



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

9 JULY 2013

This document is available in the following alternative formats upon request for people with specific needs; large print, Braille and computer disk

**INDEX
(9 JULY 2013)**

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley – Proposed Change of Use from Residential to Consulting Rooms (Medical) (PRO4099; 5.2013.74.1)	7
9.1.2	No. 5 (Lot 1: D/P: 3001) West Parade, Perth – Demolition of Existing Single House and Construction of Two-Storey Single House and Two- Storey Development to Rear Comprising Three (3) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling (PRO5964; 5.2013.199.1)	36
9.1.3	No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn (Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwellings) (PRO6022; 5.2013.136.1)	52
9.1.4	Amendment No. 116 to Planning and Building Policy Manual – Review of Planning and Building Policies to Align with State Planning Policy No. 3.1 (Residential Design Codes) (PLA0259)	66
9.1.5	No. 1/162 Oxford Street, Leederville – Proposed Change of Use from Shop and Office Building to Shop, Office Building and Small Bar (Reconsideration of Hours of Operation Condition) (PRO0784; 5.2013.152.1)	60
9.2 TECHNICAL SERVICES		
9.2.1	Possible Obstruction to Vehicular Traffic of the portion of Right of Way Bounded by Mary, William, Chatsworth Road and Beaufort Streets, Highgate - Progress Report No. 1 (TES0266)	80
9.2.2	Vincent Schools Safe Cycling Series, Progress Report No. 1 (TES0524)	20
9.2.3	Request to Investigate a Ferry Service at Banks Reserve Foreshore - Notice of Motion (ORG0060)	86
9.2.4	Household Hazardous Waste Disposal Day - Progress Report No. 5 (ENS0083)	23
9.2.5	Tender No. 463/13 – Supply and Delivery of One (1) Eight (8) Cubic Metre/Eleven (11) Cubic Metre Rear Loader Refuse Truck with Dual Bin Lifters (TEN0472)	89
9.3 CORPORATE SERVICES		
9.3.1	Financial Statements as at 31 May 2013 (FIN0026)	95
9.3.2	LATE ITEM: Federal Government – Regional Development Australia Fund (RDAF) Round Five 2013 – 2014 (FIN0194)	28
9.4 COMMUNITY SERVICES		
9.4.1	Nil	31

9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	Use of the Council's Common Seal (ADM0042)	32
9.5.2	Review and Adoption of Delegated Authority Register 2013/2014 (ADM0038) [Absolute Majority Decision Required]	102
9.5.3	LATE ITEM: City of Vincent Parking and Parking Facilities Amendment Local Law No. 1, 2013 – Consideration of Submissions and Adoption (LEG0047) [Absolute Majority Decision Required]	104
9.5.4	Information Bulletin	34
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	Nil	106
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil	106
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil	106
13.	URGENT BUSINESS	
13.1	Appointment of Member for Tamala Park Regional Council (TPRC) (ADM0078) [Absolute Majority Decision Required]	106
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)	
	Nil	108
15.	CLOSURE	108

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 July 2013, commencing at 6.01pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.01pm 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:

Carlie Eldridge, Director Planning Services – on sick leave.

(b) Members on Approved Leave of Absence:

Cr Matt Buckels on approved leave of absence from 29 June 2013 to 4 August 2013 inclusive for personal commitments.

(c) Present:

Mayor Hon. Alannah MacTiernan Presiding Member

Cr Warren McGrath (*Deputy Mayor*) South Ward

Cr John Carey South Ward

Cr Roslyn Harley North Ward

Cr Dudley Maier North Ward

Cr John Pintabona South Ward

Cr Joshua Topelberg South Ward

Cr Julia Wilcox North Ward

John Giorgi, JP Chief Executive Officer

Rob Boardman Director Community Services

Petar Mrdja A/Director Planning Services

Rick Lotznicker Director Technical Services

Mike Rootsey Director Corporate Services

Jerilee Highfield Executive Assistant (Minutes Secretary)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick Journalist – *"The Guardian Express"* (until approximately 7.20pm)

David Bell Journalist – *"The Perth Voice"* (until approximately 7.20pm)

Approximately 18 Members of the Public.

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

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

1. Hesson Razavi of 15 Woodville Street, North Perth - Stated the following:
 - Mr Razavi spoke in relation to the development at 1A Albert Street, North Perth and acknowledged that he had received a letter from the Chief Executive Officer regarding his previous questions from the last Council Meeting held on 25 June 2013.
 - He advised regarding one of the points in the letter that he received, he wanted to know if the Council can rescind the approval and what other options were available to him through the Council to question, contest, oppose or otherwise table the Development Application (DA) again for reconsideration.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Razavi that this was not possible and the Council Decision was final.

- Mr Razavi understood the Presiding Member reply and asked if there is no other form of mechanism through the Council that he could follow.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Razavi that this was a DA that was approved a while back and there is just no other avenue to rescind the decision.

- Mr Razavi asked that he was aware there had already been some activity in the laneway and on the property, has there *been approval for the building licence or building approval? are the builders able to carry out this activity if it has not been issued yet?* particularly given since there has been no dilapidation report yet at his property.

The Presiding Member advised Mr Razavi that there will be information provided by correspondence.

2. Craig Willis of 13 Woodville Street, North Perth - Stated the following:
 - He advised that he was Mr Razavi's neighbour and provided a copy of the minutes regarding the development at 1 A Albert Street, North Perth and this was circulated to the Council.
 - He advised that this building was originally approved for four (4) offices and what had been sold was eight (8) offices. There had never been a plan provided to the residents.
 - He advised that during the week he had been provided with a number of documents and one of them was a waste management plan that had been delivered to the developer and within this document it stated that it was seeking for eight (8) offices.

The Presiding Member advised Mr Willis that in relation to the matter of the approval, that is in relation to the building. The floor versus eight (8) offices a report is to be provided by the Director Planning Services who is unfortunately on sick leave. The Presiding Member advised that it is most likely not going to change a lot as it is the total floor space, however she will get a report to Mr Willis regarding the floor versus the office space.

- Mr Willis asked if the developer had to do a traffic management plan where there is a change.

3. Alan King of Riverview Street, South Perth – Item 9.1.3 Stated the following:
 - Mr King advised that he would be speaking on behalf of the owners at 58 Hobart Street, Mount Hawthorn. He thanked the Council for the opportunity to present their concerns with the Officer Recommendation to refuse the application.
 - His first main point of concern was regarding the interpretation of the Town Planning Scheme, whereby the R20 zoning was set to replace by the R30 zoning on the 29 March 2013, after this date numerous enquiries had been made to the City's Planning Officers and were advised that plans could be submitted as there was no advise from the Ministers Office that the proposed extension of R20 would be approved beyond the expiry date of 29 March 2013.

- Mr King advised that on the 13 May 2013 and published on the Government Gazette on 24 May 2013, the Minister for Planning approved that the City of Vincent Town Planning Scheme Amendment No.34 stated “*that after 29 March 2015 development and subdivision of land coded R20 would be linked with the R30 codes*”.
 - The original application that had been submitted was for two (2) single storey dwellings complying with the R30 setback codes as per the R codes, but due to the Council street setback Policy it would be virtually impossible to take full advantage to be able to the set property further.
4. Phil Cockman of 36 Johnson Street, Guildford – Item 9.1.5 Stated the following:
- Mr Cockman advised that the extra hours will allow the more mature clientele who attend the wine bar and who have indicated in writing that “*they did not feel comfortable in a larger front bar style venues within the Leederville entertainment Precinct*”.
 - Mr Cockman advised that the proposal for extending the hours till 1am had been advertised and adjoining landowners had also been notified, there was not a single objection received in respect to the hours.
5. John Nelson of 9 and 13 West Parade, Perth – Item 9.1.2 Stated the following:
- Mr Nelson advised that he would be speaking on behalf of his brother who owned 100 Summers Street, which was adjacent to the property at No.5 West Parade, Perth.
 - Mr Nelson advised his concerns were in relation to it not complying with the Councils R codes as there is not enough land spacing, there is not enough open space it is too congested.
6. Sanjeev of 318 Oxford Street, Leederville – Item 9.1.2 Stated the following:
- He advised that he is the developer for No.5 West Parade, Perth.
 - He clarified that there were errors made and the Council had been made aware of these errors
 - They are now compliant with landscaping and as of three (3) weeks from now with the open spacing requirements.
 - He advised regarding the Right of Way issue, it is a private Right of Way and it is not actually meant to service No.9 West Parade, Perth and it actually services No. 5 and Summers Street.

There being no further speakers, Public Question Time closed at approx. 6.20pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

[3.1](#) Letter sent to Mr Stuart Lofthouse regarding Community Consultation.

[3.2](#) Letter sent to Ms Debbie Saunders regarding Leederville Hotel Outdoor Eating Area.

[3.3](#) Letter sent to Mr Hesson Razavi regarding the development at 1A Albert Street, North Perth.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Viki Lawless of 404-406 Oxford Street, Mount Hawthorn along with 171 signatures supporting of the change of use application for eating house at No. 404-406 Oxford Street, Mount Hawthorn.

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

Moved Cr Maier, Seconded Cr McGrath

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 25 June 2013

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 25 June 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

- 6.2 Minutes of the Special Meeting of Council held on 2 July 2013

Moved Cr Pintabona, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 2 July 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels 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 Federal Member Seat for Perth

It is my intention to nominate to stand for the Federal Member Seat for Perth in the forthcoming Federal Election. It would be my intention to stay on as the Mayor until such time that I need to resign in order to be able to allow there to be an Election for the Mayoral position to take place at the same time as the general Council elections in October. It is with great regret that it looks like I will be leaving the City of Vincent as I think we are doing some absolutely magnificent things.

7.2 Deferral of Item 9.1.1

It is announced that Item 9.1.1 relating to No. 6 Burt Street, Corner of Monmouth Street, Mount Lawley – Proposed Change of Use from Residential to Consulting Rooms (Medical) at the request of the applicant to be deferred, in order to allow further time to obtain community support for the proposed use.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Impartiality interest in Item 13.1 – Appointment of Member for Tamala Park Regional Council (TPRC). The extent of his interest being that the company he is employed by and own shares in has previously undertaken environmental Consultancy services to Tamala Park Regional Council.
- 8.2 Cr Carey declared an Impartiality Interest in Item 9.2.1 - Possible Obstruction to Vehicular Traffic of the portion of Right of Way Bounded by Mary, William, Chatsworth Road and Beaufort Streets, Highgate - Progress Report No. 1. The extent of his interest being that he is the Chair at the Beaufort Street Network and is supportive of the partial closure.

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 9.1.2, 9.1.3 and 9.1.5

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 9.5.2, 9.5.3 and 13.1

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

Nil.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil
Cr Buckels	on approved annual leave
Cr Carey	9.1.4
Cr Harley	Nil
Cr Maier	9.2.5 & 9.3.1
Cr McGrath	Nil
Cr Pintabona	Nil
Cr Topelberg	9.2.1 & 9.2.3
Cr Wilcox	Nil

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

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

Items 9.2.2, 9.2.4, 9.3.2, 9.5.1 and 9.5.4

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

Nil.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.2.2, 9.2.4, 9.3.2, 9.5.1 and 9.5.4

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

Items 9.1.2, 9.1.3 and 9.1.5

(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 Maier, Seconded Cr Harley

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

Items 9.2.2, 9.2.4, 9.3.2, 9.5.1 and 9.5.4

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

9.1.1 No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley – Proposed Change of Use from Residential to Consulting Rooms (Medical)

Ward:	South	Date:	28 June 2013
Precinct:	Norfolk; P10	File Ref:	PRO4099; 5.2013.74.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Site photos 003 – Additional Information received 8 February 2013 004 – Applicants Justification dated 24 June 2013 005 – Applicants Response to submissions dated 24 June 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, A/Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Spiccia on behalf of the owner, Estate of Late A Cardaci & F Cardaci for Proposed Change of Use from Residential to Consulting Rooms (Medical) at No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley, and as shown on plans stamp dated 24 June 2013, for the following reasons:

1. Non-compliance with the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface with regard to the use of a residential property for non-residential uses where it interrupts the residential amenity;
2. Non-compliance with the City's Policy No. 3.5.22 relating to Consulting Rooms with regard to the following objective:
 - 2.1 To limit the activities associated with the consulting rooms so that there is no undue impact on the surrounding area;
3. Non-compliance with the City of Vincent Economic Development Strategy 2011-2016 with regard to Action No. 3.8 relating to protecting residential areas from 'commercialisation';
4. The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 4.1 To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 4.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-
 - 4.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
 - 4.3 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and
5. The proposed consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

PROCEDURAL MOTION:

Moved Cr Carey, Seconded Cr Pintabona

That the item be DEFERRED at the request of the Applicant.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal relates to a 'SA' use and twenty-eight (28) objections were received. It is noted that twenty-eight (28) objections is considered to be significant number of objections by the City, with regards to this type of development.

BACKGROUND:

History:

Date	Comment
8 April 2008	The Council at its Ordinary Meeting resolved to approve a development application for proposed change of use from shop to office with associated additions and alterations at No. 6 Burt Street, corner of Monmouth Street, Mount Lawley.

Previous Reports to Council:

Nil.

DETAILS:

The subject site comprises ~~an office a shop~~, with the rear of the building to being residential. It is noted that the ~~office component was previously a traditional corner shop previously approved change of use from shop to office was not taken up, therefore the use reverted back to shop.~~

The application is for a change of use from residential and ~~office shop~~ to consulting rooms (medical) at No. 6 Burt Street, corner of Monmouth Street, Mount Lawley. The type of medical profession has not been advised; however the applicant's justification states the following:

"It is recognised by M Cardaci that there is a lack of Medical Consulting Rooms in the immediate area. The existing building in its prominent location and its built form which presents to the street as a building not solely used for residential purposes, is considered to present an excellent opportunity for the establishment of a local medical practice. This proposal will allow M Cardaci to retain the existing built form and in doing so, preserve the existing character of this area."

The consulting rooms are proposed to be occupied by six (6) to seven (7) practitioners, with the proposed hours of operation being as follows:

- 8am to 6pm Monday to Friday; and
- 8am to 1pm Saturday.

Landowner:	Estate of Late A Cardaci & F Cardaci
Applicant:	L Spiccia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Single House and Office
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	1,034 square metres
Right of Way:	Not applicable

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

ASSESSMENT:

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

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

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

Issue/Design Element:	Economic Development
Requirement:	Economic Development Strategy 2011-2016 Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from 'commercialisation'.
Applicants Proposal:	The subject property is located outside the activity centre and within a residential area.
Performance Criteria:	Not applicable

Issue/Design Element:	Economic Development
Applicant justification summary:	<p><i>“A variation to this particular Policy requirement is sought as this site is considered more than suitable for the proposed Consulting Rooms without the need for it to comprise a residential component. Retaining such a significant residential component as part of Medical Consulting Rooms is no longer considered to be feasible. In order for Local Consulting Rooms to remain viable, a number of Practitioners are required to operate from Consulting Rooms, with only a portion of these Practitioners consulting from the rooms at any one time. In order to ensure local medical services are able to remain within the older residential areas such as this location, a greater number of Practitioners is needed to consult from a single premises in order for it to remain viable. As such, it is not practical or appropriate for the Consulting Rooms to retain such a high portion of the floor area for residential use.</i></p>
	<p><i>A variation is considered able to be supported by the City as this particular site is considered to be unique, as the building is appropriately separated from the surrounding residential uses by its position on the corner of the intersection of Burt and Monmouth Streets. It is also unique in that there is a physical separation from the residential uses to the north west by a narrow strip of land (Lot 417 Monmouth Street), which has an approximate width of 7.7 metres at its intersection with Burt Street.</i></p> <p><i>This site is considered to be unique as the building on it comprises a built form which has supported its (Commercial) use in the past as a corner grocery shop and later with a portion of the building being used as an office. The physical form of this building does not present to the street as a site solely used for residential purposes and therefore is considered to be entirely appropriate for the proposed use of Medical Consulting Rooms, without retaining a residential component. It appears that the Policy evolved as a response to proposals to utilise existing residential character buildings for a Consulting Room use, which is not the case in this instance.”</i></p>
Officer technical comment:	<p>The proposed consulting rooms will contribute to the commercialisation of the residential zone, which will adversely affect the amenity for local residents.</p> <p>There is currently a delineation of commercial and residential precincts which is clearly defined by effective buffer sites acting as a transitional filter. As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site.</p> <p>It is noted that there are appropriately zoned, Local Centre, properties located approximately 91 metres from the subject site.</p> <p>In light of the above, it is considered that the consulting rooms would have an adversely impact on the residential locality, as the subject site is located within a residential zone.</p>

