscape' e.g. defined clearly e.g. more than 50% not compliant with Residential Design Elements setbacks;
- New development be guided by the provisions of the Residential Design Elements Policy No. 3.2.1 for 'emerging streetscapes' e.g. less stringent upper floor setbacks; and
- Emerging streets includes identified major roads undergoing transformation to a new character.

**Approach Two – Heritage Areas**

Clause 24 of the City's Town Planning Scheme No.1 enables the Council to adopt 'Heritage Areas', with an accompanying planning policy which identify the area and provides objectives and guidelines for its conservation and management. In the preparation of Town Planning Scheme No.2 the City has proposed the same information outlined in the Model Scheme Text, which is Appendix B of the Town Planning Regulations 1967, to manage Heritage Areas, which is therefore consistent with the Western Australian Planning Commission requirements. Guidance for Heritage Areas is also outlined in the State Heritage Office publication – *Guidelines for Heritage Areas*.

The City's Officers have also been in regular contact with the State Heritage Office and other local governments, such as the City of Subiaco who strongly support the concept of Heritage Areas and are currently working with their community to develop guidelines for Heritage Areas through on-going engagement with affected property owners on a street by street basis.

As part of Scheme Amendment No. 97 to the City's Planning and Building Policy Manual, the process to identify Lacey Street as a Heritage Area was undertaken. Following the consultation, the Council at its Ordinary Meeting on 12 February 2013 resolved to defer the consideration to designate Lacey Street as a Heritage Area, until such time as a dedicated Local Planning Policy had been prepared to manage Heritage Areas.



It is proposed that the new Heritage Area Policy will address the following:

- Utilise existent Town Planning Scheme provisions with clear process;
- Have the support of the State Heritage Office;
- Set out criteria for the identification of a Heritage Area;
- Outline a process for nomination of a Heritage Area, including community input and consultation;
- Outline the information that is to be included within a Local Planning Policy for a dedicated Heritage Area;
- Allow for access to incentives and the City's Heritage Assistance Fund; and
- Set out a transparent process that engages with the community.

In addition to the above, as referenced in a related report considered by the Council at its Ordinary Meeting held on 9 April 2013, it is recommended that the preparation of a dedicated 'Heritage Area Policy' be investigated through a broader context facilitated by the engagement of external consultants to survey the City, and undertake case studies of Heritage Areas through on-going engagement with affected land owners and interested community members. It is envisaged that this will be project managed by the City and will assist to inform the planning framework to manage Heritage Areas.

**Officer Recommendation**

In light of the information outlined above, it is considered that this twofold approach will have the following benefits:

- The Review of the City's Residential Design Elements Policy No. 3.2.1 can be undertaken now and will enable better identification of the type of streetscape and provide clearer provisions that respond to the type of streetscape;
- Work towards the creation of a Heritage Area Policy and the identification of Heritage Areas in the City is based on the existing planning framework in the Town Planning Scheme and proposed Town Planning Scheme No.2 and is endorsed by the State through the State Heritage Office interpretation of a 'Heritage Area';
- The review of the Residential Design Elements Policy No. 3.2.1 and work towards a Heritage Area Policy will not conflict with the recommendations and pending consultation of the Town Planning Scheme No. 2;
- The Heritage Area Policy will still provide a mechanism for the community to protect 'special character streets' and if prepared through the engagement of external consultants as a broader project can ensure that community engagement be an integral part of the process; and
- Both Policies support the permissible variations to the R Codes that can be made by a local government.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Type:	<ul style="list-style-type: none"> <li>• Written notification to owner(s) and occupier(s) to affected properties;</li> <li>• Community Workshops;</li> <li>• Advertisements in local newspaper;</li> <li>• Advertisement in E-Newsletter</li> <li>• Council member notification;</li> <li>• Community Precinct Group notification;</li> <li>• Notice on the City's website; and</li> <li>• Displays at City of Vincent Administration and Civic Centre and Library.</li> </ul>		
Comments Period:	28 days		

The above consultation requirements relate to the review of the City's Policy No. 3.2.1 relating to Residential Design Elements. Additional and broader consultation would be required for Heritage Areas in accordance with clause 24 of the City's Town Planning Scheme No. 1.

**LEGAL/POLICY:**

- Town Planning Scheme No.1;
- Residential Design Elements Policy No. 3.2.1
- City of Vincent Local Planning Policies relating to Heritage Management;
- State Planning Policy No. 3.5 relating to Historic Heritage Conservation; and
- City of Vincent Community Consultation Policy 4.1.5.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** A top down approach to 'single out' certain residential streets as requiring 'special protection', needs to be considered with great caution, and in the previous two iterations of the draft versions of a Residential Streetscape Policy has been met with strong resistance and angst from the community. To avoid the risk of the community backlash, incorporating early and continual community consultation as part of the two approaches outlined in the 'Details' section of this report should assist to reduce the risk of negative publicity being placed on the Council.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Natural and Built Environment*

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
  - 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'*
  - 1.1.2 *Enhance and maintain the character and heritage of the City."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Sustainable Environment Strategy 2011 – 2016 states:

- "1.2 The Environmental Sustainability Context*
  - 1.2.2 *Support for communities as they adjust to a changing climate and better manage areas of conservation or heritage importance."*

The following tables outline the applicable sustainability issues for this Strategic Plan:

<b>ENVIRONMENTAL</b>
<b>Comment</b>
The retention of existing building stock that are capable of additions and alterations and reasonable adaptation and re-use can have a significant impact on reducing demolition waste and retaining embodied energy.
<b>SOCIAL</b>
<b>Comment</b>
The City's residents will have a strong sense of belonging and will value Vincent as a unique place to live and work because of its unique residential character.
<b>ECONOMIC</b>
<b>Comment</b>
By promoting and facilitating the importance of the City's unique character residential streetscapes will have flow on effects to the City's local economy.

**FINANCIAL/BUDGET IMPLICATIONS:**

Review of Residential Design Elements Policy

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

'Town Planning Scheme Amendments and Policies'

Budget Amount:	\$ 80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$ 74,556

Heritage Area Investigation and Survey

There are currently no budget allocations to engage a consultant to assist with the identification and management of Heritage Areas. Indicative costs outlined in a related report on the review of the City's Municipal Heritage Inventory, also being considered at the Ordinary Meeting of Council on the 9 April 2013 are \$77,000.

**COMMENTS & CONCLUSION:**

As outlined in the 'Background' section of this report, since 2007 this notion of 'Residential Streetscapes' has been requested by the Council to be investigated in various forms, which has been undertaken by the City's Administration, however to date have yet to agree or adopt on a preferred framework.

As such, it is strongly recommended that the Council endorse the Officer recommendation to take a twofold approach as follows:

The first being the review of the City's Policy No. 3.2.1 relating to Residential Design Elements which has the benefit as a priority of commencing now and will ensure that the concept and importance of recognising and responding to existing streetscape character is a key component in the assessment of new residential properties as standard practice.

The second being the further investigation into Heritage Areas, which can also be addressed through redirecting the Notice of Motion that requests the review the City's Municipal Heritage Inventory that was endorsed by the Council at its Ordinary Meeting on 12 February 2013, to a broader notion of the investigation of incorporating the concept of Heritage Areas into the City's planning framework. It is envisaged that this can be project managed by the City and involve extensive community engagement and consultation, with the technical information and assessment being prepared by specialist heritage consultants.

In light of the above, it is requested that the Council supports the Officer Recommendation accordingly to progress this matter.

**9.2.1 Weld Square Redevelopment Project – Progress Report No. 6**

<b>Ward:</b>	South	<b>Date:</b>	26 March 2013
<b>Precinct:</b>	Forrest (14)	<b>File Ref:</b>	RES0102
<b>Attachments:</b>	<a href="#">001</a> – Plan <a href="#">002</a> – Park Furniture Items		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that;**

- 1.1 following several meetings over the past two (2) years and repeated requests to Central TAFE, the City is yet to receive any detailed designs/costings for lighting or park furniture components for Weld Square;
- 1.2 with the recent installation of the mini basketball court and events held at the park, recommend that some components of the original plan, including the playground, shade sails and gazebo should be reviewed; and

2. **APPROVES BY AN ABSOLUTE MAJORITY;**

- 2.1 The **COMPLETION** of the remaining works listed below as part of the Weld Square Redevelopment Project;

No.	Item	Indicative Cost
2.1.1	Path Lighting;	<del>\$162,000</del> <u>\$110,000</u>
2.1.2	Park Benches/Rubbish Bins;	\$34,800
2.1.3	Exercise Equipment;	\$50,000
2.1.4	Outdoor Table Tennis Table;	\$18,000
2.1.5	Electric Barbeque; and	\$15,000
2.1.6	Drink fountains x two (2);	\$7,000
2.1.7	<u>Indigenous Artwork</u>	<u>\$52,000</u>
<b>TOTAL</b>		<b>\$286,800</b>

- 2.2 The **DELETION** of the following works;

No.	Item	Indicative Cost
2.2.1	Playground	\$55,000
2.2.2	Gazebo	\$28,000
2.2.3	Sail Shades	\$18,000
<b>TOTAL</b>		<b>\$101,000</b>

- 3. **REQUESTS** the Chief Executive Officer to write to the Metropolitan Redevelopment Authority requesting that their offer of funding (\$28,000) for the proposed gazebo be reallocated to another item of infrastructure within the park.