Issue/Design Element:	Non-Residential Development Interface
Requirement:	<p>Non-Residential/Residential Development Interface Policy No. 3.4.3</p> <p>The City does not support the ad-hoc or indiscriminate use of residential properties for non-residential uses where it would result in an unreasonable interruption of the residential amenity and continuity of residential uses. Only those sites, commonly referred to as buffer sites, would be suited to low scale, low intensity, interactive uses which may serve the day-to-day needs of the local resident population and can generate pedestrian traffic and surveillance of the street.</p>
	<p>For any non-residential development proposed in a residential zone, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> a) the application complies with the objectives of this Policy; b) there is no suitable site within the non-residential or residential/commercial zones within close proximity of the proposed non-residential use; and c) the character of the building is to be retained and any internal alterations should not preclude the reconversion of the building back to residential at some future date. <p>Car parking within the street setback area is not permitted except where a landscape buffer with a minimum width of 1.5 metres can be provided adjacent to the street frontage.</p>
Applicants Proposal:	<p>Non-residential development on a site with a residential zoning which is not a buffer site.</p> <p>Local centre zone within a close proximity to the proposed consulting rooms.</p> <p>Car bay encroaches into the landscaping buffer.</p>
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>“The proposed Medical Consulting Rooms are ideally and appropriately located on this site as it will assist in meeting with the increased demand for medical services in the area. This increasing demand is partly attributed to a lack of available medical services in the immediate area. The nearest Medical Consulting Rooms are provided by Dr. G Panizza at a residential property located at 499 Fitzgerald Street, North Perth, which is a considerable distance (approx. 840 metres) from the subject land. Other factors which are placing a considerable demand for these services in this location include an increase in the general population which can be attributed to an increase in the residential density in this area coupled with the predominantly ageing demographic. Locally available medical services are extremely important for the aged in our community, who are less mobile and in need of constant medical assistance. This location in an established residential area will provide this service for the elderly, which site is also conveniently located within walking distance from a high frequency bus stop located on Walcott Street.</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>The Medical Consulting Rooms are proposed to operate within normal business hours and therefore will have minimal (if any) impact on the surrounding residents. Further, the number of proposed consulting rooms for this Practice has been reduced from five (5) to four (4) and the proposed parking layout for the Consulting Rooms has now been amended to ensure all of the required (11) car bays are provided on-site, which will result in the parking associated with the use being entirely contained on the property with no adverse impact on the locality.</i></p>
	<p><i>This site is further considered appropriate for this location as the building is sited on a prominent corner lot, which site is visually and physically separated from the surrounding residential uses by its position on the land and the surrounding local road system. Further, the established built form on this site of a traditional corner shop which is built on the property boundary at the intersection of Burt and Monmouth Streets is considered to already present to the surrounding locality as a use that is not primarily used for residential purposes. Therefore, the establishment of these Consulting Rooms within the existing built form is considered appropriate for this location as it will not alter or detract from the existing residential amenity of this area. In fact, it is considered that the residential amenity will be improved as the heritage values of the building are proposed to be restored with the original door at the corner of the building and façade windows being reinstated. The restoration of this building to its former character will improve its visual appeal within the streetscape and provide an interactive street frontage to this prominent corner.</i></p> <p><i>The Local Centre which is situated in relatively close proximity (approximately 91 metres) to the subject site comprises a strip of local shops, including a restaurant, retail clothing stores, a Laundrette, an Accountancy firm and an Art Studio. A number of tenancies within this Local Centre are currently vacant, including the three traditional shops located on the south eastern corner of Burt and Walcott Streets, which tenancies are currently the subject of a Small Bar Application before the City. The uses within this Centre will not be compromised by the establishment of Consulting Rooms as proposed in this Application. In fact, the positioning of this use nearby this Local Centre on Walcott Street will complement the existing uses and may attract new uses (such as a local pharmacy) to the currently vacant tenancies within this Centre. Further, this location for the Consulting Rooms is ideal as it is within walking distance from a high frequency bus stop located on Walcott Street in the vicinity of the Local Centre.</i></p> <p><i>In summary, the proposed Consulting Rooms will have no impact on the established residential amenity of this area, as the proposed Consulting Rooms are to operate from within the existing traditional corner shop building</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>on the site. It is considered that the local economy and residential amenity of this area will benefit from this use as it will not only provide a much needed essential service for the area, but the owners are proposing to reinstate the original corner entry to the building and façade windows and in doing so, will enhance the streetscape and heritage value of this corner site.</i></p>
	<p><i>In accordance with Clause 40 - Determination of Non-Complying Applications of TPS 1, we seek the City's support to approve a variation to allow the disabled bay to be located within the street setback to Burt Street. The disabled bay (and the entire parking area associated with the proposed use) is proposed to be located behind the existing (1350mm) high brick fence which is constructed along the lot boundary of this property. The car parking associated with the proposed Consulting Rooms will therefore not be visible from the street and as such will not have an adverse impact on the visual amenity of the streetscape.</i></p> <p><i>At Clause 7 of the City's Policy 3.4.3, it is stated that on-site parking which is located within the street setback is to be set back 1.5 metres by a landscaped buffer. The purpose of this particular Policy requirement is to ensure that any on-site parking associated with non-residential uses does not negatively impact upon the adjacent residential uses. In the case of this Application, the City seeks to ensure that the parking for the proposed Consulting Rooms does not become a dominant visual element within the streetscape which may detract from the general amenity of the locality. We concur with that objective, however similar to the provision of a 1.5 metre wide landscape buffer, the existing brick fence constructed along the property boundary to Burt Street provides the necessary buffer to ensure that the parking associated with this proposed use does not negatively impact on the surrounding amenities. It is on this basis that we seek the City's support for this particular variation as the visual benefits of the existing fence are considered to meet the principles and intent of this particular Policy requirement."</i></p>
Officer technical comment:	<p>In accordance with the City's Policy No. 3.4.3 relating to Non-Residential/Residential development Interface a buffer site is:</p> <p><i>"Where different zonings adjoin, a buffer site is the lot (or lots) that abut one another separating one zone from the other."</i></p> <p>As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site.</p> <p>The proposal is considered to interrupt the residential amenity as it is not in keeping with the residential nature with regards to passive surveillance, noise and visual amenity.</p>

Issue/Design Element:	Non-Residential Development Interface
	An occupied residential property provides a sense of security through the reciprocal passive surveillance offered by the residential dwelling, which consulting rooms cannot provide.
	<p>Noise associated with a residential property is generally characterised by low levels of activity and noise with occasional peaks. The proposed consulting rooms would have no noise outside of the hours of operation, as the premise would be unoccupied, which is not considered to be residential in nature and will adversely affect the residential amenity of the location.</p> <p>It is also noted that the visual amenity would not be residential in nature, as there the continuity of property use throughout the day. The visual amenity associated with the consulting rooms would change as there would be differed clients visiting the site each day, which is not considered to be residential in nature.</p> <p>Further to the above, there are suitable sites within the Local Centre zone, which is approximately 91 metres from the subject site for the proposed consulting rooms.</p>

Car Parking	
Car parking requirement (nearest whole number): <ul style="list-style-type: none"> • Consulting Rooms 3 spaces per consulting room 4 consulting rooms = 12 car bays Total car bays required = 12 car bays	= 12 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) 	(0.85) = 10.2 car bays
Minus the car parking provided on-site	11 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	0.8 car bays

Bicycle Parking
Consulting Rooms (7 practitioners): <ul style="list-style-type: none"> • 1 space per 8 practitioners (class 1 or 2) = 0.875 spaces • 1 space per 4 practitioners (class 3) = 1.75 spaces <p><u>Required</u> Class 1 or 2: 0.875 spaces = 1 space Class 3: 1.75 spaces = 2 spaces</p> <p><u>Provided</u> 5 spaces</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Comments Period:	18 April 2013 to 8 May 2013
Comments Received:	Twenty-eight (28) objections and two (2) neither support or object

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Loss of Residential Amenity</p> <ul style="list-style-type: none"> It is not appropriate to have a medical practice in the middle of a suburban residential street. The proposed development is located in a residential zone and is less than 200 metres from a local residential zone. This proposed development does not conform within a residential zone. The proposal is for sole use as consulting rooms and therefore exceeds the minimum required 80% dedicated residential use. Vehicle parking within the street setback is not acceptable. Landscaping in the front setback would provide for a better visual outcome. The proposal is not sympathetic with the residential area. This will change the look of the street, streetscapes character of the suburbs. Medical consulting rooms should be in local, district or commercial centres, not a residential area, where there is adequate parking, security and monitoring. 	<p>Supported. The proposed consulting rooms are not in keeping with the residential amenity as clients will be visiting the premises only during the hours of operation, with the property being vacant during the times when domestic premises are most typically occupied. This would change the character and adversely impact the residential amenity of the location.</p> <p>The proposed consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.</p>
<p>Issue: Increased Traffic</p> <ul style="list-style-type: none"> A medical practice with doctors and administration staff plus patient parking could not be accommodated at the property and inevitably patient would have to park on the street. The change of use would also bring with it an increase of traffic not only patients visiting but supplies delivered and pathology couriers. The increase in traffic will pose a risk to those children who play and bike ride around the area. 	<p>Not supported. The proposed vehicle access complies with the City Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, with there being eleven (11) car parking spaces provided onsite in accordance with the requirements for consulting rooms under the City's Policy No. 3.7.1 relating to Parking and Access.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> There is already too much through traffic around Burt and Monmouth Street. 	
<ul style="list-style-type: none"> Traffic in the immediate vicinity of the proposed development is already problematic, with Burt Street being used as “rat run” from Walcott Street, and a significant number of vehicles already performing regular illegal and dangerous turning manoeuvres as unaware drivers are confronted by the left turn only from Burt Street onto Walcott Street. The increased traffic flow will only pose further dangers and nuisance to local residential pedestrian traffic. No parking signs will be required to prevent parking close to the intersection obstructing traffic and reducing driver visibility. This will increase congestion further along both Burt Street and Monmouth Street. 	
<p>Issue: Car Parking Shortfall</p> <ul style="list-style-type: none"> Serious shortfall of parking leading to many vehicles parking on already congested streets. The proposed development does not have the necessary car parking requirements onsite and will require a car parking overflow all along Burt and Monmouth Street and impact on the residents considerably. The proposed five parking bays (plus one disabled bay) will not even provide parking for the proposed permanent staff. Effectively all patients will be parking on the street. The six bays will not be enough for the staff and visitors of the medical centre. 	<p>Supported and Addressed. Eleven (11) car parking spaces have been provided on-site in accordance with the requirements for consulting rooms under the City’s Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Bicycle Parking</p> <ul style="list-style-type: none"> The development does not allow for any bicycle parking spaces which is in breach of the Council’s policy to foster and promote the use of bicycles rather than motor vehicles. 	<p>Supported and Addressed. Bicycle parking spaces have been provided on-site in accordance with the requirements for consulting rooms under the City’s Policy No. 3.7.1 relating to Parking and Access.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Commercial Encroachment</p> <ul style="list-style-type: none"> There is already plenty of property on Fitzgerald, Walcott and William Streets already zoned commercial, there is no shortage and no need to change an otherwise residential street into mixed use. 	<p>Supported. There are appropriately zoned Local Centre properties located approximately 91 metres from the subject site. The proposed consulting rooms will contribute to the commercialisation of the residential zone, which will adversely affect the amenity for local residents.</p>
<ul style="list-style-type: none"> There is ample number of medical practices in this area including a large practice at the end of Burt Street in Fitzgerald Street, the large Lindisfarne practice in Beaufort Street and at least three other medical practices in Fitzgerald Street all within 3 to 5 minutes walk of this proposed consulting room so why on earth would you even consider this to be an appropriate use bang in the middle of a residential street. There is no need for a further medical practice located within a residential area. This change of use will have no benefit for the residence. The proposed use offers no benefit to the residential amenity of the area given the close proximity of numerous already existing similar services within the nearby Local Centre zone, and certainly no economic benefit to the residents of the area. Intrusion of commercial activities on residential amenity on weekday evenings and weekends. 	
<p>Issue: Neighbourhood Security</p> <ul style="list-style-type: none"> Concerns in relation to the Schedule 8 drugs that will be kept on the premises and the issue with possible break-ins at the proposed medical practice. This would directly impact on the personal safety of the residence of Burt and Monmouth Streets and their young families. The presence of medical consulting rooms in residential areas may attract more burglaries and drug addicts who may look for cash and drugs kept on the premise, which will affect the safety and security of the area. 	<p>Supported. Occupied residential properties provide a sense of security through the reciprocal passive surveillance offered by residential dwellings, which consulting rooms cannot provide.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the consulting rooms (medical) at No. 6 Burt Street, corner of Monmouth Street, Mount Lawley:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Sound Attenuation Policy No. 3.5.21;
- Consulting Rooms Policy No. 3.5.22; and
- Parking and Access Policy No. 3.7.1.

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*.

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
	The proposal uses an existing building for the proposed consulting rooms. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose. It is noted that the development comprises soft landscaping which provides permeable surfaces for the site.

SOCIAL	
Issue	Comment
	The proposal provides for an increased range of services to the local community.

ECONOMIC	
Issue	Comment
	The proposed land use will provide employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed change of use from residential and office to consulting rooms (medical) results in a significant departure of the City's Policies No. 3.4.3 relating to Non-Residential/Residential Development interface, as the subject site is zoned residential and cannot be assessed as a buffer site, with there being a Local Centre zoning approximately 91 metres from the subject site.

There is currently a delineation of commercial and residential precincts which is clearly defined by effective buffer sites acting as transitional filters. As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site. The proposed consulting rooms will also contribute to the commercialisation of the residential zone, which will adversely affect the amenity for local residents.

In light of the above, it is considered that the proposed change of use from residential to consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

CONCLUSION

Due to the application's significant departure from the City's Town Planning Scheme No. 1, Economic Development Strategy 2011-2016, City's Policies No. 3.4.3 relating to Non-Residential/Residential Development interface and No. 3.5.22 relating to Consulting Rooms, it is recommended that the application be refused for the reasons outlined above.

9.2.2 Vincent Schools Safe Cycling Series, Progress Report No. 1

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	TES0524
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the City has developed a Safe Cycling education program for schools in the City of Vincent in conjunction with Cycling WA and has been successful in applying for a \$2,000 sponsorship grant from RAC WA Holdings Pty. Ltd.;
2. **APPROVES** the rollout of the Vincent Schools Safe Cycling series to five (5) primary schools in Vincent to the total value of \$4,500; and
3. **AUTHORISES** the Chief Executive Officer to consult with local schools as to the timing of the program.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

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

BACKGROUND:

A significant component of the City's involvement with the WA Department of Transport's TravelSmart program is working with local schools to encourage and promote the use of Active Transport in getting to and from school. Working with schools to improve the abilities and confidence of children riding to school would then lead to the greater likelihood of them considering active transport as part of their everyday travel options.

The City conducted an online survey as part of the research to inform the Draft 2013 Bike Network Plan, with 'cycling education classes for primary schools' seen as being an important initiative by responders. In addition, the City's TravelSmart Officer has also received anecdotal requests from school parents for cycle education for young children.

In April 2013, the RAC advertised a round of Community Grass Roots Grants (to the value of \$2,000). These grants support initiatives that demonstrate:

- A benefit to the community; and
- Will raise awareness or educate the community on at least one of the RAC's mobility themes – safe mobility, sustainable mobility, accessible mobility.

Prior to applying for the grant, the City's TravelSmart Officer contacted all the primary schools within the City to canvas their interest in being involved. Five (5) schools responded that they would welcome the opportunity to engage their students in a safe cycling program.

DETAILS:

The City's TravelSmart Officer emailed the Principal of each Primary School in the City in early May 2013 to canvas interest in taking part in Cycle Education classes later in the year, pending the successful application for a RAC Community Grass Roots Grant.

The following five (5) primary schools responded that they were very interested in taking part:

- Aranmore Catholic Primary;
- Highgate Primary;
- Mount Hawthorn Primary;
- Kyilla Primary; and
- North Perth Primary.

With the five (5) expressions of interest from Primary Schools, an application to the RAC Community Grass Roots Grants was made. The City received advice in early June 2013 that the application was successful and that the maximum funding of \$2,000 was being made available.

Cycling WA has been selected to deliver the Vincent Safe Cycling Series to the five (5) primary schools. Cycling WA is an accredited deliverer of Austcycle bike skills programs to schools. It has all the appropriate 'working with children' clearances and is seen as the leader in the field. In addition, they are based within the City of Vincent.

They have recommended a three (3) week series of two (2) x one (1) hour sessions as the most appropriate for primary schools. These series are costed at \$900 for three (3) weeks and they include two (2) coaches to attend each session.

The total cost of the series for five (5) schools is \$4,500. Cycling WA, in conjunction with the City's TravelSmart Officer, will coordinate the best timing and delivery method of the bike skills classes, to tentatively take place between September to November 2013.

CONSULTATION/ADVERTISING:

Consultation has occurred with the five (5) primary schools and Cycling WA in developing the most appropriate classes for the children and for scheduling.

LEGAL/POLICY:

WA Cycling will deliver the Safe Cycling courses and has all the appropriate insurance and working with children certifications.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2011-2016* which states:

"Natural and Built Environment

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

- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*
- (d) *Promote alternative methods of transport.*

Community Development and Wellbeing:

Objective 3.1 Enhance and promote Community Development and Wellbeing.

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

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

“Air & Emissions

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

SUSTAINABILITY IMPLICATIONS:

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

RISK MANAGEMENT IMPLICATIONS:

LOW: Cycling WA is an accredited deliverer of Austcycle bike skills programs to schools.

FINANCIAL/BUDGET IMPLICATIONS:

There is an allocation of \$40,000 in the 2013/2014 Draft Budget for Miscellaneous TravelSmart Community Programs.

The estimated cost of the proposal being presented to the Council is as follows:

Deliver Safe Cycling Courses to five (5) primary schools.		\$4,500
Minus RAC Community Grass Roots grant.		-\$2,000
	TOTAL	\$2,500

The balance of \$2,500 can be funded by the Miscellaneous TravelSmart Community Programs

COMMENTS:

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

It is recommended that the Council approves the funding of WA Cycling Safe Cycling courses for five (5) primary schools in the City of Vincent to the value of \$2,500.

9.2.4 Household Hazardous Waste Disposal Day - Progress Report No. 5

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	ENS0083
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Rutherford, Waste Management Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council;

1. Notes the;
 - 1.1 results of the fully funded temporary Household Hazardous Waste (HHW) collection day held on 24 March 2013 as outlined in the report;
 - 1.2 State Government HHW Program will partially fund a temporary collection day in September 2013; and
 - 1.3 2013/2014 draft budget includes funds of \$45,000 for the September 2013 HHW collection; and
2. LISTS \$45,000, for consideration, in the '2014/2015' draft budget for another temporary HHW collection day should the State Government again only partially fund this program in 2014.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

To advise Council of the results of the fully funded Household Hazardous Waste (HHW) temporary disposal day held on Sunday 24 March 2013, and a further partially funded HHW temporary day has been approved for the 2013/2014 financial year.

BACKGROUND:

In October 2012 the MWAC Program Coordinator from WALGA advised all Local Governments that the Household Hazardous Waste (HHW) Program had available funding to deliver a limited series of fully funded and co-funded temporary HHW Disposal Days in 2013.

The City of Vincent submitted a HHW Program Site Nomination Form, and funding was through the HHW Program to host a fully funded HHW Disposal Day on Sunday 24 March 2013 at the Loftus Centre Carpark.

The funds for the event were administered by WALGA and covered running costs, transport and disposal costs and promotion for the event. The City of Vincent promoted the event internally through its website, provided traffic management in and out of the site during the event and staff to conduct surveys.

DETAILS:

Preparation for the HHW Disposal Day:

The Loftus Centre Car park was deemed a suitable location by Toxfree (*contractors collecting and disposing of HHW*) to safely hold the HHW Day largely due to the City already having hosted a successful HHW Disposal Day at this location in February 2011.

Toxfree conducted a site visit on Thursday 14 March 2013 with the City's officers to discuss traffic management and setup for the day of the event. A site map depicting entrance and exit of vehicles along with toxfree collection location was agreed upon.

The City's Waste Management Officer distributed a letter to all stakeholders including Department of Sport and Recreation, East Perth Football Club, Subiaco Football Club, Margaret's Kindergarten, City of Vincent Library, Loftus Community Centre, Loftus Gymnasium and Gymnastics WA to ensure no conflict of interest with use of the Loftus Car Park on the day of the event.

Ranger Services placed 'No Parking' bags over the parking signs in the North Western portion of the Loftus Centre Car Park, late Saturday night, the day prior to the event. This ensured no cars were parked in the zone to be closed the following day.

HHW Disposal Day:

Two (2) City of Vincent Engineering Technical Officers arrived at 6.00am to place cones along the portion of the car park that required closure. The Officers continually monitored car park capacity throughout the day altering setup accordingly, and directed traffic to ensuring the event was conducted in a smooth manner without congestion and without excessive queuing times.

Toxfree arrived at 7.00am to setup equipment for the safe unloading of chemicals from vehicles, identification and segregation of materials collected as per the Australian Dangerous Goods Code and Department of Environment and Conservation regulations. One stormwater drain entry point was effectively plugged off so as to eliminate any spilled HHW entering.

The City's Waste Management Officer and Customer Service Officer- Waste Management arrived at 7.30 to help setup waste and recycling bins, drinking water etc. At 10.00am the event commenced and the Officers conducted surveys for all vehicles attending the event with the following questions:

- What is your postcode?
- How did you hear about the day (Flyer, Newspaper, Banner, other)?
- What items did you bring today (Paint, gas bottles, other HHW)?

Results of the HHW Disposal Day:

A total of 203 vehicles passed through the event between the hours of 10.00am and 1.00pm. Results from the Survey conducted are as follows:

What is your postcode?

6007	Leederville	21	6052	Inglewood	2
6016	Mount Hawthorn	63	6003	Highgate	3
6006	North Perth	52	6015	City Beach	1
6050	Mount Lawley	15	6153	Applecross	1
6004	East Perth	6	6023	Duncraig	1
6005	West Perth	7	6008	Subiaco	1
6000	Perth	6	6018	Churchlands	1
6060	Yokine	5	6056	Midland	1
6059	Dianella	3	6051	Maylands	1
6053	Bayswater	2	6152	Como	1
6054	Bassendean	3	6066	Ballajura	1
6014	Floreat	3	6101	Carlisle	1
6151	South Perth	2	6061	Nollamara	1

How did you hear about the day?

Newspaper	42
Banner	120
Flyer	7
Other (website, word of mouth etc)	34

What items did you bring today?