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

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**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.1**

That the Council;

**1. NOTES that;**

- 1.1 following several meetings over the past two (2) years and repeated requests to Central TAFE, the City is yet to receive any detailed designs/costings for lighting or park furniture components for Weld Square;
- 1.2 with the recent installation of the mini basketball court and events held at the park, recommend that some components of the original plan, including the playground, shade sails and gazebo should be reviewed; and

**2. APPROVES BY AN ABSOLUTE MAJORITY;**

- 2.1 The COMPLETION of the remaining works listed below as part of the Weld Square Redevelopment Project;

No.	Item	Indicative Cost
2.1.1	Path Lighting;	\$110,000
2.1.2	Park Benches/Rubbish Bins;	\$34,800
2.1.3	Exercise Equipment;	\$50,000
2.1.4	Outdoor Table Tennis Table;	\$18,000
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2.1.6	Drink fountains x two (2);	\$7,000
2.1.7	Indigenous Artwork	\$52,000
TOTAL		\$286,800

- 2.2 The DELETION of the following works;

No.	Item	Indicative Cost
2.2.1	Playground	\$55,000
2.2.2	Gazebo	\$28,000
2.2.3	Sail Shades	\$18,000
TOTAL		\$101,000

- 3. REQUESTS the Chief Executive Officer to write to the Metropolitan Redevelopment Authority requesting that their offer of funding (\$28,000) for the proposed gazebo be reallocated to another item of infrastructure within the park.

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on progress of the Weld Square Redevelopment project and to seek approval to progress with an amended Stage 3 program as outlined within the report.

**BACKGROUND:**

**Ordinary Meeting held on 14 July 2009 - Progress Report No. 1**

The Council approved in principle of locating the "Vietnamese Boat People Monument of Gratitude" in Weld Square subject to:-

- (a) the proposal meeting the requirements of Section 18 of the Aboriginal Heritage Act 1972 depending on authorisation received from Main Roads and/or the Department for Indigenous Affairs;
- (b) the proposal being assessed by the Town's Heritage Officers in accordance with the principles of The Burra Charter and relevant policies and provisions; and
- (c) all costs associated with design and construction of the Monument and any other costs associated with locating the monument on the site, being borne by the Vietnamese Community of Western Australia;

**Ordinary Meeting held on 27 July 2010 - Progress Report No. 2**

The Council approved in principle the amended landscape design for the park (which deleted the "Vietnamese Boat People Monument of Gratitude" from the original plan).

The amended Weld Square plan was then to be further developed following consultation with EPRA and other stakeholders before going out to consultation to the local community and business owners.

It was also decided to further investigate an alternative location for the Vietnamese Boat People Monument of Gratitude at either the Wade Street Reserve or within Robertson Park.

**Ordinary Meeting held on 21 December 2010 - Progress Report No. 3**

The Council approved the staged Redevelopment of Weld Square to be implemented over three (3) financial years.

**Ordinary Meeting held on 19 April 2011 - Progress Report No. 4**

The Council approved to progress with the construction of the paths, soil mounding, planting, mulching, and reticulation and places all other works 'on hold' pending the outcome of the Central TAFE designs for park furniture and lighting components.

**Ordinary Meeting held on 14 February 2012 - Progress Report No. 5**

The Council approved in principle the co-naming of Weld Square to include the Nyoongar name '*Wongj Park*,' and to undertake community consultation with regards to the naming of the park and the provision of basketball facilities on the site.

**Ordinary Meeting held on 24 April 2012 - Co-naming and installation of mini-basketball court**

The Council approved the installation of a mini-basketball court at Weld Square and co-naming of the park subject to approval from the Geographic Names Committee.

**DETAILS:**

As approved by the Council at its Ordinary Meeting held on 21 December 2010, the Weld Square project was to be staged over three (3) financial years and the works have progressed in accordance with the Council decisions. A summary of the stages and status of all items proposed for installation/construction as adopted by the Council is outlined below:-

**Progress of Works – 2011/2012:**

- Stage 1: (2010/11)

Item	Status
Pathways	Completed
Lighting	On hold pending submission and assessment of designs by Central TAFE students.
Benches & Bins	On hold pending submission and assessment of designs by Central TAFE students.

- Stage 2: (2011/12)

Item	Status
Self Cleaning Toilet	Completed.
Demolition of existing toilet block	Completed
Soil mounding	Completed.
Planting/mulching	Completed
Reticulation	Completed

- Stage 3: (2012/13)

Item	Status	Estimated Cost
Playground	Investigated 'Neos 360' however staff were not overly impressed with operation/costs.	\$55,000
Exercise equipment	Not commenced.	\$50,000
Gazebo	Not commenced – Central TAFE.	\$28,000
Tables/Shelters	Not commenced – Central TAFE.	\$26,000
Outdoor table tennis table	Not Commenced.	\$18,000
Shade Sails	Not Commenced.	\$18,000
Electric BBQ	Not Commenced.	\$15,000
Drinking Fountains	Not Commenced.	\$7,000
Contingency		\$13,000
<b>TOTAL</b>		<b>\$230,000</b>

**Central Tafe parks furniture/lighting designs**

The City's officers have been meeting with Central Tafe Applied Design lecturers since early 2011 in regards to a project whereby students design pieces of park furniture and lighting components for nearby Weld Square as part of their courses.

Whilst numerous preliminary sketches have been provided to the City and practicable/workable designs selected by staff and lecturers to progress through to the next stage of detailed design/costing, the project has stalled with very little feedback or response from Tafe being received after numerous contacts.

However, Landmark Engineering & Design Pty Ltd - a parks furniture fabricator/supplier and a Western Australian Local Government (WALGA) preferred supplier have recently advised they have been in contact with Central Tafe over the past six (6) months and have progressed two (2) lighting designs for Weld Square ('Infinity' bollard light & Column path light). Landmark has subsequently provided this designs/costing to the City for consideration and approval to further develop and fabricate if required.

### **Weld Square Redevelopment Project – proposed works to be progressed**

#### Outdoor Table Tennis Table:

An outdoor table tennis table was located at Weld Square for a trial period after the first Beaufort Street festival and proved to be quite popular with locals who have strongly expressed (during recent consultations for the mini basketball court) their views in favour of having the table re-installed within the park. The table was part of the original concept and like the mini basketball court should be quite popular with the youth currently attracted to the area.

Estimated cost including painting/artworks and installation on a rubber sofftall base - \$18,000.

#### Electric BBQ:

An electric double plate barbeque is recommended to be located towards the northern end of the park, close to services and shaded areas where associated picnic settings/tables are proposed to be installed. The barbeque was also part of the original concept for the park and is likely to be well used.

Estimated cost including supply & installation - \$18,000.

#### Tables/Shelters:

The original plan was forwarded to the Safer Vincent Crime Prevention Group who recommended that crime prevention through environmental design (CPTED) initiatives be considered and no roofed structures be installed. Therefore no shelters have been included, however six (6) picnic setting are proposed and recommended for installation as shown on the attached plan.

Estimated cost including supply & installation of six (6) @ \$4,000 each - \$24,000.

#### Drinking Fountains:

Two (2) accessible drinking fountains are proposed and recommended for installation, one adjacent to the barbeque area and another near to the mini basketball court.

Estimated cost including supply & installation of two (2) @ \$3,500 each - \$7,000.

#### Park Benches and Bins:

Twelve (12) park benches/rubbish bins are recommended to be installed as shown on the attached plan. A further recommendation of the Safer Vincent Crime Prevention group was that any benches include arms in an effort to prevent persons being able to lie down and use them for sleeping on.

Estimated cost including supply & installation twelve (12) park benches @ \$1,900 each - \$22,800.

Estimated cost including supply & installation twelve (12) rubbish bins @ \$1,000 each - \$12,000.

#### Exercise Equipment:

Alternative innovative designs for outdoor exercise equipment are now available, however generally far more expensive than the current 'Forpark' range located within the City of Vincent parks. Again, local residents strongly expressed (during recent consultations for the mini basketball court) their views in favour of having the fitness equipment installed within Weld Square.

Estimated cost including supply & installation (four (4) items/rubber sofftall) - \$50,000.



Lighting/Electrical:

The City's standard park lights are the Thorn 'Urbi' 70watt metal halide type which is now estimated at around \$6,000 each installed with wiring at 30 metre centres. The cost of the columnar path light designed by Central Tafe/Landmark Engineering is cost prohibitive at \$11,350 each installed without wiring, therefore is recommended that the Thorn 'Urbi' be used as in other City of Vincent parks projects.

Estimated cost including supply & installation fourteen (14) Urbi lights @ \$6,000 each - \$84,000.

The 'Infinity' light designed by Central Tafe/Landmark Engineering (as attached) gives the affect of looking into a tunnel or hole and the proposal was to install these along the top of the Graham Farmer Freeway tunnel. The cost of further designing, fabricating and installing four (4) 'Infinity lights at Weld Square can be accommodated within the existing budget should the Council approve the amended plan, therefore deleting the playground, shade sails and gazebo.

Estimated cost including supply & installation four (4) 'Infinity' lights @ \$13,000 each - \$52,000.

It was suggested during the initial consultation phase that uplighting some of the significant trees in the park would be beneficial and given that electrical conduits will be being installed this idea has considerable merit and is therefore recommended.

Estimated cost including supply & installation six (6) tree uplights lights @ \$3,000 each - \$18,000.

Following recent events held at the park the Community Development section have requested that outdoor power outlets be provided around the park at specific locations.

Estimated cost including supply & installation four (4) outdoor power boxes @ \$2,000 each - \$8,000.

**Weld Square Redevelopment Project – proposed works to be reviewed/deleted**

Playground:

With the addition of the mini-basketball court within Weld Square which was originally proposed for Birdwood Square the space available is limited and a children's playground not considered suitable in an area that is frequented more by youth and young adults. Whilst a 'Neos' 360 (innovative piece of play/music equipment aimed more for youth) was considered at one point, staff were not overly impressed when inspected and used at a recent demonstration, particularly given the cost of the unit.

Shade Sails:

Not considered necessary if a playground is not installed, other items of infrastructure such as fitness equipment can be located to benefit from existing shade at the Parry Street end of the reserve.

Gazebo:

Whilst considered as part of the original proposal the Safer Vincent Crime Prevention Group recommended that if a gazebo was installed that it did not have a closed roof. The installation of a gazebo in this location also presents some construction issues given the depth of the tunnel roof (500 to 600mm).

With the recent adjacent installation of the mini basketball court and use of this space potentially when events are held at the park it is now considered that the gazebo should be deleted and the funding directed into other areas of improvement within the park.

**CONSULTATION/ADVERTISING:**

The local community and business owners will be advised of any changes to the original plan should this be approved by the Council.

**LEGAL/POLICY:**

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs. Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

The City, as the owner of the land, submitted a Section 18 Notice dated 15 April 2010 and the Minister for Health; Indigenous Affairs granted approval for the City to use the land for the purpose outlined in the Notice, subject to a series of conditions detailed in a letter to the City dated 22 June 2010.

**RISK MANAGEMENT IMPLICATIONS:**

**Low** Little or no impact if this project does not proceed as proposed.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

*1.1.6: Enhance and maintain the City's parks, landscaping and the natural environment."*

**SUSTAINABILITY IMPLICATIONS:**

As indicated in previous reports to Council, during the consultation with the Indigenous groups, it was indicated that all proposed plantings within the redeveloped parkland will consist of native species and specifically local native species where these can be sourced.

**FINANCIAL/BUDGET IMPLICATIONS:**

Weld Square Redevelopment Project

Budget Amount:	\$335,360
<u>Spent to Date:</u>	<u>\$ 21,121</u>
Balance:	\$314,239

The updated cost estimates for the amended plan and subsequent completion of the Weld Square Redevelopment project have been listed above under details.

The estimated total cost of the proposed works is as follows:-

Outdoor Table Tennis Table	\$ 18,000
Electric BBQ	\$ 18,000
Picnic Tables	\$ 24,000
Drinking Fountains	\$ 7,000
Park Benches and Bins	\$ 34,800
Exercise Equipment	\$ 50,000
<u>Lighting/Electrical</u>	<u>\$162,000</u>
<b>Total</b>	<b>\$313,800</b>

**COMMENTS:**

The project has to date has been quite successful with numerous positive feedback being received from the local community and adjacent local governments. Now that the Beaufort Street works are progressing and adjacent major developments are nearing completion, it would be prudent to progress and complete this project, providing improved amenity and infrastructure for the community and visitors to the City to enjoy.

**9.3.1 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 17**

<b>Ward:</b>	South	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	Smiths Lake	<b>File Ref:</b>	CMS0003
<b>Attachments:</b>	<a href="#">001</a> – Progress Photos		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES Progress Report No. 17, as at 12 April 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.**

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Topelberg asked if the new walls at the corner of Swimming Lane and Morriston Street will have any screening landscaping or other features. The Chief Executive Officer advised that the landscaping plan will ensure proper planting. However, as the precise information was unavailable, the Chief Executive Officer “took the question on-notice” and will provide a reply within seven (7) days.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of the report is to update the Council on the progress of the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street North Perth and approve of the landscape plan.

**BACKGROUND:**

**Progress Reports**

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012, 8 May 2012, 12 June 2012, 10 July 2012, 14 August 2012, 11 September 2012, 9 October 2012, 6 November 2012, 18 December 2012, 12 February 2013 and 12 March 2013.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the Beatty Park Leisure Centre Redevelopment Project Stage 1 and resolved (in part) the following:

*“That the Council;*

2. **APPROVES:**

- 2.1 (a) *the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,065,000 to be funded as follows;*

<i>Federal Government</i>	<i>Nil</i>
<i>State Government - CSRFF</i>	<i>\$2,500,000</i>
<i>State Government – nib Stadium payment</i>	<i>\$3,000,000</i>
<i>Beatty Park Leisure Centre Reserve Fund</i>	<i>\$3,500,000</i>
<i>Loan Funds</i>	<i>\$8,065,000</i>
<i>Total:</i>	<i>\$17,065,000</i>

**DETAILS:**

1. CONTRACT DOCUMENTATION

1.1 **Tender**

Tender No. 429/11 Construction  
Advertised: 14 May 2011  
Closed: 26 July 2011  
Awarded: Perkins Builders

Tender No. 430/11 Geothermal  
Advertised: 14 May 2011  
Closed: 15 July 2011  
Awarded: Drilling Contractors of Australia

Tender No. 436/11 Fire detection system and water tanks  
Advertised: 17 September 2011  
Closed: 12 October 2011  
Awarded: Perkins Builders

1.2 **Contracts**

Construction contract signed on 7 October 2011.

Fire Detection and Water Tanks to be treated as a variation to the Head Agreement.

Geothermal contract signed on 6 September 2011.

1.3 **Contract Variations/Additional Scope of Works**

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line;
- Existing pool dive board modifications;
- Rubber floor tiles in gym;
- Removal of trees; (as recommended by the Builder)
- Additional 150mm Stormwater drain;
- Remove and dispose of existing footing;
- Mechanical dilapidation works in plant room;
- Removal of existing render in female change rooms;
- Additional floor waste to change room;
- Replaced 3 way valve to mechanical plant;
- Replaced main entry roof and box gutter;
- Earthing to leisure pool;

- Asbestos pipe investigation and removal;
- Landscaping to raised grassed area;
- Spa upgrade works;
- Tiling to front face of outdoor pool seating;
- Hot water supply to ground floor;
- Remove timber props from void; and
- Additional demolition work for fire services.

Geothermal

- Additional 100m drilling to obtain the required temperature;
- Additional time required to develop production bore;
- Variations to design of injection bore, based on production bore geophysical data;
- Loss of drilling mud due to porous nature of bore;
- Bore testing schedule revised to save costs (both together);
- Variations to pumping controls to cater for slower flow rates required;
- Additional meters required by Department of Water to meet new Licence conditions; and
- Removal of valves and flanges replaced by meters.

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Removal of water tank screens	\$10,000	-	\$10,000
Removal water tanks	\$160,000	-	\$160,000
Removal of screens to mechanical system	\$3,000	-	\$3,000
Concrete seats	\$4,000	-	\$4,000
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage – additional Crèche	\$8,000	(\$4,390)	\$3,610
Rubber floor tiles to gym	\$10,000	(\$11,349)	(\$1,349)
Entry Turn styles and gates	\$90,000	(\$88,930)	\$1,070
Pool furniture for 50m pool	\$50,000	(\$40,065)	\$9,935
Landscaping to raised grassed area	\$5,000	(\$1,640)	\$3,360
<b>Total</b>	<b>\$668,000</b>	<b>(\$391,720)</b>	<b>\$276,280</b>

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Spa upgrade works	\$153,500
Tiling to front face of outdoor pool seating	\$11,550
Additional Conduits & Electrical supply to gym	\$30,538
Sauna & Steam room works	\$16,082
<b>Total</b>	<b>\$304,339</b>

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,434
New water supply to slides	\$7,549
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,845
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$501
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,019
Replaced 3 way valve to mechanical plant	\$2,739
Replaced main entry roof and box gutter	\$6,338
Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,820
Hot water supply to ground floor	\$8,527
Remove timber props from void	\$5,500
Additional demolition work for fire services	\$2,967
<b>Total</b>	<b>\$128,734</b>

Standard Variations

Various – extensive list of small items	(\$45,332)
<b>Total Variation</b>	<b>(\$45,332)</b>

Summary of Variations

<b>Total Variation Savings</b>	(\$321,611)
<b>Total Variation Additions</b>	\$433,073
<b>Total Variation</b>	<b>\$111,462</b>

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995
<b>Total Variation Savings</b>			\$36,705
<b>Total Variation Additions</b>			\$133,405
<b>Total Additional cost</b>			<b>\$96,700</b>

1.5 **Claims** - Not applicable at this time.

1.6 **Insurance**

The City of Vincent insurances have been adjusted to cater for the coverage of existing and constructed buildings, during the construction period.

2. GEOHERMAL WORKS

2.1 **Groundworks** - Completed.

2.2 **Bores** - Completed.

2.3 **Commissioning** – In progress.

2.4 **Pipe works** - Completed.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works** - No changes to previous report.

3.2 **Car parking, Landscaping and interim external works**

The City's Technical Service outside workforce commenced Car park work's on 25 February 2013. Good progress has been made whereby a temporary overlay of asphalt has been laid near the new works. Removal of some trees has commenced. Works will be progressively carried out over forthcoming weeks.

This work is still in progress with the lower section of the carpark now well advanced. However, due to other urgent works in other parts of the City the carpark work is "on – hold" for 2 -3 weeks.

3.3 **Earthworks** - Completed.

3.4 **Structural and Civil Engineering** - Completed.

3.5 **Hydraulic services** - Completed.

3.6 **Electrical Services** - Completed. Certificates provided.

3.7 **Mechanical services** - Commissioned. Certificates provided.

3.8 **Environmental services** - Completed.

3.9 **Interior finishing**

Minor defects identified by Architect are still being rectified by builder throughout all parts of the facility.

4. BUILDING WORKS-NEW

4.1 **Temporary works** - Not applicable at this time.

4.2 **Earthworks/Demolition**

The area around new building has been cleaned up and prepared for implementation of the landscape plan by City of Vincent as per the decision at the Ordinary Meeting of Council held 12 March 2013

4.3 **Structural and Civil Engineering** - Completed.

4.4 **Hydraulic services**

Testing and commissioning of Fire system completed.

4.5 **Electrical Services**

Integration of the new and old public address systems is now complete.

4.6 **Mechanical Services** - Commissioning completed.

4.7 **Environmental Services**

The photovoltaic cells have been installed on the roof. A meter from Synergy still required to be installed prior to the system being activated.

4.8 **Building External and Internal Colour Finishes**

Touch up painting being carried out as a result of defects list.

4.9 **Kitchen/Cafe areas**

Completed. Both wet and dry cafes are now in operation.

5.0 **New Entry/Foyer**

Electronic turn styles have been installed. A minor operational issue is being rectified by supplier.



5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Minor defects being rectified include cracks in concourse, chipped tiles and missing expansion gaps. In progress

5.2 **Dive Pool - Completed.**

5.3 **New Learn to swim pool - Minor defects are being rectified.**

5.4 **Indoor pool/Leisure area**

Defects list still being worked through with builder by the Architect. Indoor water feature issues rectified.