Paint	151
Gas Bottles	32
Other HHW	108

*Totals for this question add up to more than the total number of vehicles that participated on the day, as some chose more than one option for their answer.

Officer Comments:

A total of 7625 kilograms of HHW was collected on the day. Over 70 percent of items collected (5380 kilograms) consisted of paint, with nearly three quarters of attendees bringing paint with them to dispose on the day. Other items collected included 780 kilograms of lead acid batteries and 460 kilograms of gas cylinders. HHW Materials Manifest outlines all items collected on the day (attachment 1).

Over half of the attendees responded to the banners advertising the event- one located outside the City's Library and one on the corner Vincent/Loftus Street intersection.

CONSULTATION/ADVERTISING:

As the event was fully funded, all advertising was arranged via WALGA. Advertising included advertisements in the local community newspapers - The Voice and The Guardian a week prior to the event, and the printing and distribution of 15,500 flyers to all residential households within the City.

City of Vincent staff advertised the event internally on the City's website including FaceBook, and Mindarie Regional Council printed two (2) banners for the City to use, of which were placed at the Loftus and Vincent Street intersection and also directly outside the City of Vincent Library.

The event attracted fewer vehicles than the previous HHW Disposal Day held at City of Vincent in 2011, due to a mishap with the delivery of flyers arranged by WALGA. Surveys conducted on the day reported that out of all two hundred and three (203) vehicles in attendance, only six (6) claimed they had heard about the day via a flyer in their letterbox, all others had responded from either the banners or the community newspaper advertisement. Those that did receive the flyer said it had been received along with junk mail only two (2) days prior to the event.

The City's Waste Management Officer contacted WALGA on the Monday after the event in regards to why so few residents had received a flyer, and was informed that there had been a miscommunication with dates between WALGA and the company it had arranged to conduct the flyer delivery, resulting in flyers still being distributed after the event had concluded.

LEGAL/POLICY:

WA Local Government Association, Household Hazardous Waste Policy Statement-December 2003;

"5 *Matters outside Local Government Responsibility*

Local Government does not accept responsibility for the following:

- *Building or operating disposal or treatment facilities for Household Hazardous Waste*

7 *Siting*

Local Government endorses the principle that all members of the community must accept a shared responsibility for the safe collection and disposal of Household Hazardous Waste.

Facilities for the collection, aggregation and handling of Household Hazardous Waste must be sited with the above in mind and taking into consideration all relevant factors, including safety, convenience and environmental criteria."

RISK MANAGEMENT IMPLICATIONS:

High: HHW has a major detrimental effect when buried in landfill.

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.

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

- h) Reduce the use of toxic, hazardous materials (including E-waste), and promote the proper disposal of such materials."*

SUSTAINABILITY IMPLICATIONS:

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

“Objective 9: Reduce the use of Toxic and hazardous materials within the City and facilitate the proper disposal of such materials.”

FINANCIAL/BUDGET IMPLICATIONS:

Confirmation was received from WALGA on 17 June 2013 that the City was successful in securing a partially funded HHW Disposal Day through the HHW Program, for September 2013.

The Council (Progress Report No. 4 – OMC 12 February 2013) has approved funds of \$45,000 to be included in the 2013/2014 draft budget in order to hold a Temporary HHW Disposal Day, and if allocated these funds will be used to carry out the temporary disposal day in September 2013.

COMMENTS:

Temporary HHW Disposal Days are something that is embraced by the public. It is hoped the City can hold HHW Disposal Days on an annual basis, but will need to wait for information from WALGA each year, as to what funds will be available to have the event either partially or fully funded.

Householders are still encouraged to take their HHW to one of the permanent disposal facilities, for free, throughout the year.

9.3.2 LATE ITEM: Federal Government – Regional Development Australia Fund (RDAF) Round Five 2013 - 2014

Ward:	All	Date:	5 July 2013
Precinct:	All	File Ref:	FIN0194
Attachments:	001 – Concept Plans		
Tabled Items:	-		
Reporting Officers:	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report concerning the Federal Government Regional Development Australia Fund (RDAF) Round Five 2013-2014;
2. **NOTES:**
 - 2.1 That the City of Vincent has been advised that it has been allocated \$76,437 from the RDAF Round Five funding; and
 - 2.2 That the Council resolved at the Special Meeting of Council held 2 July 2013 to include the \$76,437 in the City of Vincent Annual Budget; and
3. **APPROVES** the Newcastle/Carr Street Intersection Project Option two (2) to be submitted for the 2013/14 RDAF Round five funding, as shown in Appendix 9.3.2 (Attachment 001).

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

To inform the Council that the City of Vincent has been allocated \$76,437 in the recent announcement by the Federal Government to commit \$150 million of infrastructure grants to local governments across Australia, as part of the Regional Development Australia Fund 2013/2014 and approve a project which meets the RDAF guidelines.

BACKGROUND:

During the past few years the Australian Government has focused on the economic development and wellbeing of Local Government communities – our regions and our local communities.

This has been funded by the Regional Development Australia Fund (RDAF) and prior to that, the Regional and Local Community Infrastructure Program (RLCIP). In order to continue the momentum, the Australian Government has released a further \$150 million for local community infrastructure development through RDAF Round Five.

On the 19 June 2013 the Minister for Regional Development and Local Government, the Hon Anthony Albanese MP, announced the opening of Round Five of the Regional Development Australia Fund (RDAF) for 2013/2014.

RDAF Round Five gives eligible Councils the opportunity to build new community infrastructure and renew existing infrastructure in partnership with the Australian Government. RDAF Round Five is about providing a boost for 'shovel-ready' projects in communities.

Projects for Round Five will be funded according to an allocative model that allows for grants to all eligible local governments.

DETAILS:

Eligibility:

To be funded applications must satisfy the following criteria.

1. The Applicant must be an eligible organisation

Eligible organisations are local governments that received funding under the General Purpose component of the local government financial assistance grant in 2012/13.

2. The application must be for an eligible project

Projects must be for the construction of new infrastructure or the refurbishment or upgrade to existing infrastructure.

Projects must be "investment ready" i.e. the projects must be completed no later than 31 December 2016. The project must also be ready to commence construction within twelve (12) months of the execution of the Funding Agreement between the applicant and the Commonwealth.

3. The project must provide community benefits, economic, growth or support the environment.
4. The project must be viable by providing evidence of approvals, evidence of co-contributions, evidence of planning and evidence of costing.

The closing date for the nomination/submission of projects for this round of funding is 22 July 2013, which is prior to the next Ordinary Meeting of the Council.

Project to be considered for Approval:

Since the City received the correspondence of notification of this fifth round of grants the Chief Executive Officer and Directors have reviewed a number of projects which meet the guidelines.

The project listed for consideration is the Newcastle/Carr Street intersection project.

Proposed Newcastle/Carr Street intersection modifications: - Refer Appendix 9.3.2.

The existing extensive area of road reservation at the above intersection lends itself to undertaking modifications which will not only improve traffic flow in and out of Carr Place, but will also enable a green space to be created.

It is proposed that future art work will be installed in the created green space.

Several modification options have been investigated as factors that need to be considered include:

- Maintaining suitable access for taxi's;
- Maintaining (and possibly increasing) the existing on road parking;
- Maximising the area to provide a suitable space for the future art installation;
- Improving access to Carr Place; and
- Enhancing pedestrian safety and amenity.

Two (2) preliminary concepts are attached in Appendix 9.3.2.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The funds are required to be used in accordance with the guidelines.

RISK MANAGEMENT IMPLICATIONS:

Low: it is a non-competitive funding agreement, the City will ensure that the project submitted is an eligible project under the funding criteria.

STRATEGIC IMPLICATIONS:

Plan for the Future – Strategic Plan 2011-2021 – Key Result Area 1 – Natural and Built Environment:

“1.1.5 Enhance and maintain parks and community facilities; and

1.1.6 Enhance and maintain the City's infrastructure to provide a safe, healthy, sustainable and functional environment.”

Key Result Area 4 – Leadership, Governance and Management:

“4.2.1 Provide quality services with the best use of resources.”

SUSTAINABILITY IMPLICATIONS:

External funding for an infrastructure project will increase the City's financial capacity to deliver projects within budget and enhance the local economy and social well-being of its residents.

FINANCIAL/BUDGET IMPLICATIONS:

This report relates to potential funding for infrastructure projects at the City from the Federal Government. As the City was advised of the details in late June 2013, it was too late to be included in the Draft Budget 2013/14.

The City's Annual Budget 2013/14 was however amended to reflect the project and the associated grants monies which will be received.

COMMENTS:

The Federal Government Grant is welcomed and will enable the Council to approve of bringing forward this project, which will generate employment, stimulate the economy and also benefit the community.

9.4 COMMUNITY SERVICES

Nil.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	28 June 2013
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	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 June 2013.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels 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:

Date	Document	No of copies	Details
10/06/2013	Deed of Covenant	2	City of Vincent and Goodstar Holdings Pty Ltd of Level 3, 11/50 Oxford Close, West Leederville 6007 re: Nos. 209-217 Beaufort Street, Perth - Five Storey Mixed Use Development with Eight (8) Commercial Tenancies and Forty-Four (44) Apartments - Deed of Covenant relating to Amalgamation of Lots - <i>To satisfy Clause 1.7.7 of Conditional Approval of the Development Assessment Panel (DAP) at its meeting held on 14 December 2012</i>

Date	Document	No of copies	Details
19/06/2013	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth 6000 re: Nos. 80-84 ()Lots 252 and 253; D/P 3845) Matlock Street, Mount Hawthorn - Removal of a Caveat relating to Amalgamation of Lots - <i>To satisfy Clause ii(3) Conditional Approval of the Ordinary Meeting of Council held on 11 October 2011 - Request from the State Administrative Tribunal (SAT) to reconsider decision - Review Matter No. DR 296 of 2010</i>
28/06/2013	Withdrawal of Caveat	1	City of Vincent and Silverleaf Investments Pty Ltd of RMB 820, Jennacubbine, Western Australia and Commonwealth Bank of Australia, Tower 1, 201 Sussex Street, Sydney re: No. 71 Walcott Street, Lawley - <i>Re: Legal Agreement removing all liability to the [City] of Vincent and Ministry for Planning for any claims in compensation for the removal of the proposed additions over the road reserve in the event that the reserved land is reclaimed for road widening purposes.</i>
28/06/2013	Deed of Consent to Mortgage	4	City of Vincent and Silverleaf Investments Pty Ltd of RMB 820, Jennacubbine, Western Australia and Commonwealth Bank of Australia, Tower 1, 201 Sussex Street, Sydney re: No. 71 Walcott Street, Lawley - <i>Relating to removal of a Caveat Relating to Road Widening</i>
28/06/2013	Notification under Section 70A	2	City of Vincent and Parry Street WA Pty Ltd, c/o Noel McKenney and Co, 813 Wellington Street, West Perth and Greenarrow Holdings Pty Ltd, c/o Sothertons Chartered Accounts, Level 2, 123 Colin Street, West Perth re: No. 178-182 Stirling Street, Perth - Proposed Construction of a Five Storey Mixed Use Development comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings and Associated Car Parking (Reconsideration of Conditions) - State Administrative Tribunal (SAT) Review Matter DR 371 of 2011 - <i>To satisfy Clause 5.2 of Conditional Approval issued under Delegated Authority on 16 January 2012</i>

9.5.4 Information Bulletin

Ward:	-	Date:	28 June 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.5.4

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

DETAILS:

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

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 5 June 2013
IB02	Unconfirmed Minutes of the Medibank Stadium (Leederville Oval) Ground Management Committee held on 27 May 2013
IB03	Minutes of the Mindarie Regional Council Special Council Meeting held on 20 June 2013
IB04	Unconfirmed Minutes of the Integrated Transport Advisory Group meeting held on 10 June 2013
IB05	Unconfirmed Minutes of the Leederville Town Centre Enhancement Working Group meeting held on 27 May 2013
IB06	Unconfirmed Minutes from the Safer Vincent Crime Prevention Partnership (SVCPP) held on 8 May 2013
IB07	Perth City Link Shutdown Notice from 12-17 July and 31 July – 4 August 2013
IB08	Register of Petitions – Progress Report – July 2013
IB09	Register of Notices of Motion – Progress Report – July 2013
IB10	Register of Reports to be Actioned – Progress Report – July 2013
IB11	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (July 2013)

ITEM	DESCRIPTION
IB12	Register of State Administrative Tribunal Appeals – Progress Report – July 2013
IB13	Register of Applications Referred to the Design Advisory Committee –June/July 2013
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current
IB15	Notice of Forum - 16 July 2013

9.1.2 No. 5 (Lot 1: D/P: 3001) West Parade, Perth – Demolition of Existing Single House and Construction of Two-Storey Single House and Two-Storey Development to Rear Comprising Three (3) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling

Ward:	South	Date:	28 June 2013
Precinct:	Banks, P15	File Ref:	PRO5964; 5.2013.199.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Report from Applicant 003 – Sustainability Report from ArcActive 004 – Compliance Report from Applicant 005 – 3D Designs		
Tabled Items:	Nil		
Reporting Officer:	A Dyson – Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, – A/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 Vij Consultancy on behalf of S Vij for the Demolition of Existing Single House and Construction of Two-Storey Single House and Two-Storey Development to Rear Comprising Three (3) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling as shown on amended plans stamp-dated 17 May 2013, 5 June 2013, 13 June 2013 and 21 June 2013 subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 9 West Parade, Perth, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 Street Walls and Fences

The maximum solid height permitted within the street setback is 1.2 metres, with exception to a single section accommodating a meter box(es), which may be solid to 1.8 metres, but is required to be perpendicular to West Parade and may be no greater than 1.0 in length;

“2.2 Privacy Screening

The following shall be screened to the requirements of the Residential Design Codes November 2010:

- 2.2.1 The balcony of unit three, at any point within the cone of vision less than 7.5 metres. Alternatively if unit three’s balcony on the south and west elevation is screened to 1.6 metres from finished floor level this would also eliminate the privacy issue;

2.3 Construction Management Plan

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

2.4 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.

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

- ~~A. Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving.~~
- ~~B. Provision of increased soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development.~~
- CA. The location and type of existing and proposed trees and plants.
- DB. All vegetation including lawns.
- EC. Areas to be irrigated or reticulated.
- FD. Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- GE. Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).
- ~~H. Planting to the east, west, and south boundaries for all common and private outdoor living areas to include 100L trees planted at a maximum of five 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 in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and

2.5 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

2.6 The proposed 1.5 metre pedestrian access way on the southern boundary shall be free of physical barriers including bollards; and

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

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
3. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from West Parade.
4. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.
5. Any new street/front wall, fence and gate within the ~~Anderson Street~~ West Parade setback areas, including along the side boundaries within these is street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences."
6. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate.
7. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50%, with the exception of a single pier which may not exceed 355mm in width.

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

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Harley

"That a new Clause 4 be inserted to read as follows:

4. the approval is conditional on the implementation of all items listed as committed for inclusion in the provided sustainability report, from ArcActive dated 14 June 2013.

AMENDMENT PUT AND CARRIED (7-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona and Cr Wilcox

Against: Cr Topelberg

(Cr Buckels was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

Against: Cr Pintabona

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.2

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 Vij Consultancy on behalf of S Vij for the Demolition of Existing Single House and Construction of Two-Storey Single House and Two-Storey Development to Rear Comprising Three (3) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling as shown on amended plans stamp-dated 17 May 2013, 5 June 2013, 13 June 2013 and 21 June 2013 subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 9 West Parade, Perth, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

2.1 Street Walls and Fences

The maximum solid height permitted within the street setback is 1.2 metres, with exception to a single section accommodating a meter box(es), which may be solid to 1.8 metres, but is required to be perpendicular to West Parade and may be no greater than 1.0 in length;

2.2 Privacy Screening

The following shall be screened to the requirements of the Residential Design Codes November 2010:

2.2.1 The balcony of unit three, at any point within the cone of vision less than 7.5 metres. Alternatively if unit three's balcony on the south elevation is screened to 1.6 metres from finished floor level this would also eliminate the privacy issue;

2.3 Construction Management Plan

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

2.4 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.

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

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

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

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

2.5 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

2.6 The proposed 1.5 metre pedestrian access way on the southern boundary shall be free of physical barriers including bollards;

3. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City; and
4. The approval is conditional on the implementation of all items listed as committed for inclusion in the provided sustainability report, from ArcActive dated 14 June 2013.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
3. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from West Parade.
4. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.
5. Any new street/front wall, fence and gate within the West Parade setback areas, including along the side boundaries within this street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.
6. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate.
7. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50%, with the exception of a single pier which may not exceed 355mm in width.

ADDITIONAL INFORMATION:

Landscaping Plan

The proposed landscaping plan dated 4 July 2013 has been amended to include grasscrete along the southern pedestrian access leg. Given its appearance as landscaping it is included in the total landscaping for the site. The total landscaping for the site is compliant with the 30% requirement of the City's Policy 3.4.8 relating to Multiple Dwellings, with 131.98m² or 40.98% proposed, hence condition 2.4 A & B are no longer required. Condition 2.4 H has also been deleted given the updated Landscaping Plan and the requirement of Condition 2.6 for the pedestrian access leg to be free of physical barriers.

3D Designs

The applicant has also furnished 3D designs (attached) of the proposed Multiple Dwelling at the rear of the property to delineate its scale and appearance.

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the application proposes multiple dwellings.

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Vij Consultancy
Applicant:	S. Vij
Zoning:	Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	'P'
Lot Area:	562 square metres
Right of Way:	Private ROW; Western Side

The proposal includes the demolition of the existing single storey dwelling on site and the construction of two (2) buildings on site with a single two-storey dwelling to the front of the property fronting West Parade and a rear Two-Storey Multiple Dwelling development comprising four (4) single bedroom dwellings.

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
Plot Ratio	✓		
Building Height			✓
Street Setbacks			✓
Buildings on the Boundary			✓
Minor Incursions	✓		
Setback of Garages and Carports	✓		
Setbacks from ROW			✓
Side Setbacks	✓		
Open Space			✓
Surveillance of the Street	✓		
Street Walls and Fences	✓		
Outdoor Living Area	✓		✓
Landscaping	✓		✓
On-site Parking Provision	✓		
Bicycle Parking	✓		
Driveways and Crossovers	✓		
Vehicular Access	✓		
Site Works	✓		
Retaining Walls	✓		
Visual Privacy			✓
Solar Access	✓		
Energy Efficiency	✓		
Essential Facilities			✓
Roof Forms			✓

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

Issue/Design Element:	Building Height
Requirement:	Residential Design Elements BDADC 5 <u>Rear Multiple Dwelling Development</u> Maximum Wall Height 6.0 metres
Applicants Proposal:	6.9 metres (Feature Wall along Southern Elevation)
Performance Criteria:	Residential Design Elements BDPC 5 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate: <ul style="list-style-type: none"> • Adequate direct sun to buildings and outdoor living areas. • Adequate daylight to major openings to habitable rooms. • Access to views of significance from public places. • Buildings present a human scale for pedestrians. • Building façades are designed to reduce the perception of height through design measures. • Podium style development is provided where appropriate.

Issue/Design Element:	Building Height
Applicant justification summary:	<i>The development complies with all setback requirements and the facade treatment breaks up any undesirable monotony with the elevation. Design is a modern take on the Brooklyn-style apartment walk-ups in the area.</i>
Officer technical comment:	Supported. The feature wall façade is well within the maximum building height of 9.0 metres and acts as a point of interest to the section of wall along the southern boundary. At a width of 2.1 metres it is a small proportion of the southern wall of the multiple dwelling development.