5.5 **Plant Room**

Geothermal switchboard change over completed.

5.6 **Spa, Steam Room and Sauna**

Spa, Steam Room and Sauna works completed and the facilities. Reopened on the long weekend in March 2013.

5.7 **Pool Concourse**

Completed, however minor areas of cracking will require rectification as per defects list.

6. INDICATIVE TIMELINE

6.1 **Progress**

The re-opening of the Cafe and kitchen occurred on 16 March 2013.

The official opening of the new entry, gymnasium, aerobics rooms, changerooms, toilets and new offices occurred at a function attended by VIP guests, including the Minister for Sport and Recreation on Friday 22 March 2013.

The building handover is now complete and a comprehensive defects list is being compiled by the architects.

7. COMMUNICATION PLAN

Various communication methods have been utilised to advise patrons, stakeholders and employees of the redevelopment.

8. MEMBERSHIP

Extensions were provided to all current members as at 1 October 2011.

A number of members opted to suspend their membership throughout the redevelopment period. These members have now been reinstated as the redevelopment is complete.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room.

New prices in accordance with the Fees and Charges 2012/13 commenced on Saturday 23 March to coincide with the opening of the new areas of the facility.

The current number of members is 2158 as at 27 March 2013, this has increased from 1935 as at 27 February 2013.

9. EMPLOYEE MATTERS

The Centre is now back to full staffing levels with additional casual staff assisting in the gym to show members how to use the equipment.

Two (2) Customer Service Officers – Administration, two (2) Lifeguards, one (1) Fitness Instructor and three (3) Swimming Instructors have been employed.

A permanent Reception Supervisor has been appointed and will commence 4 April 2013.

Additional staff will be progressively recruited over the forthcoming months, as required.

10. HISTORY AND ANNIVERSARY BOOK

A complete photo history is being compiled throughout the course of the redevelopment. A photo diary has been set up on the City's website which is being regularly updated.

The Library and Local History Centre launched the book to celebrate the history of the facility at the opening of the 50m pool on the 22 November 2012. Sales to date have been lower than initially estimated.

In addition to the book, a Heritage room is being planned for Beatty Park. This will be a permanent display of memorabilia for patrons of the centre to celebrate the diversity and history of the facility.

11. OTHER COUNCIL APPROVED ITEMS

At the Ordinary Meeting of Council held 10 July 2012, the Council approved the following:

*“That the Council;*

1. *RECEIVES Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
  - 2.1 *Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;*
  - 2.2 *Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified professionals to provide information of rental valuations and leasing options;*
  - 2.3 *Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;*

2.4 *Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and*

3. *NOTES that a further report will be submitted to the Council no later than October 2012."*

Listed below is the progress made to date on these matters.

12. MARKET BRANDING

The working group has received a number of concepts and have been reviewed. Amendments were requested and have been received for further consideration. A number of recommended concepts will be presented to the Council for approval in due course.

13. LEASING OF SPACE

Meetings have been held to discern the available space and valuations. Plans are being prepared of the areas and a decision will be made on whether to outsource the leasing depending on the value and complexity of any lease arrangement required.

Quotes for professional assistance have been obtained, however exceeded budget expectation. The matter is currently being further reviewed, likely to be undertaken in house with minimal professional assistance, except where required by legislation.

Further meetings have been held with real estate professionals during January and awaiting further information. Collier International has been appointed to provide valuations and lease considerations. Their report should be received in the first week of March 2013.

The report has now been received from the consultants. A tender document for disposal of property for the various available spaces by lease is now being prepared.

14. CELEBRATION OF OPENING

50m pool and 50<sup>th</sup> Birthday Completed.

The Mayor Hon. Alannah MacTiernan hosted a function on Friday 22 March 2013 to celebrate the opening of the redeveloped Centre.

The redeveloped Centre opened to the public on Saturday 23 March 2013 with near capacity classes and excellent feedback on the new facilities.

15. PERCENT FOR ART

The artwork for the facility is now being focused on locations closer to the main entry and a Request for Quote has been prepared and submitted to the Architect for comment.

No further progress to report at this time.

16. CENTRE AND CARPARK LANDSCAPE PLAN

Car park work is now underway, works to date are of a temporary nature.

The Council approved the landscape plan at the Ordinary Meeting of Council held 12 March 2013 as follows:

*"That the Council;*

1. *RECEIVES Progress Report No. 16, as at 12 March 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *APPROVES the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L (as amended), subject to;*
  - 2.1 *Those portions of the carpark adjacent to the corner of Morriston Street and Vincent Streets and the proposed staff parking area immediately adjacent to Farr Avenue, to have water sensitive urban design features incorporated including flush kerbing and median or kerb planted swales; and*
  - 2.2. *Five (5) London Plane Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve); and*
  - 2.3. *The remaining trees be a combination of Marri Trees and Tuart Trees."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The redevelopment project is significant in terms of magnitude, complexity and financial implications. It has required close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 50 years old. As the bulk of the work has now been completed and practicable completion is almost ready, the risk has been further downgraded from "medium" to "low".

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
  - 1.1.4: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
    - (e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

**SUSTAINABILITY IMPLICATIONS:**

The redevelopment is committed to a number of sustainability initiatives.

**FINANCIAL/BUDGET IMPLICATIONS:**

At the Ordinary Meeting of Council held on 23 August 2011. The Council approved this project at a total cost of \$17,065,000.

The construction tender amounts to \$11,987,000 exclusive of GST and the Geothermal Energy System tender amounts to \$2,930,541 exclusive GST.

The project has to date been completed within the approved budget. A number of variations and claims are yet to be processed.

Building Construction Tender Progress Claim Payments – Perkins Builders

Seventeen (17) progress claims have been received to date, as follows:

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012
No. 8	11/06/2012	\$1,207,966.69	\$1,207,966.69	09/07/2012
No. 9	13/07/2012	\$991,244.57	\$991,244.57	08/08/2012
No. 10	09/08/2012	\$803,418.12	\$803,418.12	14/09/2012
No. 11	12/09/2012	\$913,043.61	\$913,043.61	09/10/2012
No. 12	08/10/2012	\$549,297.17	\$549,297.17	02/11/2012
No. 13	09/11/2012	\$864,651.44	\$864,651.44	29/11/2012
No. 14	14/12/2012	\$904,339.85	\$904,339.85	31/12/2012
No. 15	11/01/2013	\$1,084,589.59	\$1,084,589.59	12/02/2013
No. 16	13/02/2013	\$738,002.93	\$738,002.93	06/03/2013
No. 17	22/03/2013	\$469,772.74		

**Total Paid**      **\$11,980,123.43**

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Six (6) progress claims have been received to date, as follows:

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6	17/07/2012	\$781,726.70	\$781,726.70	03/10/2012

**Total Paid**      **\$3,222,960.69**

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date. Works are completed.

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				
<b>Total Paid</b>			<b>Nil.</b>	

CSRFF Funding

The City of Vincent will claim funds from this Department of Sport and Recreation grant for the Pool, Geothermal and Change room works.

All funds under the CRSFF funding have been received.

<b>Progress Payment Number</b>	<b>Date Requested</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Received (excl GST)</b>	<b>Date Received</b>
No. 1	03/01/2012	\$217,165.69	\$217,165.00	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614.00	06/02/2012
No. 3	17/04/2012	\$839,971.00	\$839,971.00	24/05/2012
No. 4	19/06/2012	\$650,254.00	\$650,254.00	30/06/2012
No. 5	4/10/2012	\$600,996.00	\$600,996.00	29/11/2012
<b>Total Received</b>			<b><u>\$2,500,000.00</u></b>	

**COMMENTS:**

The Beatty Park Redevelopment Project is now complete with just some outside works on the carpark and landscape plan to be finalised. Practicable completion has been received and the Certificate of Occupancy granted.

The Centre opened to the public on Saturday 23 March 2013. Comments received to date have been extremely positive.

Membership numbers have increased by over two hundred (200) again this month. Interest in the facility is at an all time high with the opening of new gym and fitness facilities.

A comprehensive defects list will be worked through with the Architects and Builders over the coming months. All requests for variations and costings will be finalised over the forthcoming weeks.

Staff training on all of the new equipment and operational matters will be provided to ensure the facility operates in a safe, efficient and professional manner.

It is pleasing to see the finished product is of such a high quality, providing a first class facility for the community.

**9.4.1 Draft CCTV Strategic Plan 2013-2018 – Adoption in Principle**

<b>Ward:</b>	Both	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0131
<b>Attachments:</b>	<a href="#">001</a> – Draft CCTV Strategy 2013-2018		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS IN PRINCIPLE** the City of Vincent Draft Closed Circuit Television (CCTV) Strategy 2013 – 2018, as shown in Appendix 9.4.1;
2. **AUTHORISES** the Chief Executive Officer to undertake community consultation for a period of twenty-one (21) days, to establish whether the proposed strategy meets the needs and expectations of the community, with respect to CCTV coverage in the City of Vincent;
3. **LISTS FOR CONSIDERATION** the inclusion of \$130,000 in the City of Vincent Draft Budget 2013/2014 to progress the CCTV Network, being year 1 of 5; and
4. **NOTES** that;
  - 4.1 a further report will be submitted to the Council, after the conclusion of the public consultation period; and
  - 4.2 subject to the approval of the Strategic Plan, the City will apply for grants to assist in the implementation of the CCTV.

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**Moved** Cr Carey, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 7.21pm.

Debate ensued.

Cr Harley returned to the Chamber at 7.22pm.

Debate ensued.

**AMENDMENT 1**

**Moved** Cr McGrath, **Seconded** Cr Topelberg

“That Clause 1 be deleted and the remaining Clauses be renumbered as follows:

1. ~~**ADOPTS IN PRINCIPLE** the City of Vincent Draft Closed Circuit Television (CCTV) Strategy 2013 – 2018, as shown in Appendix 9.4.1;~~
- 2 **1.** **AUTHORISES** the Chief Executive Officer to undertake community consultation for a period of twenty-one (21) days, to establish whether the proposed strategy meets the needs and expectations of the community, with respect to CCTV coverage in the City of Vincent;

**3.2. LISTS FOR CONSIDERATION the inclusion of \$130,000 in the City of Vincent Draft Budget 2013/2014 to progress the CCTV Network, being year 1 of 5; and**

**4.3. NOTES that;**

**4.3.1 a further report will be submitted to the Council, after the conclusion of the public consultation period; and**

**4.3.2 subject to the approval of the Strategic Plan, the City will apply for grants to assist in the implementation of the CCTV.”**

Debate ensued.

Cr Harley departed the Chamber at 7.27pm.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (7-0)**

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

(Cr Wilcox was on approved leave of absence.)

**AMENDMENT 2**

**Moved Cr McGrath, Seconded Cr Carey**

**“That Clause 4.2 be amended to read as follows:**

**4.2 subject to review of Oxford Street, Leederville, William Street, Perth, Fitzgerald Street, North Perth and Mount Hawthorn Town Centre, to the approval of the Strategic Plan, the City will apply for grants to assist in the implementation of the CCTV”**

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (7-0)**

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

(Cr Wilcox was on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

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

(Cr Wilcox was on approved leave of absence.)

Cr Harley returned to the Chamber at 7.34pm.

**COUNCIL DECISION ITEM 9.4.1**

That the Council;

- 1. AUTHORISES the Chief Executive Officer to undertake community consultation for a period of twenty-one (21) days, to establish whether the proposed strategy meets the needs and expectations of the community, with respect to CCTV coverage in the City of Vincent;**
- 2. LISTS FOR CONSIDERATION the inclusion of \$130,000 in the City of Vincent Draft Budget 2013/2014 to progress the CCTV Network, being year 1 of 5; and**
- 3. NOTES that;**
  - 3.1 a further report will be submitted to the Council, after the conclusion of the public consultation period; and**
  - 3.2 subject to review of Oxford Street, Leederville, William Street, Perth, Fitzgerald Street, North Perth and Mount Hawthorn Town Centre, to the approval of the Strategic Plan, the City will apply for grants to assist in the implementation of the CCTV.**



**PURPOSE OF REPORT:**

The purpose of the report is for the Council to adopt in principle the City of Vincent Draft CCTV Strategy 2013–2018 to ensure that the expansion of the current system is appropriately managed and for consideration to be given to listing funds in the budget preparations each year. This item deferred at the Council Meeting held on 26 March 2013, due to the lateness of the hour.

**BACKGROUND:**

On 13 April 2010, the Council adopted a CCTV Policy, which was to be used as a guide when considering the installation of future CCTV Cameras and associated hardware and recording devices. At the same time, the City of Vincent “CCTV Strategy 2010 and Beyond” was implemented.

In 2009, the City was successful in obtaining Grant Funding from the Office of Crime Prevention of \$88,000 to implement CCTV coverage in the Mount Lawley area.

It took a substantial amount of time to get the Leederville CCTV System operational, so further funding has not been sought, either from external funding bodies, or as part of the City’s annual budget. This system is now operating in the way that the City requires, so an application was submitted for further funding from the Department of the Attorney General, “Proceeds of Crimes Grants” and the City obtained a grant of \$184,000.

Tenders for the implementation of the Beaufort Street CCTV Network were advertised in November 2012 and the preferred supplier was appointed in December 2012. The implementation plan for CCTV coverage in Beaufort Street, from Walcott Street to Newcastle Street, is now underway and should be completed before 30 June 2013.

At the Ordinary Meeting of Council held on 26 March 2013, this report was listed on the Agenda at Item 9.4.5 and deferred due to the lateness of the hour. Accordingly, the report has been listed on the Agenda for the Ordinary Meeting of Council to be held on 9 April 2013.

**DETAILS:**

The “City of Vincent CCTV Policy and Strategy 2010 and Beyond” set the direction for the future implementation of CCTV coverage of the identified “hotspots”. With the assistance of Michael Sutherland MLA, grant funding, of \$88,000, was obtained for the installation of CCTV cameras in the Mount Lawley Area. However, due to problems with transmitting images to the Administration and Civic Centre for storage, it was recognised that the funds were not sufficient to achieve coverage in Mount Lawley, so the location was changed to Leederville, because of its proximity to the City’s Administration and Civic Centre.

With the introduction of the CCTV network in Leederville, the City is receiving an increasing number of requests to download footage for use by WA Police. When the Beaufort Street System is operational, it is anticipated that the requests for downloaded images will further increase and, as a result, it has become necessary to review the “City of Vincent CCTV Strategy 2010 and Beyond”.

The Draft CCTV Strategy 2013-2018 has used the lessons learned from the implementation of CCTV in Leederville, as well as WA Police crime statistics, to provide a more accurate assessment of how the CCTV Network should be progressed for the next 5 years.

Because there will be a need to ensure that ongoing funding is available for the progressive expansion of the system, the table on page 14 of the Strategy, under the heading “Recommendations” provides an indicative idea of the annual budget allocation that should be considered by the Council, for each new future Budget. The table is as follows:

Location	Total Cost plus CPI Increases of 3%	Implementation Year
Oxford St, Leederville	\$130,000	2013-2014
Stirling Street and adjoining streets – Highgate - nib Stadium/Birdwood Square	\$85,000	2014-2015
William St, Perth	\$130,000	2015-2016
Fitzgerald St, North Perth	\$90,000	2016-2017
Oxford St, Mt Hawthorn	\$105,000	2017-2018

The figures are based on the identified priority locations for an orderly roll-out of the CCTV System.

**CONSULTATION/ADVERTISING:**

There will be a need to seek public comment on the Draft CCTV Strategy 2013–2018.

**LEGAL/POLICY:**

The Council has a Policy No 3.9.12 – “Closed Circuit Television (CCTV)”. There are no legal implications associated with this report.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** There is a risk that if the expansion of the existing CCTV Network is not managed in a strategic manner, the City may not get the best value for money, and will not be able to effectively manage crime, graffiti and anti social behaviour.

**STRATEGIC IMPLICATIONS:**

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 1.1.4 states:

*“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:**

There will be a requirement that consultation will be undertaken of this Draft Strategy and this expenditure will come from the ‘Safer Vincent Initiatives’ Budget as follows:

Budget Amount:	\$19,000
Spent to Date:	\$ 1,400
Committed	<u>\$ 8,750</u>
Balance:	\$ 8,850

**COMMENTS:**

The City has introduced a CCTV Network in Leederville and is in the process of introducing a second network in Beaufort Street, Mount Lawley, Highgate and Perth. However, to manage the future expansion of CCTV coverage in the City, it is considered appropriate for the Council to adopt a CCTV Strategic Plan to guide the process.

The report is recommended for approval.

### 9.5.2 Review and Adoption of Code of Conduct 2013

Ward:	-	Date:	31 March 2013
Precinct:	-	File Ref:	ADM0050
Attachments:	<a href="#">001</a> – Code of Conduct		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council;

1. NOTES that;
  - 1.1 the Council's Code of Conduct has been reviewed as required by clause 9.1(b);
  - 1.2 minor changes are recommended to the Code of Conduct; and
2. ADOPTS the Code of Conduct 2013, as shown in Appendix 9.5.2.

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Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 7.35pm.

Debate ensued.

Cr Buckels returned to the Chamber at 7.36pm.

Debate ensued.

#### AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

"That Existing Clause 8.4 (b) as shown below be deleted and Sub Clause (c) be changed to (b):

#### 8.4 *Expression of Personal Views*

*Council Members are free to make their own personal position known about any matter, which is pertinent to the business of the City, including Council decisions provided that it cannot be construed to be a statement on behalf of the Council.*

(a) *Council Members and Employees will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council;*

~~(b) *Council Members and Employees will not adversely reflect on a Council decision; and*~~

(c) *This shall not prejudice an individual member's right to express a personal opinion on issues of public interest."*

**CEO COMMENT:**

Clause 8.2 of the City's Standing Orders states as follows:

**8.2 No adverse reflection on a Council decision or a person**

- (1) A member shall not reflect adversely upon any decision of the Council except on a motion that the decision be revoked or changed.
- (2) A member shall not reflect adversely upon the character or actions of another member nor impute any motive to a member unless the Council resolves, without debate that the motion before the Council cannot otherwise be adequately considered.

If the Code of Conduct is to be changed, it is recommended that Clause 8.2 as above be also changed to be identical."

**Debate ensued.**

**AMENDMENT 1 PUT AND LOST (2-6)**

**For:** Cr Buckels and Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Topelberg and Cr Pintabona

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

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Buckels**

**"That Existing Clause 8.5 (i) (a), as shown below be deleted and Sub Clause (b) and (c) be changed to read (a) and (b):**

**8.5 Comment During Public Consultation Period**

**(i) Council Members and Employees:**

**~~(a) will refrain from making public comment expressing a personal opinion which is biased, or may be perceived as biased or prejudging a matter whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council;~~**

**~~(b) will clearly preface any of their remarks as being their own personal views and not those of the Council or possibly be construed to be on behalf of the Council; and~~**

**~~(c) will encourage members of the public to make a written submission to the City.~~**

**(ii) The Mayor and/or the Chief Executive Officer will take appropriate action (including issuing a statement to the media) correcting any misinformation or erroneous information which is in the public area."**

**Debate ensued.**

**Cr Carey departed the Chamber at 7.57pm.**

**Debate ensued.**

**Cr Carey returned to the Chamber at 7.58pm.**

Debate ensued.

Cr Maier withdrew his Amendment.