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy SADC 5 Front Dwelling <u>Lower</u> 6.9 metres (Average of Five (5) Properties) Either Side of the Subject Lot)</p> <p><u>Upper</u> 8.9 metres (2.0 metres behind Ground Floor)</p>
Applicants Proposal:	5.26 metres – 5.55 metres (Ground Floor) 6.283 metres – 7.2 metres (Upper Floor)
Performance Criteria:	<p>Residential Design Elements Policy SPC 5 Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p>5.26 metres – 5.55 metres <i>Development aligns with the neighbouring dwelling and “saw teeth” along a non-perpendicular street alignment in an effort to provide a decent setback but not entirely disengage from the streetscape. Meets the future desired built form the area by re-aligning the built form with the street.</i></p> <p>6.283 metres – 7.2 metres <i>The lesser setback is integral to the contemporary design of the proposal and does not impact on the street in a negative way.</i></p>

Issue/Design Element:	Street Setbacks
Officer technical comment:	<p>Supported. The proposed lower floor matches up in a straight line with other dwellings to the north and south in this part of West Parade. The upper floor, whilst setback a minimum of 1.0 metre to 1.5 metres, is of a narrow design when measured across the lot, is ameliorated by the built area towards the south of the block. This reduces bulk and limits overshadowing created by the development.</p> <p>The siting of the dwelling allows for an open courtyard and landscaped area to be provided at the front of the dwelling.</p> <p>It is considered the sawtooth nature of the subject lot makes it difficult to site a dwelling at the front of the property and the design allows for minimum impact to the streetscape.</p>

Issue/Design Element:	Buildings on the Boundary
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.1 One (1) Boundary – Rear Development</p>
Applicants Proposal:	Two (2) Boundaries – Rear Development
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>The North boundary is taken as our “as right” boundary wall and the East facing wall is to an internal subdivision boundary that is being built up against as per the intents of the Residential Design Codes.</i></p>
Officer technical comment:	<p>Supported. The proposed eastern boundary parapet wall abuts the two storey dwelling at the front of the property and the northern parapet walls are considered to be compliant walls in terms of maximum and average wall height.</p> <p>The proposed northern parapet walls (storerooms) abut the open rear yard area of the northern property and are not considered to be bulky or detrimentally impact the adjoining property in terms of loss of light or creation of overshadowing.</p>

Issue/Design Element:	Setbacks from Right of Way
Requirement:	<p>Residential Design Elements SADC 9 <u>Rear Multiple Dwelling Development</u> Upper Floor – West Upper Floor to be 1.0 metre behind each Portion of Lower Floor</p>
Applicants Proposal:	Upper Floor facing right of way directly above carport or 5.0 metres in front of lower floor building line facing the right of way.

Issue/Design Element:	Setbacks from Right of Way
Performance Criteria:	<p>Residential Design Elements SPC 9 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 wall provides for articulation from the façade, including when viewed from the neighbouring properties, and is in keeping with a bulk and scale consistent with the projected built form in the immediate locality – being the existing ROW developments in the immediate locality.</i></p>
Officer technical comment:	<p>Supported. In appearance, the presence of the upper floor directly above the lower floor carport ameliorates the impact of the building. In addition, the provision of 4.8 metre setback to the rear boundary reduces any impact of this wall and together with the presence of the right of way provides adequate separation.</p> <p>The balcony, above the carport, when viewed from the northern and southern elevations is far less bulky than the rest of the building and provides a dropping down in height accordingly.</p>

Issue/Design Element:	Open Space
Requirement:	<p>Residential Design Codes Clause 7.1.5 A5 <u>Rear Multiple Dwelling Development</u> 45% of 322m² = 144.9m²</p>
Applicants Proposal:	42.63% or 137.24m ²
Performance Criteria:	<p>Residential Design Codes Clause 7.1.5 P5 Open space respects existing or preferred neighbourhood character and responds to the features of the site.</p>
Applicant justification summary:	<p><i>The development proposes serious measures to reduce its impact on neighbouring properties – namely visual articulation to all facades, lower wall heights and as little overshadowing as possible. All private open spaces are provided at larger (50-75% larger) than the minimums allowed under the City of Vincent's Single Bedroom Dwelling Policy; all with northern orientation and a generous amount of landscaping. The upper 1 bedroom and study dwelling provides for a balcony space of 23 square metres which is 230% the required size, allowing a vista across the neighbourhood without direct overlooking.</i></p> <p><i>Open space is reduced overall, however each dwelling is provided with greater than minimum outdoor living requirements with an ARCAActive 6 (out of 10) star rating for Nature and a 10 (out of 10) star rating for Liveability. Open space calculations are only short due to the covered car bays, which were required to provide the maximum aforementioned Liveability rating.</i></p>

Issue/Design Element:	Open Space
Officer technical comment:	<p>Supported. The proposed variation of 7.66 square metres is considered to be a minimal variation given that the carport and storerooms provide for a minimal impact in terms of scale and bulk on site and to the adjoining property owners. The building itself is considered no greater in area than a contemporary two storey dwelling building on the site.</p> <p>It is also noted under the Residential Design Codes of WA 2013 that the new requirement for open space under the Residential R60 coding is 40%. Therefore the development would be in compliance with the provision after 2 August 2013.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Multiple Dwellings Policy 3.4.8 Clause 4.2 Rear Multiple Dwelling Development</p> <p>30% Of Total Site — 96.6m² 10% Of Common Areas — 32.3m²</p>
Applicants Proposal:	<p>25.4% or 81.84m² (Does not include 31.5m² Grasscrete Strip along Southern Boundary). If taken into account would be 35.2% or 113.34m² Nil% or 0m²</p>
Performance Criteria:	<p>Multiple Dwellings Policy 3.4.8 Clause 4.2</p> <p>The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape. • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. Maintains a sense of open space between buildings. • Assists in increasing tree and vegetation coverage.
Applicant justification summary:	<p><i>113.2m² is provided after discussions with Tech Services and their requirements for the access way to the porous paving. The development therefore provides for 35% soft landscaping total which is 350% the required minimum and 16% more than the required total landscaping.</i></p>
Officer technical comment:	<p>Not Supported — The development will be conditioned to comply with the City's Policy 3.4.8 in relation to Multiple Dwelling, whereby the 30%/10% landscaping requirement is required to be provided prior to submission of a Building Permit.</p>

Issue/Design Element:	Visual Privacy
Requirement:	<p>Residential Design Codes Clause 7.4.1 A1 Rear Multiple Dwelling Development Unit 3 - Rear Balcony (South) – 7.5 metres</p>
Applicants Proposal:	<p>6.0 metres (South)</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.4.1 P1 Direct overlooking of active habitable spaces and</p>

Issue/Design Element:	Visual Privacy
	outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.
Applicant justification summary:	The balcony provides 6.0m to the rear boundary, which abuts a 3.0m private ROW. The neighbouring house is built up to the ROW boundary, which means that the balcony has an effective setback of 9.0m. <u>No Justification Provided for the overlooking to the southern elevation.</u>
Officer technical comment:	Not supported. The proposed balcony is required to comply with the privacy provisions of the Residential Design Codes and conditioned as part of the recommendation.

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

Issue/Design Element:	Essential Facilities
Requirement:	Residential Design Codes Clause 7.4.7 A1 <u>Rear Multiple Dwelling Development</u> Unit 3 Storeroom – Four (4) square metres – 1.2 metres dimension
Applicants Proposal:	3.0 square metres 1.2 metres dimension
Performance Criteria:	Residential Design Codes Clause 7.4.7 P1 Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are: Adequate for the needs of residents; and Without detriment to the amenity of the locality
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	Supported. The Unit 3 multiple dwelling contains one (1) bedroom with a study, which may be used as a bedroom in the future, therefore it is assessed as a Multiple Dwelling which requires a 4m ² /1.5 storeroom. However it is considered the proposed storeroom at 3.0m ² /1.2metres dimension will be more than adequate for the needs of any future residents of the Unit.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy 3.7.1 BDADC 3 <u>Rear Multiple Dwelling Development</u> 30 degrees – 45 degrees
Applicants Proposal:	15 degrees – 25 degrees
Performance Criteria:	Residential Design Elements Policy 3.7.1 BPC 3 The roof of a building is to be designed so that: It does not unduly increase the bulk of the building. In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character. It does not cause undue overshadowing of adjacent properties and open space.

Issue/Design Element:	Roof Forms
Applicant justification summary:	<i>Contemporary roof form not traditional for the area but designed as a split pitch to suit the modern nature of the proposed development. Pitch allows for internal seasonally passive design with accredited excellence achieved.</i>
Officer technical comment:	Supported. The proposed development maintains the pitched roof character of the West Parade area and is supported.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Comments Period:	6 June 2013 – 20 June 2013
Comments Received:	No comments were received during the consultation period. Two (2) comments received after the consultation period concluded on 21 June 2013.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Open Space</u></p> <p>Should comply with provision for development. Any compromise will create a feeling the development is squeezed into the lot.</p>	<p>Not supported. It is considered the required open space provides for a minimum variation of approximately 7.0 square metres. The main issue with the development is that the open style carport and the storerooms are required to be taken into account in the calculation and in their entirety provide little impact to the adjoining dwellings or the site itself.</p> <p>Further, it is noted under the provisions of the new Residential Design Codes of WA to be initiated in August 2013, that the requirement will be an open space requirement of 40%, thereby allowing the proposed Multiple Dwelling to achieve compliance.</p>
<p>Issue: <u>Landscaping</u></p> <p>Should comply with the provisions. With mature planting to be provided where necessary.</p>	<p>Supported. The required landscaping is to be provided by the applicant and is conditioned accordingly.</p>
<p>Issue: <u>Front Setback</u></p> <p>The proposed setback does not maintain the ambience of the neighbouring properties and will be located too far forward of the other dwellings along West Parade.</p>	<p>Not Supported. The proposed setback at the front of the property from the front two-storey dwelling, is considered to match up with the adjoining properties to the north and south, given the sawtooth lot frontage along this part of West Parade. The front dwelling is not considered to be a bulky structure and only one portion of dwelling in the form of a front bedroom extends forward of the remainder of the dwelling.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Essential Facilities & Outdoor Living</u></p> <p>Applicant should comply with applicable provisions</p>	<p>Supported. The proposed storerooms and outdoor living area are compliant with the City's Policy 3.4.7 relating to Single Bedrooms Policy. Unit 3 whilst considered to be a multiple dwelling provides for a storeroom of under the required dimension, but is considered of an adequate size and dimension to cater for the needs of the residents.</p>
<p>Issue: <u>Right of Way</u></p> <p>Concern regarding to the openness of the right of way with anti-social behaviour currently being experienced within the right of way. Note that currently the neighbours close the right of way at night to enhance security.</p>	<p>Noted. However the right of way is able to be utilised by the subject property and be accessed by future residents of the dwellings. In terms of providing adequate security each dwelling abutting the right of way should be</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes (17 April 2013)

Summary of Design Advisory Committee Comments:

Discussion:

- *Consider awning or gatehouse over entry to make four units at back more visible from street.*
- *Capture northern light to living spaces.*
- *Increase direct light to bathrooms.*
- *Re pitch roof to increase direct light.*
- *Raking of ceiling is an improvement.*
- *Open able clerestory windows would be a good inclusion.*

Mandatory:

- *Define entry clearly from the street.*
- *Design to capture northern light, particularly during the winter months.*
- *Clarify that the front house is being retained for four dwelling proposal and how this works.*
- *Show front area design of lot, e.g. house retained as part of development or area forms part of landscaping.*

Design Considerations:

- *Entry may be designed as gatehouse to define entry to back four units from the street.*
- *Consider four unit development to front lot, not rear of lot, to address the street if front house is proposed for demolition.*

Technical:

- *Demonstrate northern direct sunlight during the winter months.*
- *Ensure landscaping meets City requirements.*
- *Note City's requirements in regards to a development approval for whole lot where demolition is applied for.*

The above recommendations by the Design Advisory Committee are considered to have been satisfactorily met. The applicant has provided a landscaping plan, an entry canopy on the southern boundary entrance, shading, and reworking the orientation of units and their outdoor living areas to increase function and useability. The applicant has also included a report from Arc Active, noting the sustainability and environmental initiatives proposed by the multiple dwelling development which provide for useable and sustainable options as new dwelling types within the City.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Banks Precinct Policy 3.1.15
- Residential Design Codes WA 2010;
- Residential Design Elements Policy 3.2.1;
- Multiple Dwellings Development Guidelines for Multiple Dwellings in Residential Zones 3.4.8.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 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 new development will result in additional built area to the site, however landscaping is proposed to be provided which will help mitigate this impact.	

SOCIAL	
Issue	Comment
A positive impact is that the dwellings will create additional housing availability within the area.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

Front Dwelling

It is considered the proposed two-storey development to the front of the property is of a contemporary design and will fit in with the established streetscape along this area of West Parade. The second storey, whilst not setback a minimum of 2.0 metres in accordance with the City's Policy 3.2.1 in relation to Residential Design Elements, is setback a minimum of 1.0 metre to 1.5 metres behind the lower floor thereby maintaining the preferred street interaction and reducing bulk to the street. The second storey is considered to be of a minimal area and set to the northern end of the block, allowing for overshadowing to be significantly contained within the lot.

Multiple Dwelling to Rear

The proposed rear multiple dwelling development is in appearance a contemporary two-storey residential development but functions as an additional housing type with close access to transport nodes such as the East Perth Train Station and Lord Street. The design at the rear of the property has been amended over the course of a number of Design Advisory Committee meetings to garner improved energy efficiency options and reworked design to reduce its scale and bulk to the adjoining property. The variations proposed to height, setbacks, landscaping, open space, buildings on the boundary and privacy are considered marginal and will not provide detriment to the adjoining properties or the immediate area.

The applicant has also added several energy efficient and sustainability options to enhance the design. Included in the design is solar arrays to the northern roof, substantial energy efficient design, waterwise plants and vegetable garden provisions and sustainable transport options both on-site and adjacent to the property in the form of the East Perth Train Station. The requests of the Design Advisory Committee have been satisfactorily met, and the remaining outstanding issues are considered able to be met through conditions.

CONCLUSION

In light of the above it is recommended the proposed development for the two-storey dwelling at the front of the property and Multiple Dwelling development to the rear be supported subject to the conditions listed above.

9.1.3 No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn (Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwellings)

Ward:	North	Date:	28 June 2013
Precinct:	Mount Hawthorn; P1	File Ref:	PRO6022; 5.2013.136.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, - A/Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by T Quach on behalf of T Quach & S Quach for the Demolition of Existing Single House and Construction of a One (1) Two-Storey and One (1) Single-Storey Dwelling at No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn as shown on amended plans stamp-dated 13 May 2013 subject to the following conditions:

1. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes 2010 and the City’s Policy 3.2.1 in relation to Residential Design Elements, with regard to the following Clauses:**
 - 1.1 **The Minimum site area requirements of the R20 coding according to Clause 6.1.1 A1 of the Residential Design Codes 2010;**
 - 1.2 **The Street Setback requirements according to Clause SADC 5 Street Setbacks of the City’s Policy 3.2.1 in relation to Residential Design Elements; and**
 - 1.3 **The Side setback requirements according to Clause SADC 10 Dual Frontages and Corner Sites of the City’s Policy 3.2.1 in relation to Residential Design Elements;**
2. **The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:**
 - 2.1 **to protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment; and**
 - 2.2 **to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –**
 - 2.2.1 **recognises the individual character and need of localities within the Scheme zone area; and**
 - 2.2.2 **can respond readily to change; and**
3. **The proposed grouped dwellings would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Maier

That the item be DEFERRED for further clarification.

PROCEDURAL MOTION PUT AND CARRIED (5-3)

For: Cr Carey, Cr Harley, Cr Maier, Cr Topelberg and Cr Wilcox

Against: Mayor Hon. MacTiernan, Cr McGrath and Cr Pintabona

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the property is located in the Scheme Amendment No. 34 area (former Eton Locality) whereby any development or subdivision applications located within the subject area received during the identified interim period are to be referred to the Council for its consideration and determination.

BACKGROUND:

ADDITIONAL INFORMATION:

It is noted the WAPC recently gazetted Scheme Amendment No. 34 which affects the subject property. Therefore the following is noted and added to the comments provided in the report:

City of Vincent Town Planning Scheme No. 1

The WAPC recently gazetted a Scheme Amendment to remove clause 20(4)(c)(ii) and 20(4)(h)(i) from the Town Planning Scheme No. 1, to maintain the R20 zoning in parts of the North Perth Precinct and Mount Hawthorn Precinct. Based on the consultation, the majority of the community is supportive of the R20 zoning. It is noted that in the Draft Town Planning Scheme documentation the City will be recommending maintaining the existing R20 zoning within parts of this locality, with the exception of London Street which is considered capable of zonings greater than R20.

The amendment was adopted for final approval by the Council on 24 May 2013 and forwarded to the Western Australian Planning Commission (WAPC) to request the Minister for Planning to adopt the amendment for final approval.

- (a) *Retaining Clauses 20(4)(c)(ii) and 20(4)(h)(i) and changing the date referred to in both clauses to 29 March 2015.*

History:

Previous Reports to Council:

Nil

DETAILS:

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

The proposed application is for two (2) grouped dwellings on site with a two-storey dwelling proposed at the front of the site and a single-storey dwelling to the rear of the site.

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			✓
Streetscape	✓		
Front Fence	✓		
Street Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Roof Forms			✓
Essential Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Density
Requirement:	Residential Design Codes Clause 6.1.1 A1.1 Site Area Requirements Residential R20 Zoning Minimum – 440 square metres Average – 500 square metres The subject lot is 645 square metres
Applicants Proposal:	Two (2) dwellings on site Lots proposed to be 314 square metres each

Issue/Design Element:	Density
Performance Criteria:	Residential Design Codes Clause 6.1.1 A1.1 Site Area Requirements Development of the type and density indicated by the R-Code designated in the scheme.
Applicant justification summary:	<i>No justification provided.</i>
Officer technical comment:	Not Supported. The proposed site and the lot layout do not comply with the minimum and average site area requirements of the Residential R20 requirements of the Residential Design Codes and is not supported.