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr McGrath**

**“That the Council REQUESTS a report be prepared concerning Clause 8.5 (i) (a) of the Code of Conduct to clarify the application of the Clause and in particular whether it relates to development applications only.”**

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED(7-1)**

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

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.5.2**

That the Council;

1. **NOTES that;**
  - 1.1 **the Council’s Code of Conduct has been reviewed as required by clause 9.1(b);**
  - 1.2 **minor changes are recommended to the Code of Conduct; and**
2. **ADOPTS the Code of Conduct 2013, as shown in Appendix 9.5.2; and**
3. **REQUESTS a report be prepared concerning Clause 8.5 (i) (a) of the Code of Conduct to clarify the application of the Clause and in particular whether it relates to development applications only.**

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**CEO FURTHER INFORMATION:**

On 5 July 2005 a copy of the City’s Draft Code of Conduct was sent to the Department of Local Government for comment.

On the 22 July 2005 the Director General of the Department of Local Government replied in writing.

In specific relation to Clause 8.5 the following was advised;

*“I fully support the proposed amendments that clarify the roles of Elected Members when dealing with the community and making public statements. It is important during any public consultation period that Elected Members do not publicly declare their support or otherwise for that matter until all the view of the public are available.”*

A copy of the Department of Local Government’s letter is tabled.

Clause 8.5 (i) (a) was inserted so that Council Members did not express a view which was biased or maybe perceived to be biased, whilst the matter was being advertised for public comment and is yet to be considered and determined by the Council.

It is important that Council Members remain open and objective and not form a prior opinion before the matter is considered and determined by the Council. Failure to do so may give rise for a ground of appeal.

## **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that a review of its Code of Conduct has been carried out and adopt the revised Code of Conduct 2013.

## **BACKGROUND:**

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees. The Council first adopted a Code of Conduct on 26 August 1996.

At the Ordinary Meeting of Council held on 9 February 2010, the Council last reviewed and adopted its Code of Conduct 2010. This review resulted in very minimal changes to the Code.

Whilst it is no longer a legal requirement for a Local Government to review its Code of Conduct every two (2) years, it is "best practice" to do so, as this ensures;

- The Code remains current and relevant;
- That any Legislative changes can be included; and
- The review acts as a reminder to Council Members and Employees.

## **DETAILS:**

### **Previous Reviews**

Since its adoption in 1996, the Code has been reviewed every two (2) years, as this was previously a Legislative requirement. On 18 December 2011, a comprehensive review was carried out and this version of the Code was adopted on 9 February 2010. The Code was reviewed and a number of minimal changes were adopted.

### **Review of the City's Current Code of Conduct**

The Code has recently been reviewed and recommended changes are shown by underlining and strikethrough. Wherever "dot points" appear in the Code they have been replaced by either numbering or alphabet, to allow for ease of reading and to remove ambiguity. The following is a summation of the proposed changes.

#### 1. Introduction

Clause 1.4 (ii) – three (3) dot points deleted and (a) (b) and (c) have been inserted in their place.

Clause 1.5.4 – the key principle of "Objectivity" has been changed to "Impartiality". The word "impartiality" is used in the Local Government Act and regulations and better reflects the intent of this principle.

Clause 1.6 – Numbers (i) – (iii) have been inserted and dot points have been deleted and (a) – (e) have been inserted in their place.

#### 2. General Conduct Obligations

Clause 2.1 - dot points have been deleted wherever they appear and numbers (i) – (vi) have been inserted in their place.

Clause 2.6 has been amended by including a new (vi) as follows;

*“(vi) employees will at all times exercise reasonable care and diligences in the performance of their duties and shall not engage in any activity which may result in the uneconomical, inefficient or ineffective use of resources resulting in loss or substantial waste of City funds and/or resources.”*

Chief Executive Officers Comment:

Whilst the City’s administration has effective and efficient means to monitor this matter, the inclusion of a clause acts as a reminder for all employees to exercise care and diligence whilst purchasing and/or using City resources.

Clause 2.7 - A definition of “harassment” and “discrimination” has also been included.

Chief Executive Officers Comment:

The definitions of harassment and discrimination will act as a reminder to persons reading the Code. Furthermore, the information is contained within the Code and does not require persons to review other documents.

Clause 2.9.3 – dot points have been deleted wherever they appear and numbers (i) – (vii) have been inserted in their place.

3. Conflict of Interests

Clause 3.3 (i) – dot points have been deleted wherever they appear and (a) and (b) inserted in their place.

4. Personal Benefit – Gifts

Clause 4.2 (i) - dot points have been deleted wherever they appear and (a) and (b) inserted in their place.

Clause 4.2 (ii) - dot points have been deleted wherever they appear and (a), (b) and (c) have been inserted in their place.

Clause 4.7 (i) - dot points have been deleted wherever they appear and (a) - (h) have been inserted in their place

5. Relationships between Elected Members and Employees

Clause 5.1 (vii) – dot points have been deleted wherever they appear and (a) – (d) have been inserted in their place.

6. Dealing with Council Resources

This Section has not been amended.

7. Access to Information

This Section has not been amended.

8. Communication and Public Relations

This Section has not been amended.

9. Implementation, Review, Compliance and Annual Reporting

Clause 9.1 the title has been amended to include the words “and Annual Reporting”;

Clause 9.1 (c) has been inserted as follows;

*“The number of complaints/allegations received for alleged breaches of the Council’s Code of Conduct shall be reported in the Council’s Annual Report, the information shall include the following;*

- (a) Number of complaints/allegations;*
- (b) Whether the complaints/allegations were considered to be serious or minor;*
- (c) Whether the complaints/allegations were substantiated;*
- (d) Whether the complaints/allegations related to employees or Council Members;*
- and*
- (e) Whether the complaints were referred to an external agency*

No personal or other details which may identify a Council Member or Employee shall be published in the Annual Report.”

***Chief Executive Officers Comment:***

It has been the Council’s practice to report the number of complaints/allegations in its Annual Report for the previous three (3) years – even though this is not a requirement of the Code of the Local Government Act. However, reporting such information is Best Practice and ensures transparency to the public. It also acts as a monitor of the Government of a Local Government. Eg. Numerous complaints/allegations may reveal systemic problems or poor practices etc.

Clause 9.3 – a sentence has been inserted to note that employees are required to read the Code upon commencement of their employment.

Clause 9.7 –The definition of “Misconduct” has been amended to reflect the Corruption and Crime Commission Act 2003-dot points have been deleted wherever they appear.

**CONSULTATION/ADVERTISING:**

It is considered that there is no need to consult the public on the revised Code, as the changes relatively minor. However, it is recommended that an advertisement will be placed in a local newspaper, notifying of the new Code.

**LEGAL/POLICY:**

**Appointment of Complaints Officer**

At the Ordinary Meeting of Council held 23 October 2007, the Council appointed the Chief Executive Officer as the City’s Complaints Officer.

Details of any decision made against a person by the Standards Committee will still need to be included in a public register and is to be entered into the Local Government’s Annual Report.

Section 5.103 of the Act was changed in October 2009 to eliminate a requirement that a Council’s Code of Conduct be reviewed within 12 months of each ordinary election.

The City’s Code of Conduct (Clause 9.1(b)) specifies that the Council will review the Code after each Ordinary Council Election and any changes communicated to Council Members and Employees.

The following is a summary of complaints for the period 26 August 1996 to 30 June 2012:

Year	Code of Conduct				Rules of Conduct
	No of Complaints Against Elected Members	Outcome	No of Complaints against Employees	Outcome	
1996-1997	0	-	1	Justified – 1	N/A
1997-1998	0	-	1	Unjustified – 1	N/A
1998-1999	0	-	1	Unjustified – 1	N/A
1999-2000	3	Justified – 2 Unjustified - 1	1	Unjustified – 1	N/A
2000-2001	7	Justified – 3 Unjustified – 4	2	Justified – 1 Unjustified – 1	N/A
2001-2002	2	Justified – 1 Unjustified – 1	-	-	N/A
2002-2003	5	Justified – 3 Unjustified – 2	-	-	N/A
2003-2004	1	Justified – 1	3	Justified – 2 Unjustified – 1	N/A
2004-2005	0	-	1	Unjustified – 1	N/A
2005-2006	1	Unjustified – 1	2	Unjustified – 2	N/A
2006-2007	3	Justified – 1 Unjustified – 2	3	Unjustified – 3	N/A
2007-2008	0	-	3	Justified – 1 Unjustified – 2	Nil*



Code of Conduct					
Year	No of Complaints Against Elected Members	Outcome	No of Complaints against Employees	Outcome	Rules of Conduct
2008-2009	1	Unjustified – 1	3	Justified – 1 Unjustified – 2	Nil*
2009-2010	2	Justified – 1 Unjustified – 1	1	Unjustified – 1	Nil*
2010-2011	2	Justified – 2	5	Justified – 1 Unjustified – 4	Nil*
2011-2012	2	Justified – 1 Unjustified - 1	4	Justified -1 Unjustified - 3	Nil*

\* *Local Government (Rules of Conduct) Regulations 2007 were gazetted on 21 August 2007.*

As can be seen by the above Table, the number of complaints lodged against Council Members and Employees is very low. Furthermore, the number of justified complaints is also low. It is pleasing to note that no complaints against Council Members have been made for an alleged breach of the Local Government (Rules of Conduct) Regulations.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2009-2014, Objective 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."*

**RISK MANAGEMENT:**

**High:** It is a legal requirement for every Local Government to have a Code of Conduct. It is important to regularly review the Code to ensure that it meets the requirements expected of Local Government Council members and City employees.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Council's Code of Conduct has been reviewed (in accordance with clause 9.1(b)) and amended to incorporate minor changes. Once approved all Council Members and employees will be provided with a copy of the amendments to the Code of Conduct.

The current Code has been in place since December 2007 and no previous complaints have been received about it being too detailed, comprehensive or onerous.

The WALGA model Code of Conduct prescribes minimum requirements and standards. The New South Wales Model Code prescribes a much higher standard and is much more detailed and comprehensive. The City's Code of Conduct is considered Best Practise.