Issue/Design Element:	Street Setbacks
Requirement:	Residential Design Elements Policy Clause SADC 5 Street Setbacks Unit 2 -(Hobart Street) – Ground 7.1 metres Verandah – Maximum of 1.0 metre in front of dwelling. Upper Storey – 9.1 metres (2.0 metres behind front)
Applicants Proposal:	Unit 2 Lower Floor 5.806 metres – 6.301 metres 1.5 metres intrusion (Verandah) Upper Floor 5.805 metres – 6.305 metres
Performance Criteria:	Residential Design Elements Policy Clause SPC 5 Street Setbacks Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<i>The residence has been designed as a two-storey dwelling and has been setback a minimum of 5.8 metres with the garage being 6.3 metres. The upper floor has been setback from the lower floor.</i>

Issue/Design Element:	Street Setbacks
	<i>The second storey was added to provide an additional setback to the ground floor as previously the corner lot was a single storey dwelling with a front setback of a minimum of 2.105 metres.</i>
Officer technical comment:	<p>Not supported. It is considered this part of Hobart Street, on the northern side, consists of only single storey residential dwellings and any second storey proposal for a new dwelling must comply with the provisions of the City's Policy in relation to Residential Design Elements. That is the upper storey being setback a minimum of 2.0 metres behind the lower floor.</p> <p>The ground floor setback, whilst considered acceptable with the garage being located a minimum of 0.5 metres behind the lower floor, together with the upper floor provides for a non compliant development.</p>

Issue/Design Element:	Building Setbacks from the Boundary
Requirement:	<p>Residential Design Elements Policy SADC 10 Dual Street Frontages and Corner Sites Unit 2 Upper Eastern – 0.5 metres behind lower floor – 2.0 metres</p>
Applicants Proposal:	Upper Eastern 1.674 metres
Performance Criteria:	<p>Residential Design Elements Policy SPC 10 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy.
Applicant justification summary:	<i>No justification provided.</i>
Officer technical comment:	Not supported. Whilst it is considered the ground alfresco on the eastern provides some differentiation between the lower and upper floor, the section of wall is located directly above and provides for a bulky impact to the street

Issue/Design Element:	Setback of Garages and Carports
Requirement:	<p>Residential Design Elements Policy SADC 8. Setback of Garages and Carports Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.</p>

Issue/Design Element:	Setback of Garages and Carports
	<p>Notwithstanding the above, vehicular access to car parking, car ports and garages for single house may be from a street, regardless whether a right of way is available to the property, where:</p> <ol style="list-style-type: none"> (1) The right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the City's right of way upgrade program; or (2) More than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or (3) The applicant demonstrates that there would be a mobility or access issue by using the right of way; or (4) The applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way.
Applicants Proposal:	<p>Front Lot – Primary Street Access Rear Lot – ROW Access</p>
Performance Criteria:	<p>Residential Design Elements Policy SPC 8. Setback of Garages and Carports Garages and carports are not to visually dominate the site or the streetscape.</p>
Applicant justification summary:	<p><i>No justification provided.</i></p>
Officer technical comment:	<p>Supported. The proposed access to the rear lot is obtained from the right of way whilst the front lot is provided from the existing primary street (Hobart Street). It is considered any access to the secondary street (London Street) would provide an impediment to the traffic flow of the street.</p> <p>Of the five (5) adjoining properties to the subject lot five (5) of these properties obtain vehicular access from the primary street rather than the right of way, complying with the more than 50% requirement according to the Clause.</p> <p>Furthermore it is considered that the garage for the front lot facing Hobart Street, is 6.0 metres in width of a 23.62 metre lot frontage (25%), thereby not creating a domination of the street.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy BDADC 3. Roof Forms Roof Pitch Units 1 & 2 – 30-45 degrees</p>
Applicants Proposal:	<p>25 degrees</p>

Issue/Design Element:	Roof Forms
Performance Criteria:	<p>Residential Design Elements Policy BDPC 3. Roof Forms</p> <p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>No justification provided.</i>
Officer technical comment:	Supported. The proposed roof form maintains the pitched roof requirement of the City's Policy in relation to Residential Design Elements and is supported.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Comments Period:	17 May 2013 – 30 May 2013
Comments Received:	Two (2) comments were received, with one (1) objecting to the development and one (1) noting concerns for the development

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Use of Dwellings</u></p> <p>Concern that the dwellings will be Rental properties given the impact they would potentially have on the adjoining landowners.</p> <p>Concern after demolition of the dwelling that the property would remain vacant for a long period of time and bring with it anti-social elements.</p> <p>Would support a single dwelling for the site but would also support two dwellings for the site as long as they are not rental properties.</p>	<p>Noted. However the owners of the property are able to rent the premises out for a period of longer than six (6) months without any further planning approval. The applicant has advised that the dwelling at the front of the property is to be an owner occupier, whilst the property fronting London Street is intended to be rented out for a short time with the plan for it to be an owner occupier after.</p> <p>Noted. Whilst the City requires that the applicant obtains Planning Approval prior to any demolition permit being issued. Once demolished, the lot must remain clear and kept in a neat condition.</p> <p>Noted. See Above.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy 3.1.1
- Residential Design Codes WA 2010;
- Residential Design Elements Policy 3.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 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
Nil	

SOCIAL	
Issue	Comment
A positive impact is that the dwellings will create additional housing availability within the area.	

ECONOMIC	
Issue	Comment
If approved, during the construction of the dwellings it will help create job opportunities for the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

In view of the assessment as outlined above, the proposal does not meet the Residential Design Codes Clause 6.1.1 *Minimum Site Area requirements*, whereby the lot area proposed of 314 square metres is less than the 440 square metres minimum and 500 square metre average requirement of the Residential R20 coding. Furthermore the proposed two-storey dwelling on the corner of Hobart and London Street, with the existing single storey nature of Hobart Street and the location of the property in the Mount Hawthorn, does not meet the intent of the Residential Design Codes with regard to street setbacks. On this basis, the proposal is considered inconsistent with the existing intact streetscape and which it is considered upon approval, would result in a detrimental impact on the street.

In light of the above, it is recommended the proposal be refused for the above mentioned reasons.

9.1.5 No. 1/162 Oxford Street, Leederville – Proposed Change of Use from Shop and Office Building to Shop, Office Building and Small Bar (Reconsideration of Hours of Operation Condition)

Ward:	South	Date:	2 July 2013
Precinct:	Oxford Centre; P4 Leederville Town Centre Masterplan	File Ref:	PRO0784; 5.2013.152.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, A/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 Canford Hospitality Consultants Pty Ltd on behalf of the owner, Tricast Development Pty Ltd and Bayking Holdings Pty Ltd for Proposed Change of Use from Shop and Office Building to Shop, Office Building and Small Bar (Unlisted Use) (Reconsideration of Hours of Operation Condition) at No. 1/162 (Lot 4; D/P: 62324) Oxford Street, Leederville, as shown on plans stamp-dated 23 April 2013, subject to the following conditions:

1. The hours of operation of the small bar shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 12:00 midnight
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

2. The hours of operation of the small bar where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	11:00am to 12:00 midnight
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

3. The maximum number of patrons to occupy the small bar at any one time shall be ninety four (94) persons;
4. Packaged liquor shall not be sold at the premises;
5. The windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage to Oxford Street;
6. A detailed Management Plan that addresses the control of noise, patron and anti-social behaviour, traffic, car parking, the collection and disposal of rubbish and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;

7. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;
8. 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 Sign Licence application, being submitted and approved prior to the erection of the signage;
9. Bin numbers and collection shall comply with the City's minimum service provision; and

~~"10. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:~~

~~10.1 Acoustic Report~~

~~An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development."~~

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.37pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.38pm.

Debate ensued.

CORRECTED MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The application was previously referred to a meeting of the Council and given the proposed application is for a reconsideration of the condition it is once again referred.

BACKGROUND:

History:

Date	Comment
10 April 2001	The Council at its Ordinary Meeting approved an application for change of use from vacant building to shop and office building and associated alterations and additions.
23 December 2011	Application submitted.
26 March 2012	Amended Plans submitted.
10 April 2012	The Council at its Ordinary Meeting conditionally approved a change of use from shop and office building to shop, office building and small bar (unlisted use).
8 May 2012	The Council at its Ordinary Meeting approved a reconsideration of a condition previously imposed relating to car parking for the Small Bar Use

DETAILS:

Landowner:	Tricast Developments Pty Ltd and Bayking Holdings Pty Ltd
Applicant:	Canford Hospitality Consultants Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Small Bar (Unlisted Use)
Use Classification:	"SA"
Lot Area:	778 square metres
Right of Way:	N/A

The application is for a reconsideration of operating hours of the premises/serving of alcohol times with the following hours of operation/serving of alcohol times proposed.

Acceptable Development Standard	Proposed
<p>Previous Approval – 10 April 2012 (Ordinary Meeting of Council)</p> <p><u>Hours of Operation</u> Monday to Thursday – 7am – 11pm Friday and Saturday – 7am to 12am Sunday – 7am to 10pm</p> <p><u>Hours where Alcohol can be sold and/or served</u> Monday to Thursday – 11am – 10.30pm Friday and Saturday – 11am – 12am Sunday – 11am – 10pm</p>	<p><u>Hours of Operation</u> Monday to Thursday – 7am- 12am Friday – No Change Saturday – 12.00am – 1am Sunday – 7am- 10pm</p> <p><u>Hours where Alcohol can be sold and/or served</u> Monday to Thursday – 11am – 12am Friday – No Change Saturday – 12.00am to 1.00am Sunday – 11am -10pm</p>

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		N/A
Streetscape	N/A		N/A
Front Fence	N/A		N/A
Front Setback	N/A		N/A
Building Setbacks	N/A		N/A
Building Height	N/A		N/A
Building Storeys	N/A		N/A
Open Space	N/A		N/A
Bicycle Parking	N/A		N/A
Car Parking	N/A		N/A
Privacy	N/A		N/A
Solar Access	N/A		N/A

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Comments Period:	13 June 2013 – 27 June 2013
Comments Received:	One (1) comment was received, with one (1) objecting to the proposal.

Summary of Comments Received:	Officers Technical Comment:
Issue: <u>Small Bar Use</u> Concern in relation to the use of the premises as a Small Bar abutting student accommodation.	Noted. The Small Bar use was approved at the Meeting of Council of 10 April 2012.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

City of Vincent Local Law Relating to Standing Orders - Clause 2.11.

RISK MANAGEMENT IMPLICATIONS:

In the event the application is refused the applicant has a right of appeal to the State Administrative Tribunal.

~~The Chief Executive Officer is of the opinion that this Item should be considered as Urgent Business, as it may have legal and/or financial implications for the City.~~

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

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:

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

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

ENVIRONMENTAL
The proposal uses an existing building for the proposed small bar. The adaptive use of this existing space has a lower environmental impact than constructing a new building for this purpose.

SOCIAL
The small bar provides an additional entertainment option within the Leederville Town Centre. The small bar use is designed to cater for the local community in as a "local, community minded venue that aims to give the public more choice in their licensed premises selection and creating environments that are safe, friendly and designed with integrity."

ECONOMIC
The proposed small bar provide a venue for the local community and for tourists that will build upon the existing economic development for example cinemas and restaurants.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Planning

In May 2007, an amendment was made to Section 41 of the Liquor Control Act 1988 to include a Small Bar Licence as a form of Hotel Licence. A Small Bar Licence differs from Hotel and Tavern Licences by the conditions imposed to restrict the scope of the licence. A Small Bar Licence is a form of Hotel Licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licensed to a maximum of one hundred and twenty (120).

Hours of Operation

As described in the Liquor Control Act 1988. The maximum permitted trading hours are as follows:

- (a) *on a day other than a Sunday – from 6 a.m. to midnight;*
- (b) *On a Sunday – from 10 a.m. to 10 p.m.;*
- (c) *On a Sunday that is New Year's Eve – from 10 p.m. to 12 midnight;*
- (d) *on New Year's Day – from immediately after 12 midnight on New Year's Eve to 2 a.m.;*
- (e) *On Good Friday or Christmas Day – from 12 noon to 10 p.m., but only for liquor sold ancillary to a meal supplied by the licensee;*
- (f) *On ANZAC Day – from 12 noon to 12 midnight."*

“Hours of Operation

The premises are located within an existing Leederville Town Centre which is surrounded by compatible commercial and entertainment uses. Therefore it is supported for additional hours of operation for the Small Bar to close at 12 midnight ~~am~~ on Monday to Saturday. It is however noted in line with the Liquor Control Act, the latest time liquor can be served is 12 midnight ~~am~~. Therefore a condition is included in the recommendation to reflect this.”

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

Conclusion

It is therefore considered that the addition of operating hours of 11pm-12pm Monday to Thursday and to 12am on Saturday evenings for alcohol to be served during this time will not provide a significant detriment to the area.

In light of the above, it is recommended the proposal for additional operating hours and when alcohol can be served is supported.

9.1.4 Amendment No. 116 to Planning and Building Policy Manual – Review of Planning and Building Policies to Align with State Planning Policy No. 3.1 (Residential Design Codes)

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	PLA0259
Attachments:	001 – Policy No. 3.2.1 – Residential Design Elements 002 – Policy No. 3.4.1 – Ancillary Accommodation 003 – Policy No. 3.4.2 – Aged or Dependent Persons’ Dwellings 004 – Policy No. 3.4.6 – Residential Subdivisions 005 – Summary of R Codes Amendments		
Tabled Items:	Nil		
Reporting Officers:	S Radosevich, Senior Planning Officer (Statutory); T Elliott, Planning Officer (Strategic); C Roberts, Senior Planning Officer (Strategic); D Mrdja, Manager of Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	P Mrdja, A/Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed rescission of the following Planning and Building Policies:
 - 1.1 **Policy No. 3.4.1 relating to Ancillary Accommodation;**
 - 1.2 **Policy No. 3.4.6 relating to Residential Subdivisions;**

as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1;
2. **ADOPTS** the amended versions of following Planning and Building Policies:
 - 2.1 **Policy No. 3.2.1 relating to Residential Design Elements; and**
 - 2.2 **Policy No. 3.4.2 relating to Aged or Dependent Persons’ Dwellings;**

To align with the 2013 Residential Design Codes; and
3. **AUTHORISES** the Chief Executive Officer to advertise the amended Policy Nos. 3.2.1 and 3.4.2, as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

Moved Cr Pintabona, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr McGrath

“That a new Clause 4 be inserted as follows:

“4. NOTES that the proposed changes to Policy No. 3.2.1 relating to Residential Design Elements represent the consolidation of existing provisions from other policies which are to be rescinded, the removal of provisions which are included in the Residential Design Codes, or the removal of provisions which are inconsistent with the Residential Design Codes. As such, the changes do not represent a change of policy.”

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr McGrath

“That clause 2.1 be amended to read as follows:

“2.1 Policy No. 3.2.1 relating to Residential Design Elements subject to the following amendments; and

2.1.1 Where reference is made to ‘Acceptable Development’ this is to be amended to read ‘Deemed to Comply’ and where reference has been made to ‘Performance Criteria’ this is to be amended to read ‘Design Principles’;

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.4

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed rescission of the following Planning and Building Policies:

1.1 **Policy No. 3.4.1 relating to Ancillary Accommodation;**

1.2 **Policy No. 3.4.6 relating to Residential Subdivisions;**

as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1;

2. **ADOPTS the amended versions of following Planning and Building Policies:**
 - 2.1 **Policy No. 3.2.1 relating to Residential Design Elements subject to the following amendments:**
 - 2.1.1 **Where reference is made to 'Acceptable Development' this is to be amended to read 'Deemed to Comply' and where reference has been made to 'Performance Criteria' this is to be amended to read 'Design Principles'; and**
 - 2.2 **Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwellings;**
To align with the 2013 Residential Design Codes;
3. **AUTHORISES the Chief Executive Officer to advertise the amended Policy Nos. 3.2.1 and 3.4.2, as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and**
4. **NOTES that the proposed changes to Policy No. 3.2.1 relating to Residential Design Elements represent the consolidation of existing provisions from other policies which are to be rescinded, the removal of provisions which are included in the Residential Design Codes, or the removal of provisions which are inconsistent with the Residential Design Codes. As such, the changes do not represent a change of policy.**

PURPOSE OF REPORT:

The purpose of this report is to enable the Council to consider and adopt proposed minor amendments to the City's Policy No. 3.2.1 relating to Residential Design Elements and Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwellings that have been amended to align with the 2013 Residential Design Codes (R Codes).

The report also proposes the rescission of the Policy No. 3.4.1 relating to Ancillary Accommodation and Policy No. 3.4.6 relating to Residential Subdivisions, as it is considered that these policies are no longer required due to the gazettal of the 2013 R Codes on 2 August 2013.

BACKGROUND:

State Planning Policy No. 3.1, otherwise known as the Residential Design Codes of Western Australia (R Codes) provides a comprehensive framework guiding the design of residential development. The Western Australian Planning Commission have reviewed the R Codes and made various amendments to the document. To ensure that the City's Planning and Building Policies align with the amended R Codes, which come into effect 2 August 2013, the City's Officer's have reviewed the Policies relating to residential development and have proposed the changes outlined in the details section of this report.

History:

Policy No. 3.2.1 – Residential Design Elements

Date	Comment
13 May 2008	The Council at its Ordinary Meeting resolved to adopt Policy No. 3.2.1 relating to Residential Design Elements.
14 April 2009	The Council at its Ordinary Meeting resolved to amend Policy No. 3.2.1 relating to Residential Design Elements.

Policy No. 3.4.1 - Ancillary Accommodation

Date	Comment
11 June 2002	The Council at its Ordinary Meeting resolved to adopt the new Policy No. 3.4.1 relating to Ancillary Accommodation.
14 February 2009	The Council at its Ordinary Meeting authorised the Chief Executive Officer to investigate an amendment to Policy No. 3.4.1 to allow non-familial accommodation.
14 April 2009	The Council at its Ordinary Meeting resolved to endorse the Draft Local Planning Strategy which draws reference to the opportunities to encourage the provision of non-familial ancillary accommodation to facilitate greater affordable housing options in the City.
28 April 2009	The Council at its Ordinary Meeting held on 28 April 2009 considered the Draft Amended Policy No. 3.4.1 relating to Ancillary Accommodation and approved the amendments for advertising.
14 July 2009	The City resolved to adopt amendments to Policy No. 3.4.1 relating to Ancillary Accommodation.
11 October 2011	The Council at its Ordinary Meeting resolved to forward the draft amended Policy No. 3.4.1 to the Western Australian Planning Commission (WAPC) for their approval as their approval is required to vary certain elements such as size and allowing non-family members.
7 November 2011	The City wrote to the WAPC requesting their approval for the proposed variations to the R Codes.
10 April 2012	The WAPC wrote to the City advising that they have refused to grant approval to the City for the variations to the Policy.

The City's Officers then decided to defer amending the policy any further, until such time the new R Codes were released.

Policy No. 3.4.2 - Aged or Dependent Persons' Dwellings

Date	Comment
27 March 2001	The City's Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwelling was adopted as part of the City's Planning and Building Policy Manual.
12 February 2013	The Council at its Ordinary Meeting resolved to adopt amendments to Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings.

Policy No. 3.4.6 - Residential Subdivisions

Date	Comment
5 February 2008	The Chief Executive Officer adopted Policy No. 3.4.6 under delegated authority during the Council's recess period.

Previous Reports to Council:

There are no previous reports to Council relating to Policy Amendment No. 116.

DETAILS:

The 2013 Residential Design Code have been reviewed by the Western Australian Planning Commission and are due to be gazetted on 2 August 2013. To ensure the City's Planning and Building Policies align with the revised R Codes, amendments to Policies relating to residential development and design are required.

Section 7.3.1 (a) of the Residential Design Codes 2013 (R-Codes) outlines that Local Government can adopt a local planning policy, local development plan or activity centre plan that *amends* or *replaces* certain 'deemed to comply' (acceptable development) provisions of the R-Codes, provided they are consistent with the relevant 'design principle' (performance criteria).

Section 7.3.1 (b) of the R-Codes outlines where Local Government may make a local planning policy, local development plan or activity centre plan that *augments* any other provision of the R-Codes, in order to provide guidance toward meeting local housing objectives that have been identified for the area. These requirements generally provide clarity on interpreting any particular aspect of the R-Codes, and provide additional clarity to 'design principles' to be considered in the assessment of developments.

Due to some of the proposed amendments to the R Codes, the City's Officers have reviewed a number of policies which are affected by the new R Codes.

Summary of Amendments to Residential Design Codes

The City's Officers have prepared a summary of the changes to the R Codes which are likely to have an impact on the City or where it is considered a 'major change'. The full list of changes is shown in Appendix 9.1.4.

Design Elements for all Single Houses and Grouped dwellings and Multiple Dwellings in Areas Coded less than R30.

Existing Clause	Proposed Clause	Officer Comment																	
6.3.1 – Building Setback from the Boundary	5.1.3 – Lot Boundary Setback	The existing R Codes state that where a side or rear setback is non-compliant, it is considered a boundary wall. This has been amended to state that a 'boundary wall' is anywhere between the boundary and 600 millimetres from the boundary.																	
6.4.3 – Balconies for Multiple Dwellings	5.3.1 – Outdoor Living Areas (C1.2)	The minimum dimension of a balcony in a multiple dwelling within the areas coded less than R30, has increased from 2 metres to 2.4 metres. The City's Officers support this as it provides a much usable area. The overall area of 10 square metres has remained unchanged.																	
6.5.1 – On-Site Parking Provision	5.3.3 – Parking	<p>This clause has been amended to include the following table:</p> <table border="1"> <thead> <tr> <th rowspan="2">Type of Dwelling</th> <th colspan="2">Car Parking Spaces</th> </tr> <tr> <th>Location A</th> <th>Location B</th> </tr> </thead> <tbody> <tr> <td>1 bedroom</td> <td>1 car bay</td> <td>1 car bay</td> </tr> <tr> <td>2+ bedrooms</td> <td>1 car bay</td> <td>2 car bays</td> </tr> <tr> <td>Aged persons dwellings</td> <td>1 car bay</td> <td>1 car bay</td> </tr> <tr> <td>Ancillary dwellings</td> <td>nil</td> <td>1 car bay</td> </tr> </tbody> </table> <p>Location A = within 800 metres of a high frequency rail route or within 250 metres of a high frequency bus route Location B = not within the distances above.</p> <p>The car parking requirement has been reduced from all dwellings requiring two car bays and ancillary accommodation requiring 1 car bay.</p>	Type of Dwelling	Car Parking Spaces		Location A	Location B	1 bedroom	1 car bay	1 car bay	2+ bedrooms	1 car bay	2 car bays	Aged persons dwellings	1 car bay	1 car bay	Ancillary dwellings	nil	1 car bay
Type of Dwelling	Car Parking Spaces																		
	Location A	Location B																	
1 bedroom	1 car bay	1 car bay																	
2+ bedrooms	1 car bay	2 car bays																	
Aged persons dwellings	1 car bay	1 car bay																	
Ancillary dwellings	nil	1 car bay																	

Existing Clause	Proposed Clause	Officer Comment								
6.5.4 – Vehicular Access	5.3.5 – Vehicular Access	The 2013 R Codes have removed the requirement for a crossover to be a maximum width of 40 percent of the width of the frontage. Proposed clause C5.2 states that the minimum width of a crossover be 3 metres and the maximum be 6 metres and where there is more than one crossover the total aggregate width be a maximum of 9 metres.								
6.8.1 – Visual Privacy	5.4.1 – Visual Privacy	The 2013 R Codes propose a reduced cone of vision setback for areas coded higher than R50 (R60 and above). <table border="1" data-bbox="646 562 1353 871"> <thead> <tr> <th>Existing cone of vision setback/Proposed cone of vision setback for areas coded R50 or lower</th> <th>Proposed Cone of Vision Setback for areas coded higher than R50</th> </tr> </thead> <tbody> <tr> <td>Bedrooms and studies – 4.5 metres</td> <td>Bedrooms and studies – 3 metres</td> </tr> <tr> <td>Habitable rooms other than bedrooms and studies – 6 metres</td> <td>Habitable rooms other than bedrooms and studies – 4.5 metres</td> </tr> <tr> <td>Unenclosed active habitable spaces – 7.5 metres</td> <td>Unenclosed active habitable spaces – 6 metres</td> </tr> </tbody> </table>	Existing cone of vision setback/Proposed cone of vision setback for areas coded R50 or lower	Proposed Cone of Vision Setback for areas coded higher than R50	Bedrooms and studies – 4.5 metres	Bedrooms and studies – 3 metres	Habitable rooms other than bedrooms and studies – 6 metres	Habitable rooms other than bedrooms and studies – 4.5 metres	Unenclosed active habitable spaces – 7.5 metres	Unenclosed active habitable spaces – 6 metres
Existing cone of vision setback/Proposed cone of vision setback for areas coded R50 or lower	Proposed Cone of Vision Setback for areas coded higher than R50									
Bedrooms and studies – 4.5 metres	Bedrooms and studies – 3 metres									
Habitable rooms other than bedrooms and studies – 6 metres	Habitable rooms other than bedrooms and studies – 4.5 metres									
Unenclosed active habitable spaces – 7.5 metres	Unenclosed active habitable spaces – 6 metres									
6.9.1 – Solar Access for Adjoining Sites	5.4.2 – Solar Access for Adjoining Sites	A new clause C2.3 has been added which states that <i>“development should be designed so that it does not cast a shadow at midday 21 June over more than 50 percent of:</i> <ul style="list-style-type: none"> • Any existing roof mounted solar collectors; and • North facing major openings to habitable rooms, within 15 degrees of north in each direction.” 								
6.11.1 – Ancillary Accommodation	5.5.1 – Ancillary Dwellings	The amendments to this clause include: <ul style="list-style-type: none"> • The plot ratio has increased from 60 square metres to 70 square metres; • The parking has reduced in accordance with clause 5.3.3; and • Non-family members are now able to occupy an Ancillary Dwelling. 								

Design Elements for Multiple Dwellings in Areas Coded R30 or Greater

Existing Clause	Proposed Clause	Officer Comment
7.4.1 – Visual Privacy	6.4.1 – Visual Privacy	The 2013 R Codes propose a reduced cone of vision setback for areas coded higher than R50 (R60 and above). This is the as proposed clause 5.4.1.
7.4.2 – Solar Access for Adjoining Sites	6.4.2 – Solar Access for Adjoining Sites	The 2013 R Codes have proposed a new clause which is the same as proposed clause 5.4.2.

Definitions

The following definitions have been amended:

Active habitable space	Garage	Open space	Pergola
Activity centre	Height, building	Outdoor Living Area	Plot ratio
Ancillary dwelling	Local planning policy	Parent lot	Plot ratio area
Battle-axe lot	Lot	Patio	Visually permeable
Cone of vision			

The following definitions have been deleted from the 2013 R Codes:

Acceptable	Effective lot area	Performance criteria	Storey
Development	Formed Driveway	Serviced Apartment	Street alignment
Council	Ground floor area	Special Control Area	Tandem parking
Detailed Area Plan	Model Scheme Text		
Dwelling Size			

The following new definitions have been added into the 2013 R Codes:

Activity centre plan	External fixtures	Local Planning	Residential development
Decision-maker	Heritage Place	framework	Solar Collectors
Deemed-to-Comply	High frequency bus	Lot boundary	Special Purpose
Design Principles	High frequency rail route	Porch	Dwelling
Development	Internal Walls	Local planning strategy	Street boundary
Enclosed	Local Development Plan	Local structure plan	Unenclosed

Table 1: General Site Requirements for all Single Houses and Grouped Dwellings and Multiple Dwellings in Areas with a Coding of less than R30

1 R-code	2 Dwelling Type	3 Min. site area per dwelling (m ²) % ◆	4 Min. lot area/rear battle axe (m ²) ▼	5 Min. frontage (m) ▼	6 Open Space		7 Min. setbacks (m)		
					Min. total (% of site)	Min. o/door living (m ²)	Primary street	Secondary street ●	Other/rear
R20	Single house or grouped dwelling	Min 440 350 Av 500 450	540 450	10	50	30	6	1.5	*
	Multiple Dwelling	500 450	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 320 300 Av 350	445 425	8	50	30	6	1.5	*
	Multiple Dwelling	400 350	-	20	-	-	6	1.5	*
R30	Single house or grouped dwelling	Min 270 260 Av 300	420 410	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 235 220 Av 260	440 395	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 200 180 Av 220	400 380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	400 380	-	45 40	16	4 2	1	*
R60	Single house or grouped dwelling	Min 400 120 Av 400 150	400 380	-	45 40	16	4 2	1	*
R80	Single house or grouped dwelling	Min 400 100 Av 400 120	400 380	-	45 30	16	4 1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

The 2013 Residential Design Codes proposes some major changes that impact the City of Vincent. This mostly relates to the introduction of grouped dwelling requirements for R80 coded sites. Currently all areas zoned Residential R80 are subject to the R60 requirements. It is noted that the City of Vincent contains large pockets within the Mount Lawley/Highgate and Perth area that is zoned Residential R80. The 2013 R Codes will now allow subdivision of Residential R80 sites with at least 240 square metres, where currently at least 360 square metres was required. It is expected that this will result in much greater infill within these areas. It is also noted that the minimum site areas for areas coded R20-R40 have decreased as well as the average and minimum site area for areas codes R60.

Policy No. 3.2.1 – Residential Design Elements

The City’s Residential Design Elements Policy comprises a significant component of local development provisions that amend, replace or augment provisions of the R Codes. The Residential Design Elements Policy will be comprehensively reviewed by the City’s Strategic Planning Team in the latter part of 2013. In the interim, with the recent release of the 2013 R Codes which come into effect on 2 August 2013, it is prudent to delete provisions in the current Residential Design Elements policy that unlawfully vary the R-Codes, as exercising these provisions in determining development applications is not consistent with orderly and proper planning.

Section 7.3.2 allows decision-makers (i.e. Local Government) to vary any provision of the R-Codes provided approval of the Western Australian Planning Commission (WAPC) is granted. This can be considered an option in the comprehensive review of the Residential Design Elements Policy, however due to time-delays with any application or amendment lodged with the WAPC it is recommended this be avoided if alternatives to achieve the same outcome can be developed.

The following provisions of the City's current Residential Design Elements Policy are proposed to be amended as they unlawfully vary the R-Codes:

Amendments to Existing Clauses:

RDE Clause	Comments
SADC 7 – Side Setbacks	This Clause repeats Clause 5.1.3 C3.1 (Lot Boundary Setbacks) of the R-Codes which cannot be amended or replaced as per 7.3.2(a) of the R-Codes and therefore is not required to be in the Policy.
SADC/SPC 14 – On-site Car Parking	This Clause does not contain any provision not already contained in the R Codes or in City's Policy No. 3.7.1 relating to Parking and Access in relation to residential parking requirements and therefore is not required.
SADC/SPC 15 – Driveways and Crossovers	This Clause unlawfully varies the R-Codes as Clause 5.3.5 of the R-Codes is not able to be amended or replaced as per Part 7 of the R Codes and therefore is not required.
BDADC/BDPC 7 – Cut and Fill	This Clause repeats provisions contained in Clause 5.3.7 (Site Works Requirements) of the R-Codes and therefore is not required.
BDADC/BDPC 8 – Retaining walls	This Clause repeats Clause 5.3.8 (Retaining Wall requirements) of the R-Codes and therefore is not required.
BDADC 9 – Visual Privacy	This Clause repeats Clause 5.4.1 of the R-Codes relating to Visual Privacy, which cannot be amended or replaced without the WAPC's approval as per Clause 7.3.1(a) of the R-Codes.
BDPC 9 – Visual Privacy <i>"The owners of affected properties providing written consent stating no objection to the specified privacy encroachment."</i>	This Clause is proposed to be shifted to BDPC 9 – Visual Privacy (to be considered as a Performance Criteria for assessment) as consideration of public (neighbour) submissions in support of a proposal should not construe that a privacy issue does not exist, therefore is more appropriately a Performance Criteria assessment.

Proposed New Clauses:

RDE Clause	Comments
SADC 17 – Lot Configuration and Subdivision Pattern	The relevant Clauses ADC3 and BDPC3 of the Residential Subdivisions Policy have been relayed to the Residential Design Elements Policy as residential subdivision is a matter dealt with by the Residential Design Codes, and these clauses are still relevant to local housing and subdivision objectives of the City.
SADC 18 – Small Lot Subdivision	The relevant Clauses ADC4 and BDPC4 of the Residential Subdivisions Policy have been relayed to the Residential Design Elements Policy as residential subdivision is a matter dealt with by the Residential Design Codes, and these clauses are still relevant to local housing and subdivision objectives of the City.

RDE Clause	Comments
SADC 19 – Pedestrian Access	The relevant Clauses ADC6 and BDPC6 of the Residential Subdivisions Policy have been relayed to the Residential Design Elements Policy as residential subdivision is a matter dealt with by the Residential Design Codes, and these clauses are still relevant to local housing and subdivision objectives of the City.

It should be noted that some of the abovementioned clauses which are proposed to be deleted are referenced by corresponding Guidance Notes in the explanatory section of the Residential Design Elements Policy (refer to the relevant Guidance Note in the right hand column of the Policy). Some of these Guidance Notes may still have relevance to development assessment and will be reviewed as part of a comprehensive review of the Residential Design Elements Policy in the latter part of 2013. The Guidance Notes to Element 1 – Streetscape and Element 2 – Building Design have not been included in Appendix 9.1.4 (001) attached to this report as no changes have been made as part of this review.

Policy No. 3.4.1 – Ancillary Accommodation

The table below highlights the Clauses in Policy No. 3.4.1 which unlawfully vary or repeat the 2013 Residential Design Codes.

Clause	Comments
Clause 1 – Definition of Ancillary Accommodation	This definition exists as stated in the R Codes and is therefore not required to be placed in a local planning policy.
Clause 2)i) – Size of the Ancillary Accommodation Structure (maximum of 70 square metres)	The size of an Ancillary Dwelling has increased from 60 square metres to 70 square metres, therefore clause 2)i) is a repeat of the 2013 R Codes.
Clause 2)ii)a) – Size of the Ancillary Accommodation Structure (maximum of 35 square metres where built above a garage)	The 2013 R Codes do not allow the size of an Ancillary Dwelling to be varied therefore this clause is considered a variation to the R Codes and would only be allowed with the approval of the WAPC. In light of this, it is proposed to remove this clause.
Clause 2)ii)b) – No form of access between a garage and an Ancillary Dwelling	There is no reason why there shouldn't be any access from a garage and an Ancillary Dwelling. Therefore it is proposed to remove this clause.
Clause 2)iii) – Where a separate two-storey Ancillary Dwelling is proposed, that maximum height is 5 metres.	The R Codes provide heights in metres for single storey, two-storey and three-storey dwellings. Whilst a Local Government are able to determine the building heights (in storeys) in a local planning policy, these heights should align with the prescribed heights in metres. Due to this, it is proposed that the standard residential heights apply.
Clause 2)iv) – The roof area is not to be used for habitable purposes.	The use of the roof area for habitable purposes will depend on the plot ratio floor area and the requirements of the Building Codes of Australia. This is not required to be stated in the policy.
Clause 2)v) – Appropriate design features are to be incorporated into the Ancillary Accommodation structure.	The Ancillary Dwelling is required to comply with all other aspects of the R Codes (except clauses 5.1.1, 5.2.3 and 5.3.1) as well as any other applicable local planning policies that relate to character and design. This clause is therefore covered in the City's Residential Design Element's Policy.
Clause 3) – The Ancillary Accommodation structure is not to be occupied by any more than two occupiers.	The 2013 R Codes do not limit the number of bedrooms that an Ancillary Dwelling can have, rather it limits the plot ratio. Given that more than one bedroom can be provided, the City should not limit the number of occupiers.

Clause	Comments
Clause 4) – An additional car bay is required, or a Section 70A notification is placed on the Certificate of Title stating that the City will not issue a residential parking permit.	The 2013 R Codes have been amended to remove the requirement for an additional car bay for an Ancillary Dwelling. This requirement cannot be varied and therefore should no longer be a part of the policy.

In light of the above, it is proposed that the Council rescind the policy, as the R Codes and Residential Design Elements Policy can apply in certain circumstances.

Policy No. 3.4.2 - Aged or Dependant Persons' Dwellings

Clause Amendments	Comments
INTRODUCTION <i>Provisions for the development of Aged or Dependent Persons' Dwellings are contained for the most part in Clause 6.1.2 5.5.2 of the Residential Design Codes (R Codes). This Policy builds on the provisions of the R Codes in order to encourage the development of this specialised form of housing within the City's community.</i>	The Clauses within the new R Codes have been renumbered therefore the Policy has been amended to align.
2a) <i>each dwelling is occupied by at least one aged or dependent person or the surviving spouse of that such a person; and</i>	The previous wording was not appropriate for the execution of the clause.
3.1 <i>In accordance with Clause 6.1.3 A3(i) 5.1.1 C1.4 of the R Codes a reduction in the site area per dwelling may be considered, subject to one of the following criteria being satisfied:</i>	The Clauses within the new R Codes have been renumbered therefore the Policy has been amended to align.

Policy No. 3.4.2 further defines provisions which exist in the R Codes therefore amendments to this Policy are considered necessary for continued use of this Policy in the Development Application process.

Policy No. 3.4.6 – Residential Subdivisions

The table below highlights the Clauses in Policy No. 3.4.6 which vary the 2013 Residential Design Codes and are therefore removed:

Section of Policy	Comment
ADC1/PC1 – Subdivision	<p>Subdivision of land that retains an existing dwelling requires the existing dwelling to comply with the requirements of the R-Codes. Each of the relevant Acceptable Development provisions of Clause ADC 1 relates to requirements that are controlled under the current Acceptable Development provisions of the R-Codes and future Deemed-to-Comply provisions of the R-Codes.</p> <p>The required amount of on-site car parking is stipulated under Clause 6.5.1 'Access and Parking Requirements' of the R-Codes, which will be under Clause 5.3.3 "Parking" as of 2 August 2013.</p> <p>The required amount of open space is stipulated under Clause 6.4.1 'Open Space Provision' of the R-Codes, which will be under Clause 5.1.4 "Open Space" as of 2 August 2013.</p> <p>The requirement for clothes-drying areas is stipulated under Clause 6.10.3 'Essential Facilities' of the R-Codes, which will be under Clause 5.4.5 "Utilities and Facilities" as of 2 August 2013.</p>

Section of Policy	Comment
	<p>The requirements relating to the removal of street trees and changes to the natural ground level are assessed as part of the development application process.</p> <p>In light of the above, it is recommended that Clauses ADC 1 and PC 1 be deleted.</p>
ADC2/PC2 – Minimum Site Area	<p>Minimum site area is controlled under Clause 3.2 ‘Lot Sizes’ of Development Control Policy No. 2.2 relating to Residential Subdivision and Clauses 6.1.1 ‘Site Area Requirements’, 6.1.2 ‘Additional Site Area Requirements/Concessions’ and 6.1.3 ‘Variations to the Minimum Site Area Requirements’ of the R-Codes, which will be under Clause 5.1.1 ‘Site Area’ as of 2 August 2013.</p> <p>The minimum site area requirement relates to the Acceptable Development provisions of the R-Codes, and future Deemed-to-comply provisions of the R-Codes. Further to this, the Performance Criteria is in keeping with the Performance Criteria of the R-Codes, and future Design Principles of the R-Codes; therefore it is recommended that Clauses ADC 2 and PC 2 be deleted.</p>
ADC3/PC3 – Lot Configuration and Subdivision Pattern	<p>Lot configuration and subdivision pattern is not governed under the Western Australian Planning Commissions Development Control Policies, the R-Codes or the City’s Local Planning Policies. To ensure the desired lot configuration and subdivision pattern is maintained, it is recommended that the requirements of Clause ADC 3 and PC 3 ‘Lot Configuration and Subdivision Pattern’ be included in the City’s Policy No. 3.2.1 relating to Residential Design Elements.</p>
ADC4/PC4 – Small Lot Subdivision	<p>The subdivision of lots with a frontage of less than 8 metres is not governed under the Western Australian Planning Commissions Development Control Policies, the R-Codes or the City’s Local Planning Policies. To ensure the desired lot configuration and subdivision pattern is maintained, it is recommended that the requirements of Clause ADC 4 (a) and PC 4 ‘Small Lot Subdivision’ be included in the City’s Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>Clause 3.5 ‘Small Residential Lots’ of Development Control Policy No.2.2 relating to Residential Subdivision, stipulates that the subdivision of lots less than 260 square metres should be accompanied by information of the development of the land to enable the relationship between the subdivision and the development to be assessed. Further to this, where the proposed lots are less than 260 square metres and are a narrow lot, the deposited plans are not to be endorsed until the buildings are constructed to plate height unless a detailed area plan/local development plan is adopted under the Town Planning Scheme.</p> <p>In light of the above, it is recommended that Clause ADC 4 (b) ‘Small Lot Subdivision’ be deleted.</p>
ADC5/PC5 – Vehicular Access	<p>Vehicle access is governed under Clause 3.7 ‘Access to Residential Lots’ of Development Control Policy No. 2.2 relating to Residential Subdivision and Clause 6.5.4 ‘Vehicular Access’ of the R-Codes, which will be under Clause 5.3.5 ‘Vehicular Access’ as of 2 August 2013.</p> <p>As the vehicle access requirements in keeping with Development Control Policy No. 2.2 relating to Residential Subdivision and the R-Codes, it is recommended that Clauses ADC 5 and PC 5 be deleted.</p>

Section of Policy	Comment
ADC6/PC6 – Pedestrian Access	This section is not governed under the Western Australian Planning Commissions Development Control Policies, the R-Codes or the City's Local Planning Policies. To ensure adequate pedestrian access is maintained, it is recommended that the requirements of Clause ADC 6 and PC 6 'Pedestrian Access' be included in the City's Policy No. 3.2.1 relating to Residential Design Elements.