That Chief Executive Officer has reviewed the Code's for various other local governments and they all vary in size and content. As previously stated the Council's Code is based on the WALGA Model Code and supplemented with clauses from the NSW Model Code for Local Government.

It is recommended that the amendments to the Code of Conduct be adopted.

**9.5.3 City of Vincent Local Law Relating To Standing Orders Local Law – Proposed Amendment**

<b>Ward:</b>	Both	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0009
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi JP, Chief Executive Officer		

**REVISED OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to clause 3.13(2) of the City of Vincent Local Law relating to Standing Orders, to amend Clause 2.19 (7) and (8) to allow for items raised by members of the public to be brought forward for the consideration of the Council;
2. Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the City of Vincent resolve on .....2013 to make the City of Vincent Local Law relating to Standing Orders, as follows:

**"LOCAL GOVERNMENT ACT 1995 (as amended)  
CITY OF VINCENT LOCAL LAW RELATING TO STANDING ORDERS 2008  
AMENDMENT LOCAL LAW NO. 1, 2013**

- 2.1 That the existing clause 2.19 (7) and (8) – be deleted and the following be inserted in its place:

“(7) Any reports or items listed in the Agenda which are the subject of a question or statement from a member of the public:

- (a) are to be considered in the numerical order, as they appear in the Index; and
- (b) are to be considered immediately after all unopposed items have been determined, which will be moved *"En Bloc"*;

(8) The presiding member or the Council by carrying a motion, without debate, may alter the order in which any item, which is the subject of a question or statement from a member of the public, may be dealt with;”

- 2.2 That the existing clause 2.19 (8) – be renumbered clause “2.19 (9)”; and

3. in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendment to the City of Vincent Local Law relating to Standing Orders 2008; and
4. NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period.

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

**Moved Cr Harley, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr McGrath**

“That the Standing Orders be amended as follows:

That Clause 2.8 – Order of Business be amended to read as follows:

**2.8 Order of business**

- (1) Unless ordered by a decision of the Council, the "Order of Business" at any ordinary meeting of the Council shall be as follows:-
- (a) Declaration of Opening;
  - (b) Apologies/Members on Leave of Absence;
  - (c) Public question time and receiving of public statements;
  - (d) Applications for leave of absence;
  - (e) The receiving of petitions, deputations and presentations;
  - (f) Confirmation of minutes;
  - (g) Announcements by the presiding member without discussion;
  - (h) Declaration of Interests;
  - (k i) Questions by members of which due notice has been given (without discussion);
  - (i j) Reports;
  - (j k) Motions of which previous notice has been given;
  - (l) Representation on Committees and public bodies;
  - (m) Urgent business;
  - (n) Matters for which the meeting may be closed (“behind closed doors”).
  - (o) Closure.”

Debate ensued.

**AMENDMENT 1 PUT AND LOST (2-6)**

**For:** Cr Maier and Cr McGrath

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Topelberg and Cr Pintabona

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

## AMENDMENT 2

**Moved Cr Maier, Seconded Cr McGrath**

“That a new Clause 2.16 (3) be added as follows:

**(3) Notwithstanding sub-clause (1), members of the press occupying the part of the chambers defined in clause 2.15 (2) (a) are permitted to record proceedings.”**

Debate ensued.

The Seconder, Cr McGrath advised that *he* wished to *change* the wording as shown below. The Mover, Cr Maier agreed.

**(3) Notwithstanding sub-clause (1), members of the press occupying the part of the chambers defined in clause 2.15 (2) (a) are permitted to audio record proceedings.”**

## **AMENDMENT 2 PUT AND LOST (2-6)**

**For:** Cr Carey and Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Harley, Cr McGrath, Cr Topelberg and Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

## AMENDMENT 3

**Moved Cr Maier, Seconded Cr McGrath**

“That Clause 2.24 (1) (d) be amended to read as follows:

- (1) A petition, in order to be effective, is to:-
- (a) be addressed to the Mayor, City or Chief Executive Officer;
  - (b) be made by a person;
  - (c) state the request on each page of the petition;
  - (d) contain the names, addresses and signatures of the persons making the request, ~~and the date each person signed~~;
  - (e) contain a summary of the reasons for the request;
  - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if that is:-
    - (i) a proposal to change the method of filling the office of the Mayor, City or Chief Executive Officer;
    - (ii) a proposal to create a new district or the boundaries of the Local Government;
    - (iii) a request for a poll on a recommended amalgamation;
    - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward; and
  - (h) be respectful and temperate in its language and not contain language disrespectful to the Council.”

Debate ensued.

Cr Carey departed the Chamber at 8.23pm.

Debate ensued.

**Cr Carey returned to the Chamber at 8.24pm.**

Debate ensued.

**Cr McGrath departed the Chamber at 8.27pm.**

Debate ensued.

**Cr McGrath returned to the Chamber at 8.27pm.**

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Carey, Seconded Cr McGrath**

**That the Motion be now put.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr McGrath  
and Cr Topelberg

**Against:** Cr Pintabona

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

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

**For:** Cr Buckels, Cr Maier and Cr McGrath

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Pintabona and Cr Topelberg

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

**AMENDMENT 4**

**Moved Cr Maier, Seconded Cr Buckels**

**“That Clause 3.3 be amended to read as follows:**

**In referring to any other person present in the capacity of a member or an employee of the Council, a speaker shall designate that person by the title of Mayor or Councillor, or by the title or name of the particular employee, as the case may be.”**

Debate ensued.

**AMENDMENT 4 PUT AND LOST (2-6)**

**For:** Cr Carey and Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Harley, Cr McGrath, Cr Pintabona and Cr Topelberg

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

**AMENDMENT 5**

**Moved Cr Maier, Seconded Cr McGrath**

“That Clause 4.12 (1) be amended to read as follows:

**4.12 Right of reply**

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak ~~or other than to~~ ask a question on the question in accordance with clause 4.9.
- (2) The right of reply is to be strictly confined to answering previous speakers and rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (3) The presiding member is not permitted to move a motion, therefore does not have a right of reply.”

Debate ensued.

**AMENDMENT 5 PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona and Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

**AMENDMENT 6**

**Moved Cr Maier, Seconded Cr McGrath**

“That Clause 5.4 be amended to read as follows:

**5.4 Order of call in debate**

The presiding member shall call speakers to a substantive motion in the following order:

- (i) the mover to state the motion;
- (ii) a seconder to the motion;
- (iii) the mover to speak to the motion;
- (iv) the seconder to speak to the motion;
- (v) speakers for and against the motion until all members wishing to speak have been given the opportunity to speak
- ~~(v) a speaker against the motion;~~
- ~~(vi) a speaker for the motion;~~
- ~~(vii) other speakers against and for the motion, alternating in view, if any;~~
- ~~(viii-vi) the mover takes the right of reply, which closes the debate.”~~

Debate ensued.

**AMENDMENT 6 PUT AND CARRIED (7-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier Cr McGrath, and Cr Topelberg

**Against:** Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

**AMENDMENT 7**

**Moved Cr Maier, Seconded Cr.....**

**“That Clause 7.1 be amended to read as follows:**

**7.1 Motion “that the motion be deferred” – Effect of motion**

- (1) The motion, “that the motion be deferred”, if carried, causes all debate on the substantive motion or any amendment to cease and for the motion to be deferred and resubmitted for consideration at a subsequent time or date specified in the motion.**
- (2) A motion “that the motion be deferred” shall not be moved in respect of the election of a presiding member or the Deputy Mayor.**
- (3) A member may at the conclusion of the speech of any other member, move without notice; “that the motion or any part of it be deferred or referred back for further consideration”.**
- (4) A member who has spoken on the motion then under debate shall not move the deferral of the motion, or any part of it until all members have been given the opportunity to speak.**
- (4-5) On a motion referred to in sub-clause (3):-**
  - (a) the mover shall not speak for more than five (5) minutes;**
  - (b) the seconder shall not speak other than to formally second; and**
  - (c) no other debate shall be allowed.**
- (5 6) Where part of a recommendation is deferred back for further consideration, the balance of the recommendation shall be dealt with in accordance with this sub-clause.”**

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER**

**AMENDMENT 8**

**Moved Cr Maier, Seconded Cr Carey**

**“That Clause 7.10 (3) be amended to read as follows:**

**7.10 Motion “that the Standing Orders be suspended” – Effect of motion**

- (1) The Council or a committee, may on a motion, suspend temporarily one or more of the Standing Orders.**
- (2) A member moving the suspension of Standing Orders shall state the object of the motion and no other discussion shall take place.**
- (3) A member moving the suspension of Standing Orders under this clause shall state the purpose of the suspension or the specific clause or clauses of the Standing Orders sought to be suspended.**
- (4) Only the clauses nominated in sub-clause (3) are to be affected by any decision to suspend Standing Orders under this clause.”**

Debate ensued.