In light of the above, the City's Officers recommend rescission of Policy No. 3.4.6 with the consolidation of relevant clauses to be introduced to the City's Residential Design Elements Policy.

CONSULTATION/ADVERTISING:

The City's Officers are proposing minor amendments be made to Policy No. 3.2.1 relating to Residential Design Elements and Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings. These amendments include modifying numbering, deleting clauses and adding clauses from other policies all to align with the 2013 R Codes. Due to this, it is proposed that the Council adopt these policies without the need for advertising.

However, the City's Officers do recommend the advertising of the rescission of Policy No. 3.4.1 relating to Ancillary Accommodation and Policy No. 3.4.6 relating to Residential Subdivisions.

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

LEGAL/POLICY:

- State Planning Policy No. 3.1 – Residential Design Codes
- Town Planning Scheme No. 1 and associated Residential Development Policies.

RISK MANAGEMENT IMPLICATIONS:

Medium: The amendments proposed are to align with the State's Policy, to avoid legal implications arising from invalid Local Planning Policies the amendments are considered necessary.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

"Improve and Maintain the Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

The revised version of the R Codes provides more comprehensive planning controls in relation to environmental sustainability. To align with the revised codes would allow the City's Local residential planning Policy's to incorporate design elements for improved outcomes in relation to environmental sustainability.

SOCIAL

Various provisions included in the new R Codes provide the City with more scope to improve social sustainability. An example of this is the removal of the requirement for a family member to reside in ancillary accommodation.

ECONOMIC

New allowances previously restricted by the R Codes allow more scope for applicants to provide a variety of developments with increased development potential.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

Town Planning Scheme Amendments and Policies

Budget Amount: \$ ~~73,000~~ 80,000
Spent to Date: \$ ~~0~~ 14,720
Balance: \$ ~~73,000~~ 65,280

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

COMMENTS & CONCLUSION:

The State's new Residential Design Codes (R Codes) will come into effect 2 August 2013. To ensure the City's Policies align with the State's new R Codes the City must amend its Policies relating to residential development.

In light of the above, it is requested that the Council adopt the amendments to Policy No. 3.2.1 relating to Residential Design Elements and Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwellings and initiate the advertising to rescind Policy No. 3.4.1 relating to Ancillary Accommodation and Policy No. 3.4.6 relating to Residential Subdivisions in accordance with the Officer Recommendation.

9.2.1 Possible Obstruction to Vehicular Traffic of the portion of Right of Way Bounded by Mary, William, Chatsworth Road and Beaufort Streets, Highgate; Progress Report No. 1

Ward:	South	Date:	28 June 2013
Precinct:	Mount Lawley Centre (11)	File Ref:	TES0266
Attachments:	001 – Proposed Obstruction of Portion of ROW 002 – Full ROW 003 – Responses from Owner on North Side of ROW 004 – Full Summary of Comments		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services A Munday, Senior Technical Officer, Land and Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the eleven (11) submissions received by owners who have an implied or expressed right of access over the Right of Way, ‘objecting’ to the proposed obstruction of the portion of Right of Way, as shown on attachment 9.2.1A;
2. In the event that it proposes to continue with the proposal, **AUTHORISES** the Chief Executive Officer to arrange a meeting in July/August 2013 with the persons who ‘objected’ to the proposed obstruction (and any other interested party) to discuss/develop a possible compromise position which will not adversely affect ongoing property access, while at the same time add to the vibrancy of the area;
3. **ADVISES** all respondents of its decision; and
4. **NOTES** that a further progress report will be submitted to the Council following the public meeting, as outlined in Clause 2.

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

“That Clause 2 be amended to read as follows:

That the Council;

1. **CONSIDERS** the eleven (11) submissions received by owners who have an implied or expressed right of access over the Right of Way, ‘objecting’ to the proposed obstruction of the portion of Right of Way, as shown on attachment 9.2.1A;
2. ~~In the event that it proposes to continue with the proposal,~~ **AUTHORISES** the Chief Executive Officer to arrange a meeting by September 2013 with the persons who ‘objected’ to the proposed obstruction (and any other interested party) to discuss/develop a possible compromise position which will not adversely affect ongoing property access, while at the same time add to the vibrancy of the area;

3. **ADVISES** all respondents of its decision; and
4. **NOTES** that a further progress report will be submitted to the Council following the public meeting, as outlined in Clause 2.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **CONSIDERS** the eleven (11) submissions received by owners who have an implied or expressed right of access over the Right of Way, ‘objecting’ to the proposed obstruction of the portion of Right of Way, as shown on attachment 9.2.1A;
2. **AUTHORISES** the Chief Executive Officer to arrange a meeting by September 2013 with the persons who ‘objected’ to the proposed obstruction (and any other interested party) to discuss/develop a possible compromise position which will not adversely affect ongoing property access, while at the same time add to the vibrancy of the area;
3. **ADVISES** all respondents of its decision; and
4. **NOTES** that a further progress report will be submitted to the Council following the public meeting, as outlined in Clause 2.

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of public consultation on the partial obstruction of the subject ROW and its possible future use for public benefit.

BACKGROUND:

At its Ordinary meeting held on 23 April 2013 the Council considered a Notice of Motion from Cr. Dudley Maier requesting that the Council consider placing an Obstruction to Vehicular traffic in the portion of Right of Way (ROW) between 483 and 485 Beaufort Street, Highgate.

Following considerable debate on the matter the Council made the following decision (in part):

- “2. *INVESTIGATES* the full or partial obstruction to vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street (as shown on Appendix [10.1 B](#));
3. *CONSULTS* the local community seeking suggestions on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area; and
4. *RECEIVES* a further report at the conclusion of the consultation period or no later than August 2013.”

DETAILS:

Information regarding the ROW:

The ROW which runs between William Street and Beaufort Street is a private ROW owned by the City of Vincent. Only the properties on the north side of the ROW have an 'implied right of access over the ROW (as it was created on the same Plan or Diagram as the allotments when the land was originally developed). Properties on the south side (and anyone else) can obviously use the ROW as there is no impediment to do so however should a property on the south side wish to redevelop and use the ROW for vehicular access then this would become an issue.

Also the portion of ROW to be obstructed (as highlighted in orange in attachment 9.2.1A) is part of a ROW block as shown in attachment 9.2.1B.

Consultation regarding possible ROW Obstruction/Closure:

On 6 June 2013 a total of two hundred and thirty one (231) consultation packs (with reply paid envelopes) were distributed to all properties adjoining the ROW, the Beaufort Street network and all business along Beaufort Street between St. Albans and Walcott Street.

At the close of consultation twenty nine (29) responses were received.

- 14 (49%) of the 29 responses were from owners on the north side of the ROW who have a legal right to use the ROW with 11 (79%) *against* the obstruction and only 4 3 (~~24~~ 14%) *in favour* of the obstruction. (refer plan 9.2.1C)
- The remaining 15 responses (*from owners not adjoining the ROW*) were in favour of the obstruction.

Note: Full summary of comments is attached at 9.2.1D

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

Those against:

Some reasons provided from those *against* the obstruction are outlined below: Note the persons have a legal right to use this ROW so their comments should be noted.

- The perpendicular laneway between Chatsworth and Mary Street (really narrow) is usually blocked (sometimes in both directions at the same time) by the businesses and restaurants on Beaufort St to load and unload different elements.... The access is essential for residential owners for the following reasons;
- The delivery of building materials or truck access generally, requires straight through access. Trucks cannot make the 90° turn at the Beaufort Street end of the ROW, if it's amended as proposed.
- In any commercial strip these lanes are necessary for delivery vehicles/maintenance vehicles.
- it seeks to make vehicle access to our property even more difficult than it is at present
- Will pursue every legal avenue available to ensure that this situation is not made worse.
- Closing this section will have massive consequences for residents and business owners alike.
- It is often the only means of exit because both lanes are blocked.
- Vehicular congestion in the laneway will be increased for residents....Trucks using the laneway will not be able to exit from the Beaufort Street end as they are not able to turn into the short laneway running behind the shops to get on to either Chatsworth Street or Mary Street.
- Fails to understand in a practical sense the difficulty in turning the corners of the ROW in larger vehicles.

Those in favour

Some reasons provided from those *in favour* of the obstruction are outlined below:

- Closure of the laneway during select times on the weekend (or full weekend) would provide an excellent avenue for an activating use such as a market, outdoor gallery or coffee spot which would contribute to the vibrancy of the area and by extension pedestrian foot traffic...The laneway extends to the rear of properties on both Mary Street and Chatsworth Road. Residents of these streets would still be able to access their homes by vehicle during the closure of the identified space via entries on both Mary Street and Chatsworth road.
- Closing the laneway would encourage greater pedestrian traffic for our underutilized access roads and create additional areas for locals and tourists to visit.
- partial obstruction in the evenings and on weekends and public holidays.
- Would be great to use the space as an artist market area, or small bar or any community activity.
- We operate a business on Beaufort St and are renovating our home in Chatsworth road so have a love and understanding for the area.... We believe there are many uses for the laneway from weekend markets to pop up cafe, bar, coffee shop/stall, cool place for residents/works to sit in, a place to exhibit art, hold fashion parades, kids play area etc.
- Garden bed in the laneway.

Activation Ideas:

Comments on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area were also requested and the following comments were received:

- Laneway markets (run by the community).
- Pop up lane parks, a pop up kid's playground, Coffee carts, Casual seating, astro turf, planter boxes and seats.
- Laneway theatre, performance space, Busking space.
- Garage (aka laneway) sales.
- Art sales/local craft displays, wall projections, members of the community could request the space for meetings/performances etc.- anything really that involves public interaction and involvement...
- Small bar
- kids play area

Discussion:

The process initiated for obstruction to vehicular traffic (bollards) of the ROW to the south of Planet cafe (Beaufort Street Mount Lawley) was different from the proposed obstruction of the ROW which is the subject of this report. The 'Planet' ROW was a dedicated Street while the 'Jackson's' ROW is privately owned (and no chance of it ever becoming a dedicated street under current WAPC policy as it is not wide enough).

In this case eleven (11) of the owners with an implied or expressed right of access over the ROW have objected to the proposed obstruction.

In accordance with Policy No 2.2.8 – Laneways and Rights of Way the Council is required to *"duly consider all submissions/objections and, unless there are extenuating circumstances, the obstruction will not proceed without the agreement of all adjacent property owners with an implied or expressed right of access over the ROW"*.

While the suggestion to obstruct the ROW received some positive comments and activation ideas/suggestions, the ideas/suggestions were mainly submitted by persons not directly reliant on access via the ROW.

Possible way forward:

The idea of implementing temporary obstructions during certain times was suggested by some (in lieu of a permanent obstruction). Also vehicles blocking sections of the ROW block at certain times was an argument against the permanent obstruction and the fact that the portion in question was obstructed large vehicles would not be able to negotiate the tight 90 degree bends (currently they can drive straight through from William to Beaufort Street).

Given the above comments, should the Council still desire to proceed with the suggested obstruction, it is considered that a meeting be convened with the objectors (and other interested parties) to try and develop of compromise position which will not adversely compromise ongoing access and at the same time add to the vibrancy of the area.

CONSULTATION/ADVERTISING:

Advertising was carried out in accordance with the requirement of the Council's relevant policies.

LEGAL/POLICY:

The Legislation and Policy applicable to the placement of obstructions in a ROW (depending on the type of ROW) is as follows.

Local Government Act 1995:

The procedure regarding the process to obstruct a thoroughfare, which includes Laneway and Rights of Ways for the purpose of prohibiting vehicular traffic is undertaken in accordance with Section 3.50 of the Local Government Act (LGA) 1995, and Section 3.1 of the LGA where *"the general function of a local Government is to provide for the good government of persons in its district"*.

Transfer of Land Act 1893:

If applicable, S167A of the Transfer of Land Act 1893 specifies that all persons who have legal right of access over a Right of Way must be in agreement for an obstruction to be installed (ie their lots created on Plan 672).

Policy No 2.2.8 – Laneways and Rights of Way:

This Policy outlines the procedure for the obstruction of a ROW for the purpose of prohibiting vehicular traffic. The Policy indicates that the Council is required to duly consider all submissions/objections and, unless there are extenuating circumstances, the obstruction will not proceed without the agreement of all adjacent property owners with an implied or expressed right of access over the Right of Way.

RISK MANAGEMENT IMPLICATIONS:

Not applicable

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment"

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

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

The City has adopted a program whereby it will endeavour to acquire all private ROWs.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable

COMMENTS:

Given the comments received should the Council still desire to proceed with the suggested obstruction of the ROW, it is considered that a meeting be convened with the objectors (and other interested parties) to try and develop a compromise position which will not adversely compromise ongoing access and at the same time add to the vibrancy of the area.

9.2.3 Investigation into a Ferry Service at Banks Reserve Foreshore

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	ORG0060
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

1. **NOTES** the information in the report on the investigation into a Ferry Service at Banks Reserve;
2. **ACKNOWLEDGES** that the relevant State Government Authorities have no plans at this time, or in the foreseeable future, for a Ferry Service from Banks Reserve; and
3. **ADVISES** the Department of Transport and Public Transport Authority that the City wishes that the 'Ferry' option not be discounted in any future transport planning for the Banks Reserve area.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.53pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.55pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the neither the Department of Transport nor Public Transport Authority have any plans to introduce a ferry service upstream of the Windan Bridge in the foreseeable future.

BACKGROUND:

At its Ordinary Meeting of 12 February 2013 Council considered a notice of motion from Cr Pintabona requesting that the officers *Investigate a Ferry Service at Banks Reserve Foreshore*.

The Council decision, in part, requested that:

- "2. *Subject to a favourable response being received from the PTA, the City reviews the current jetty infrastructure cost and location of a suitable jetty for PTA Ferry Service at Banks Reserve; and...*"

DETAILS:

The City (and previously the Town) has on several occasions requested information from the Department of Transport and Public Transport Authority on the feasibility of a ferry service from Banks Reserve to the Barrack Street jetty, either as a standalone service or a 'stop' on more extensive route originating upstream, i.e. Maylands Peninsula.

In December 2002 a similar notice of motion was adopted by the Council and to which the then Department of Planning and Infrastructure provided a detailed response, with the salient information below:

"a comprehensive study was carried out on Transperth's behalf by a private consultant to examine the feasibility of extending ferry services on both the Swan and Canning Rivers. The study looked at a number of possible extensions to the ferry network and the demand and viability for each option as well as the technical aspects associated such as station design, potential catchments, journey times etc.

The report confirmed that while a number of potential ferry routes do exist on the Swan and Canning River's, the concept of expanding ferry services simply was not economically viable, which we feel is still the case now.

A Mount Lawley to Perth (Barrack Street) ferry service, as you have detailed, was not considered in the report as an individual option for a ferry service, however a service was investigated on this portion of the Swan River. This service commenced in Bayswater and travelled to Barrack Street Jetty stopping at Ascot Waters, Maylands, Claisebrook and Burswood. There was no stop considered at Banks Reserve as part of this service.

In respect to the availability of preliminary cost estimates none of the services considered really match your inquiry. However the study did forecast some individual components which may be of assistance in your investigations. The forecast cost for construction of the stations at Claisebrook and Maylands was approximately \$1 million. However it must be noted that this cost would increase as no berthing facility exists at Banks Reserve. The expected costs for purchasing the required ferries, which were designed to comply with environmental and operational parameters individual to Perth, was approximately \$1.3 million per ferry, up to 3 or 4 ferries could be required in order to provide an adequate service frequency. No annual operating costs were individually detailed but factors that should be considered are fuel, crew and maintenance. Although the costs will have changed since the study was completed, these figures may give you some idea of the investment required.

Although Transperth is not against the introduction of new ferry services, at this point we believe that the demand would not justify the capital and operational costs that would be required. From Transperth's position there are no current plans to introduce any new ferry services in the foreseeable future. It is clear from the report that at this time better rates of cost recovery could be returned and a greater number of residents assisted by investing comparable sums of capital and recurrent operating funds into additional public transport bus and train services...."

Note: The figures quoted were based upon 2002 cost estimates and therefore would have increased significantly since

Current situation.

In discussions with various State Government Officers the consensus is that the States position has not changed in that there are no plans in the foreseeable future for a ferry service upstream of Windan Bridge.

The reference to the Windan Bridge is deliberate as there has been talk of a ferry service to the new Burswood Stadium. However, again, there are no plans at this time for such a service.

Further, given that the capacity of the stadium will be 60,000 patrons and a ferry is capable of carrying in the order of a one hundred (100) passengers a ferry service is seen as being of little value in clearing an after event crowd.

There has also be talk of a service to the Burswood Casino but this too it yet to be confirmed and, again, would not be extended upstream of Windan Bridge. In order to generate sufficient patronage there has been some discussion on this service being a circle route with stops at Claisebrook Cove, the new Riverside development (adjacent the Causeway) and Elizabeth Quay.

There has also been some discussion about a ferry service linking Elizabeth Quay, Canning Bridge bus and rail interchange and the University of Western Australia (UWA). The rational being University students from south of the river could catch the train to Canning Bridge and change to a direct ferry service to UWA.

However, for all three scenarios the advice is that none have progressed beyond a feasibility study and nor has a business case be made.

East Perth Power Station Redevelopment:

The only potential project of significance within the City's foreshore area that could influence any of the above is the East Perth Power Station Redevelopment. If it were to be given a higher priority by the either the MRA or State Government, and depending upon the use for which it is adapted, it would be a logical extension to the possible Burswood, Claisebrook, Riverside, Elizabeth Quay service.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable

COMMENTS:

As can be seen from the report, essentially the State Government's position has not changed since 2002 in respect of a ferry service from Banks Reserve (or as part of an extended service) to Barrack Street Jetty/Elizabeth Quay.

9.2.5 Tender No. 463/13 – Supply and Delivery of One (1) Eight (8) Cubic Metre/Eleven (11) Cubic Metre Rear Loader Refuse Truck with Dual Bin Lifters

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	TEN0472
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	G Dennison, Depot Purchasing Officer C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tender submitted by Major Motors Pty Ltd as being the most acceptable to the City for the supply and delivery of one (1) 8m³ rear loader refuse truck with dual bin lifters, at a total cost of \$236,814.54 (excluding GST), in accordance with the specifications as detailed in Tender No. 463/13.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

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 Buckels was on approved leave of absence.)

Cr Maier asked the Presiding Member Mayor Hon. Alannah MacTiernan if he could move a Subsequent Motion as follows:

SUBSEQUENT MOTION:

Moved Cr Maier, Seconded Cr Topelberg

Requests the Audit Committee review the tender process for plant and equipment with a view to determining a proper cost basis to be used when determining tenders.

SUBSEQUENT MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for awarding of the tender for the supply and delivery of one (1) rear loader refuse truck with twin bin lifters as a replacement for the existing vehicle.

BACKGROUND:

Tender No. 463/13 - Supply and Delivery of one (1) 8m³/or 11m³ rear loader refuse truck was advertised in *The West Australian* newspaper on 27 February 2013.

At the close of the tender at 2.00pm on 20 March 2013, two (2) tenders were received.

Present at the tender opening were Finance Officer, Olla Wojcik, and Depot Purchasing Officer, George Dennison.

DETAILS:

The details of all tenders received for Tender No. 463/13 are listed below:

Note: All prices *exclude* GST.

Item	Major Motors (Option 1)	Major Motors (Option 2)	Major Motors (Option 3)
	Isuzu with MacDonald Johnson body 8m ³	Isuzu with MacDonald Johnson body 11m ³	Isuzu with Garwood body 10m ³
Supply and delivery of new vehicle with trade-in Isuzu 1BDO625	\$236,814.54	\$248,414.54	\$229,304.55
Supply and delivery of new vehicle only	-	-	-
Outright purchase of the City's existing vehicle Isuzu 1BDO625	-	-	-
Total Price including Trade-in	\$236,814.54	\$248,414.54	\$229,304.55

Item	WA Hino (Option 1)	WA Hino (Option 2)	WA Hino (Option 3)
	Hino FD1124 with MacDonald Johnson body 8m ³	Hino FE1426 with MacDonald Johnson body 8-11m ³	Hino FG1628 with Garwood body 10m ³
Supply and delivery of the new vehicle with trade-in Isuzu 1BDO625	\$235,295.61	\$260,922.61	\$243,517.27
Supply and delivery of new vehicle only	\$252,568.34	\$278,195.34	\$260,790.00
Outright purchase of the City's existing vehicle Isuzu 1BDO625	-	-	-
Total Price including Trade-in	\$235,295.60	\$260,922.60	\$243,517.27

Tender Evaluation

Evaluation Criteria:

The following weighted criteria were used for the selection of the companies for the tender.

Evaluation Criteria	Weighting
Mandatory Product Features	25
Special Facilities	25
Price Tender	20
Life Cycle Costs	10
Operators Ergonomics	10
Warranty	5
Delivery	5
TOTAL	100

Tender Evaluation Panel:

The Tender Evaluation Panel consisted of the Director Technical Services, Manager Engineering Operations, Depot Purchasing Officer and Supervisor Waste Management and Precinct Cleaning. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

Each of the two (2) tenderers provided the following three (3) options:

- Option 1: Truck cab chassis with a MacDonald Johnston 8m³ compactor unit.
- Option 2: Truck cab chassis with a MacDonald Johnston 11m³ compactor unit.
- Option 3: Truck cab chassis with a Garwood 10m³ compactor unit.

The Tender Evaluation Panel met on the 1 May and 25 June, 2013 to assess the submissions. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

Compactor Unit:

It was decided by the panel that the only suitable compactor unit for the City of Vincent Waste Operations would be the MacDonald Johnston 8m³ unit. The reasons why the panel selected only this compactor unit are outlined below.

The MacDonald Johnston 11m³ compactor unit was considered too large and would hamper operations due the narrow width of the City's Right of Ways (ROWs). This vehicle is used predominately to negotiate ROWs to remove waste from business premises and this would make the vehicle too wide and too long.

The Garwood 10m³ is manufactured in South Australia and they do not have any back up support staff in Perth. Waste collection vehicles require high ongoing support/repairs due to high frequency usage and the City does not have their own mechanics or support staff but rely on the supplier for repairs.

The length and width of this compactor unit will also cause problems trying to drive down ROWs to pick up waste.

Officers Comments:

The information provided for the compactor unit very well documented, comprehensive and conformed to all of the City's requirements. The City of Vincent has been undertaking Waste Operations with Mac Donald Johnson Compactor Bodies since its inception for over eighteen (18) years. It is a proven product with a greater pay load capacity and the compactor body is smaller (height and width) making the turning circle of the vehicle easier to negotiate the City's narrow access roads and Right of Ways. They have good technical support team in Bayswater to assist the City with repairs to the unit.

Truck Cab chassis with MacDonald Johnston 8m³ compactor unit:

	Weighting	Major Motors	WA Hino
		Isuzu with MacDonald Johnson body 8m³	Hino FD1124 with MacDonald Johnson body 8m³
Mandatory Product Features	30	29.3	25.1
Special Facilities	25	24.2	22.8
Price Tender	20	19.9	20
Life Cycle Costs	5	2.3	4.5
Operators Ergonomics	10	9.7	9.7
Warranty	5	5	4.5
Delivery	5	5	1.8
TOTAL/SCORE	100	95.4	88.4

1. Major Motors

<u>Total weighted Score</u>	95.4 (first)
<u>Mandatory Product Features</u>	
<ul style="list-style-type: none"> Product features essential to undertake required function. 	Product has a majority of mandatory features requested and is the most suitable unit for Waste Operations.
<ul style="list-style-type: none"> Specification conformance 	Adheres to the majority of the tender specifications.
<ul style="list-style-type: none"> Response and Detail to Specification 	Tender is well documented and has more detail to specification
<ul style="list-style-type: none"> Noise levels to be stated 	Not stated
<u>Special Facilities</u>	
<ul style="list-style-type: none"> Ease of Vehicle servicing 	Malaga / Forrestfield / O'Connor workshops
<ul style="list-style-type: none"> Availability of spare parts 	All parts stocked at premises
<ul style="list-style-type: none"> Number of technical support staff available 	Not stated- but three outlets for repairs listed above
<u>Price Tender</u>	
<ul style="list-style-type: none"> The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the City's discretion 	\$236,814.55 (Excluding GST)- Supply and delivery of the new vehicle with trade-in Isuzu 1BDO625
<u>Life Cycle Costs</u>	
<ul style="list-style-type: none"> Service/maintenance costs 	Fixed priced servicing stated but no life cycle costs appended. 24 hour breakdown assistance.

<u>Operators Ergonomics</u>	
• Ease of operation/controls.	Operators ergonomics / ease / operation of vehicle is very good.
• Operator comfort	Excellent operator comfort.
<u>Warranty</u>	
• Assessed on performance	Good durability and performance assessed due to previous purchases by the City for over approximately 18 years use of this model vehicle.
• Warranty period offered	3 years / 150,000 klms / or 5 year extension @ \$2,950.00
<u>Delivery</u>	
• Tender to state time frame	Truck ex-stock- 20 / 26 weeks for compactor body.

Comment:

The City of Vincent presently operates an Isuzu which has provided good results over the years. The panel felt that even though some of the tender requirements were not specified this vehicle was the most suitable for waste operations for the City. This vehicle also stated the turning radii which is more conducive with the City's narrow access roads and Right of Ways.

2. WA Hino

<u>Total weighted Score</u>	88.4 (second)
<u>Mandatory Product Features</u>	
• Product features essential to undertake required function.	This vehicle has also the majority of the product features requested.
• Specification conformance	Adheres to most of the required tender specifications
• Response and Detail to Specification	Some specifications itemised only.
• Noise levels to be stated	Data sheets included but not this make / model.
<u>Special Facilities</u>	
• Ease of Vehicle servicing	24/26 Kewdale Road, Welshpool
• Availability of spare parts	All parts stocked at premises
• For Number of technical support staff available	Not stated- repairs at above outlet
<u>Price Tender</u>	
• The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the City's discretion	\$235,295.60 - Supply and delivery of the new vehicle with trade-in Isuzu 1BDO625
<u>Life Cycle Costs</u>	
• Service/maintenance costs	Information provided.
<u>Operators Ergonomics</u>	
• Ease of operation/controls.	Has excellent operation and ease of controls.
• Operator comfort	Good operator comfort.
<u>Warranty</u>	
• Assessed on performance	Good performance and durability of previous vehicles operated by the City of Vincent
• Warranty period offered	3 years/150,000 klms
<u>Delivery</u>	
• Tender to state time frame	Not stated

Comment:

The tender received was reasonably documented, and conformed with most the City's tender requirements. The turning circle for the vehicle was not stated which is crucial for the City's operations.

Conclusion/Discussion:

Following detailed analysis of the tender documents and assessment by the panel it is recommended that the City approve Major Motors Pty Ltd tender to purchase the eight cubic metre ISUZU FSR 700 Auto.

Major Motors Pty Ltd offered a better warranty with an offer of 24 hour, 365 days for 36 months Roadside Assistance. The tender submitted by them was also most compliant with the City's specifications. The vehicle being traded is an ISUZU and the City of Vincent has not had any issues arising over the years and proved to be an asset to our fleet.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian newspaper on the 27 February 2013.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 – *Code of Tendering* and Policy No. 1.2.3 – *Purchasing*.

RISK MANAGEMENT IMPLICATIONS:

High: Waste Collection is a vital essential service. Keeping the fleet in optimum condition by ensuring trucks are traded at acceptable intervals is paramount in minimising the risk of breakdowns/downtime etc.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

New trucks comply with Euro 5 emission standards. These are the highest emission standards and ensure CO² emissions into the atmosphere are minimised as much as possible.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$300,000 has been included in the City's 2012/2013 budget for this item.

Budget Amount:	\$300,000 (funded from the Major Plant Replacement Reserve)
Spent to Date:	\$ Nil
Funds remaining:	\$300,000
Proposed Purchase	\$273,178.17 (Excluding GST)
Less Trade vehicle	\$36,363.63 (Excluding GST)
Total net price	\$236,814.54 (excluding GST)

COMMENTS:

It is recommended that the tender submitted by Major Motors Pty Ltd be accepted as being the most acceptable to the City for the supply and delivery of one (1) eight (8) cubic metre rear loader compactor refuse truck with twin bin lifters, at a total cost of \$236,814.54 (excluding GST) in accordance with the specifications as detailed in Tender No. 463/13.

9.3.1 Financial Statements as at 31 May 2013

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 31 May 2013 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 May 2013.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 May 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-29
2.	Statement of Financial Activity by Programme Report	30
3.	Statement of Financial Activity by Nature or Type Report	31
4.	Statement of Financial Position	32
5.	Statement of Changes in Equity	33
6.	Capital Works Schedule	34-40
7.	Restricted Cash Reserves	41
8.	Sundry Debtors Report	42
9.	Rate Debtors Report	43
10.	Beatty Park Leisure Centre Report – Financial Position	44
11.	Major Variance Report	45-55
12.	Monthly Financial Positions Graph	56-58

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.1.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$17,371,818
YTD Revised Budget	\$18,848,952
YTD Variance	\$1,477,134
Full Year Budget	\$20,198,425

Summary Comments:

The total operating revenue is currently 92% of the year to date Budget estimate.

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

General Purpose Funding – 20% under budget;
 Governance – 78% under budget;
 Law, Order, Public Safety – 28% over budget;
 Health – 6% over budget;
 Education and Welfare – 7% under budget;
 Community Amenities – 29% over budget;
 Recreation and Culture – 16% under budget;
 Transport – 12% under budget;
 Economic Services – 22% under budget;
 Other Property and Services – 239 over budget; and
 General Administration (Allocated) – 1% under budget.

Operating Expenditure

YTD Actual	\$41,206,689
YTD Revised Budget	\$40,984,815
YTD Variance	\$221,874
Full Year Budget	\$45,143,870

Summary Comments:

The total operating expenditure is currently 99% of the year to date Budget estimate.

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

General Purpose Funding – 6% under budget;
 Governance – 1% under budget;
 Law and Order – 2% over budget;
 Health – 10% under budget;
 Education and Welfare – 4% under budget;
 Community Amenities – 4% under budget;
 Recreation and Culture – 2% under budget;
 Transport – 6% under budget;
 Economic Services – 12% under budget;
 Other Property & Services – 402% over budget; and
 General Administration (Allocated) – 107% under budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$22,525,725
YTD Revised Budget	\$22,331,732
Variance	\$193,993
Full Year Budget	\$26,434,292

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$15,377,063 and non-current assets of \$203,691,601 for total assets of \$219,068,664.

The current liabilities amount to \$9,239,383 and non-current liabilities of \$19,356,716 for the total liabilities of \$28,596,099.

The net asset of the City or Equity is \$190,472,565.

7. Net Current Funding Position

	31 May 2013 YTD Actual \$
Current Assets	
Cash Unrestricted	847,746
Cash Restricted	8,942,491
Receivables – Rates and Waste	114,301
Receivables – Others	3,397,198
Inventories	164,428
	13,466,164
Less: Current Liabilities	
Trade and Other Payables	(3,544,315)
Provisions	(2,629,105)
Accrued Interest (included in Borrowings)	(55,297)
	(6,228,717)
Less: Restricted Cash Reserves	(8,942,491)
Net Current Funding Position	(1,705,044)

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2012/2013 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$204,990	\$141,940	69%
Plant & Equipment	\$1,757,000	\$1,171,537	\$1,039,579	89%
Land & Building	\$11,289,000	\$11,221,513	\$9,068,160	81%
Infrastructure	\$13,916,365	\$11,422,214	\$5,622,752	49%
Total	\$27,273,005	\$24,020,254	\$15,872,431	66%

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

Note: Detailed analyses are included on page 34 – 40 of Appendix 9.3.1.

9. Restricted Cash Reserves

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

The balance as at 31 May 2013 is \$8.9m. The balance as at 31 May 2012 was \$17.9m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$1,236,379 is outstanding at the end of May 2013.

Out of the total debt, \$323,567 (26.2%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

The notices for rates and charges levied for 2012/13 were issued on the 23 July 2012.

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

First Instalment	27 August 2012
Second Instalment	29 October 2012
Third Instalment	3 January 2013
Fourth Instalment	7 March 2013

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$10.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 May 2013 including deferred rates was \$218,506 which represents 0.89% of the outstanding collectable income compared to 1.32% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 May 2013 the operating deficit for the Centre was \$1,348,920 in comparison to the year to date budgeted deficit of \$651,418.

The cash position showed a current cash deficit of \$870,527 in comparison year to date budget estimate of a cash deficit of \$168,045. The cash position is calculated by adding back depreciation to the operating position.

The indoor pool re opened on the 23rd July, 2012. The new 50 metre outdoor pool opened on 22 November, 2012 with the other outdoor pools opening in mid December. It should be noted that it was budgeted for the complete redeveloped centre to open in December 2012 which opened in March 2013.

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.5.2 Review and Adoption of Delegated Authority Register 2013/2014

Ward:	Both	Date:	28 June 2013
Precinct:	All	File Ref:	ADM0038
Attachments:	001 – Delegated Authority Register 2012/2013		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi JP, Chief Executive Officer		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **ENDORSES** the review of its Delegated Authority Register, in accordance with Section 5.46(2) of the *Local Government Act 1995* (“the Act”); and
2. **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register 2013/2014, as shown in Appendix 9.5.2 (electronic attachment 001)).

COUNCIL DECISION ITEM 9.5.2

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

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

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and consider its delegations to the Chief Executive Officer and to approve of the Delegated Authority Register for the 2013/2014 year.

BACKGROUND:

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

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the “day to day” functions of the City’s Administration. The CEO exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

The Chief Executive Officer has reviewed the current Delegated Authority Register and it is advised that no new delegations or amendments are required.

LEGAL/POLICY:

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

Quarterly reports detailing the administration's use of delegations are reported to the Council as follows:

Period	Report to Council
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

Section 5.46(2) of the Local Government Act 1995 requires the Council to carry out a review of its delegations at least once every financial year.

The person to whom a power or duty is delegated is to keep records in accordance with the Act and Regulations.

RISK MANAGEMENT:

High: Failure to review the Delegated Authority Register each year would be a breach of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2011-2016 – Leadership, Governance and Management, Objective 4.1.2 – “*Manage the Organisation in a responsible, efficient and accountable manner.*”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegated Authority Register has resulted in no changes. The delegations are identical to the 2012/2013 delegations.

Accordingly, it is recommended that the Council endorse the review and approve of the Delegated Authority Register 2013/2014.

**9.5.3 LATE ITEM: City of Vincent Parking and Parking Facilities Amendment
Local Law No. 1, 2013 – Consideration of Submissions and Adoption**

Ward:	Both	Date:	5 July 2013
Precinct:	All	File Ref:	LEG0047
Attachments:	001 – City of Vincent Local Law		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi JP, Chief Executive Officer		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that pursuant to Section 3.16 of the Local Government Act 1995 the City has advertised its Local Law and that no submissions were received at the close of the statutory six (6) week public consultation period; and
2. Pursuant to Section 3.12 of the Local Government Act 1995 **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** the City of Vincent Local Law, as shown in Appendix 9.5.3 (Attachment 001).

COUNCIL DECISION ITEM 9.5.3

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

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

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that no submissions were received from the Community and seek the Council's approval to adopt the amendment to the City of Vincent Local Law.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 May 2013, the Council resolved to amend its Local Law, as shown in Appendix 9.5.3.

Submissions:

No submissions were received from the public.

CONSULTATION/ADVERTISING:

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

The Local Law was advertised on a Statewide basis on Saturday 25 May 2013 and closed on 5 July 2013.

LEGAL/POLICY:

Section 3.12 of the Local Government Act 1995 sets out the legal requirements for a Local Law Amendment.

Local Government (Parking for Disabled Persons) Regulations 1988.

The Regulations were adopted in 1988 and prescribe a maximum fee of \$120 for unauthorised parking in a car parking bay for the disabled.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2011-2016* – Objective 1 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLCATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs, there will be no other financial implications. The indicative cost is around \$900. If approved, the increase in parking infringements will result in approximately \$220,000 - \$250,000 for the eleven (11) months of the 2013-2014 financial year.

COMMENTS:

No submissions were received by the City.

Accordingly, it is recommended that the Council approve of the Officer Recommendation.

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

13.1 URGENT BUSINESS: Appointment of Member for Tamala Park Regional Council (TPRC)

Ward:	-	Date:	5 July 2013
Precinct:	-	File Ref:	ADM0078
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the appointment of Councillor _____ to be its Member for the Tamala Park Regional Council Meeting until 18 October 2013, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan.

COUNCIL DECISION ITEM 13.1

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

The Presiding Member Mayor Hon. Alannah MacTiernan called for Nominations and the following were received:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the appointment of Councillor Topelberg to be its Member for the Tamala Park Regional Council Meeting until 18 October 2013, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 13.1

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the appointment of Councillor Topelberg to be its Member for the Tamala Park Regional Council Meeting until 18 October 2013, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan.

PURPOSE OF REPORT:

For the Council to appoint a Member to the Tamala Park Regional Council due to the resignation on 5 July 2013 of its appointed Member, Mayor Hon. Alannah MacTiernan, from the TPRC.

BACKGROUND:

Mayor Hon. Alannah MacTiernan has resigned on 5 July 2013, from the TPRC. Cr Joshua Topelberg is the Council's Deputy Member.

It is important for the City to be represented on the Regional Council.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 52 (1) and (2) of the Interpretation Act confers power to appoint a person to a position including an Acting Appointment. The Local Government Act is deficient as it does not allow the appointment of a Deputy Member and an urgent amendment is currently being considered.

RISK MANAGEMENT IMPLICATIONS:

High: The non-attendance of a City representative to the Regional Council will result in the City not having any vote in these important matters.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011 – 2016, Key Objective 4.1 – *“Provide good strategic decision making, leadership and professional management”*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Local Government Act is being amended, so that Deputy Members can be appointed for prescribed periods, therefore deleting the matter to be determined by a Council for each occasion.

It is important that the Council be represented on the Tamala Park Regional Council.

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

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 7.20pm with the following persons present:

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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 July 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013