**AMENDMENT 7 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.5.3**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to clause 3.13(2) of the City of Vincent Local Law relating to Standing Orders, to amend Clause 2.19 (7) and (8) to allow for items raised by members of the public to be brought forward for the consideration of the Council;
2. Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the City of Vincent resolve on .....2013 to make the City of Vincent Local Law relating to Standing Orders, as follows:

**"LOCAL GOVERNMENT ACT 1995 (as amended)  
CITY OF VINCENT LOCAL LAW RELATING TO STANDING ORDERS 2008  
AMENDMENT LOCAL LAW NO. 1, 2013**

- 2.1 That the existing clause 2.19 (7) and (8) – be deleted and the following be inserted in its place:

**“(7) Any reports or items listed in the Agenda which are the subject of a question or statement from a member of the public:**

- (a) are to be considered in the numerical order, as they appear in the Index; and**
- (b) are to be considered immediately after all unopposed items have been determined, which will be moved "*En Bloc*";**

**(8) The presiding member or the Council by carrying a motion, without debate, may alter the order in which any item, which is the subject of a question or statement from a member of the public, may be dealt with;”**

- 2.2 That the existing clause 2.19 (8) – be renumbered clause “2.19 (9)”;

- 2.3 That existing clause 5.4 be deleted and the following be inserted in its place;

**“5.4 Order of call in debate**

**The presiding member shall call speakers to a substantive motion in the following order:**

- (i) the mover to state the motion;**
  - (ii) a seconder to the motion;**
  - (iii) the mover to speak to the motion;**
  - (iv) the seconder to speak to the motion;**
  - (v) speakers for and against the motion until all members wishing to speak have been given the opportunity to speak;**
  - (vi) the mover takes the right of reply, which closes the debate.”**
- ;And**



- 2.4 That existing Clause 7.10 (3) be deleted and the following be inserted in its place;**
- “(3) A member moving the suspension of Standing Orders under this clause shall state the purpose of the suspension or the specific clause or clauses of the Standing Orders sought to be suspended”;**
- 3. in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendment to the City of Vincent Local Law relating to Standing Orders 2008; and**
- 4. NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period.**
- 

**PURPOSE OF REPORT:**

The purpose of the report is to recommend an amendment to the City of Vincent Local Law relating to Standing Orders, dealing with items referred to by members of the public during public speaking time.

**BACKGROUND:**

The City of Vincent Local Law relating to Standing orders was gazetted on the 14 August 2008, items on the agenda which are the subject of a question or a statement from a Member of the public, are to be considered in the order in which they are raised prior to discussion of other matters.

Following the Elections in October 2011, the procedure relating to items on the agenda which have been the subject of a question or a statement from a Member of the public, has been changed. The change in procedure requires the items raised by the members of the public to be considered in the numerical order in which they appear in the agenda.

**DETAILS:**

Following the change in procedure concerning the above matter several Councillors have queried whether it is in accordance with the Councils Standing Orders. The matter has been raised with the Mayor, who has requested that a report be submitted to the Council to amend the Standing Orders to reflect the current practice, which she considers to be more efficient and less confusing to the public.

The Local Government Act 1995 and City of Vincent Local Law relating to Standing Orders, both prescribe that the Presiding Member is responsible for the conduct of the meeting.

**CONSULTATION/ADVERTISING:**

The proposed amendment will need to be advertised, in accordance with section 3.12 of the Local Government Act 1995, but no other advertising or consulting would be necessary.

**LEGAL/POLICY:**

There is no legal impediment to the proposed amendment.

**RISK MANAGEMENT IMPLICATIONS:**

**LOW:** The proposed amendment will reflect the current practice.

**STRATEGIC IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed amendment is considered relatively straight forward and minor and will reflect the current practice at the Council Meetings. The report is therefore recommended for approval.

**9.5.4 City of Vincent Policy No. 4.1.18 – Naming of City Facilities, Streets, Parks, Reserves and Buildings – Consideration of Submission and Adoption**

<b>Ward:</b>	-	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 4.1.18 – Naming of City Facilities, Streets, Parks, Reserves and Buildings		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **CONSIDERS** the one (1) submission received concerning amended Policy No. 4.1.18 – *“Naming of City Facilities, Streets, Parks, Reserves and Buildings”*; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt the amended Policy No. 4.1.18 – *“Naming of City Facilities, Streets, Parks, Reserves and Buildings”*.

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

For the Council to consider that one (1) submission received and to adopt the amended Council Policy No.4.1.18 – Naming of City Facilities, Streets, Parks, Reserves and Buildings.

**BACKGROUND:**

The Council adopted in Principle a draft Policy at the Ordinary Council Meeting held on 26 February 2013.

The draft Policy was advertised on 12 March 2013, for fourteen (14) days, and at the close of the consultation period one (1) submission was received from the Geographic Names Committee, as follows;

***“PAGES 1 and 2***

1. *Clause should be altered to refer to the ‘Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia’.*
2. *Clause should also include ‘shall be in accordance with the ‘Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia’.*
3. *Clause should be altered to refer to the ‘Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia’.*

4. *Clases 4.1 and 4.2 should be altered to refer to the 'Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia'.*
5. *No comment.*
6. *Clause should be altered to refer to the 'Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia'.*
7. *Clause should include a reference to the 'Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia'.*
8. *No comment.*
9. *No comment.*
10. *No comment.*

**PAGE 3**

1. *Amend clause by changing the reference the Geographic Names Committee Principles, Guidelines and procedures to "Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia". The line referring to 'in principle' approval should be changed to read 'name deemed suitable by Geographic Names'. It should be noted that final (formal) approval from Landgate will be required (where applicable).*
2. *Clause 2.3 should be amended to refer to the 'Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia'.*
3. *No comment.*
4. *4.2 and 4.3 referring to 'in principle' approval should be changed to read 'name deemed suitable by Geographic Names'. Clause to be amended to read 'Should Council approve the naming application, a request for formal approval shall be submitted to Geographic Names , the applicant to be subsequently advised of the outcome following the granting of an approval by Geographic Names'.*
5. *No comment.*
6. *6.1 To be amended as approval from Landgate is required Clause should read 'Naming of Parks and Reserves under 1 Hectare shall be in accordance with the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia'.*
7. *7.2 to be amended as approval from Landgate is required. Clause should read as 'Applications for the naming of Ovals, Parks, Gardens etc shall be in accordance with the 'Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.'"*

All comments are supported and have been incorporated into the Policy.

**CONSULTATION/ADVERTISING:**

The draft Policy was advertised on 12 March 2013, for fourteen (14) days, and at the close of the consultation period one (1) submission was received.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

**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 8.52pm **Moved Cr Pintabona, Seconded Cr McGrath**

That the Council proceed "behind closed doors" to consider confidential item 14.2, as the matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-1)**

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

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

**There were no members of the public present.**

**Journalists Lauren Stringer and David Bell.**

**Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.**

**PRESENT:**

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

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

**14.1 CONFIDENTIAL REPORT: No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth – Proposed Construction of Two and Three Storey Buildings Comprising Eight (8) Multiple Dwellings and Four (4) Single Bedroom Multiple Dwellings with Associated Car Parking – State Administrative Tribunal (SAT) DR 307 of 2012**

**ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF THE APPLICANT, AS THEY NO LONGER WISH TO CONTINUE THE MATTER BEFORE THE STATE ADMINISTRATIVE TRIBUNAL (SAT), AS THE PROPERTY HAS NOW BEEN SOLD.**

<b>Ward:</b>	South	<b>Date:</b>	28 March 2013
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4867; 5.2012.86.2
<b>Attachments:</b>	CONFIDENTIAL – Property Information Report and Development Application Plans CONFIDENTIAL – Applicant’s letter		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. Pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the City of Vincent Local Law relating to Standing Orders, PROCEEDS “behind closed doors” at the conclusion of the items, to consider the Confidential Report, circulated separately to Council Members, relating to No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth, as the matter relates to a matter before the State Administrative Tribunal and may contain 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.

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City’s position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**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:

“2.15 *Confidential business*

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

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.2 CONFIDENTIAL REPORT: Request to Name the Right of Way Bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street, Highgate – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	28 march 2013
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	TES0266
<b>Attachments:</b>	001 – CONFIDENTIAL Plan No. 2867-RP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the submissions received concerning the request to name the Right of Way bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street, as illustrated by the attached Plan 2867-RP-01;
2. **NOTES** that the results of the consultation showed that eighteen (18) respondents supported the proposed name with only four (4) against and one (1) with another suggestion;
3. **APPROVES** the name \*\*\*\*\* to the Right of Way bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street given that the majority of respondents are in favour of the naming subject to the applicant paying for the manufacture and installation of street nameplates and poles estimated to cost \$350; and
4. **APPROVES BY AN ABSOLUTE MAJORITY** to amend Policy No: 2.2.8 "Laneways and Rights of Way" as show in Appendix 14.2 (attachment 002).

\*\*\*\*\*Information Confidential

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**Moved Cr Maier, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr .....**

That the Officer Recommendation be amended to read as follows:

That the Council;

1. **CONSIDERS** the submissions received concerning the request to name the Right of Way bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street, as illustrated by the attached Plan 2867-RP-01;
2. ~~**NOTES** that the results of the consultation showed that eighteen (18) respondents supported the proposed name with only four (4) against and one (1) with another suggestion;~~
3. ~~**APPROVES** the name \*\*\*\*\* to the Right of Way bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street given that the majority of respondents are in favour of the naming subject to the applicant paying for the manufacture and installation of street nameplates and poles estimated to cost \$350; and~~

\*\*\*\*\*Information Confidential



**2. REQUESTS that the Chief Executive Officer:**

**2.1 writes to all residents within a 250 metre radius of the affected lane seeking suggestions for a suitable name and requesting supporting information;**

**2.2 submits the suggested names to the Geographic Names Committee seeking 'in principle' approval; and**

**2.3 provides a further report to the Council once a response has been received from the Geographic Names Committee.**

**43. APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No: 2.2.8 – “Laneways and Rights of Way” as show in Appendix 14.2 (attachment 002).**

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER**

Debate ensued

**COUNCIL DECISION ITEM 14.2**

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

**For:** Mayor Hon. MacTiernan, Cr Harley and Cr McGrath

**Against:** Cr Buckels, Cr Carey, Cr Maier, Cr Pintabona and Cr Topelberg

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

**REASONS FOR REFUSAL OF THE OFFICER RECOMMENDATION:**

The proposal to name the laneway was not in accordance with the previous Council decision made on the 23 October 2013.

**SUBSEQUENT MOTION:**

**Moved Cr Maier, Seconded Cr Buckels**

**That the Council APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No: 2.2.8 “Laneways and Rights of Way” as show in Appendix 14.2 (attachment 002).**

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

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

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**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:

*“2.15 Confidential business*

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

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

At 9.08pm **Moved** Cr Topelberg, **Seconded** Cr Pintabona

That the Council resume an “open meeting”.

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

(Cr Wilcox was on approved leave of absence.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.08pm with the following persons present:**

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

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 9 April 2013.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2013