



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

11 JUNE 2013

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 11 June 2013, commencing at 6.06pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.06pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward (from 6.07pm)
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward (until 8.17pm)
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until 9.35pm.)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (until approximately 9.35pm)
Stephen Pollock	Journalist – <i>"The Perth Voice"</i> (until approximately 9.35pm)
Rebecca Twigger	Journalist – <i>"The West Australian"</i> (until approximately 9.35pm)

Approximately 15 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. Alison Turner of 15/15 Mary Street, Highgate – Item 9.4.1 Stated the following:
 - The current complex she resides in currently has ten (10) carbays for eighteen (18) units. Some residents have more than one (1) car. The recent parking restrictions were in response to complaints from parents of the school being unable to park in residents only carbays.
 - She asked if the Council could reconsider banning residents from parking on the northern side of the street outside of school hours and weekends.

The Presiding Member Mayor Hon. Alannah MacTiernan asked Ms Turner if she could clarify her request. Ms Turner said that she did not want to ban residents, but did not want to stop residents from being able to park. The Presiding Member advised that the Council were not proposing to ban residents.

The Presiding Member advised that there had been a bit of confusion. There is resident ONLY parking on the southern side of the street. The Council was proposing for the residents who were using their Resident's Permit, could not use those permits in front of the school or the church. It did not mean that they could not park on the other side of the street, when there are no restrictions in place.

2. Sean Fairfall of Level 3/369 Newcastle Street– Item 9.1.2 Stated the following:
 - He spoke in support of the Agenda Report. The change essentially provided for a reduction in the overall building bulk and the plot ratio area and also enabled a reduced overshadowing of the adjoining roads and a reduction in the overall parking shortfall of the existing approved proposal.
 - He advised that they proposed to include seventy two (72) car parking bays, sixteen (16) motorcycle parking bays and thirty two (32) bicycle racks. The car parking bays that sixty three (63) be allocated to residents with four (4) visitor bays and five (5) commercial bays which would be available for visitors after hours.
 - With this view in place he advised that the Agenda Report could be amended to have a reduced car parking allowance in accordance with the current approval.
3. Hesson Razavi of 15 Woodville Street, North Perth Stated the following:
 - He advised that he was not speaking regarding any items at the Meeting, however he would like to express his concern and opposition to the proposed development at 1A Albert Street, North Perth. He is an immediate neighbour to the proposed development and at no point was he consulted.
 - Asked what could be done about the following matters:
 - Q1. My main concern is regarding the sole access to the building through the laneway, which we share. The builders is planning to block the laneway entirely for eighteen (18) to twenty one (21) months. Is this permitted and what action can be taken?
 - Q2. My second concern is regarding during the building process. The builder has issued a plan and document concerning proposed anchor ties which are proposed to penetrate outside the subject lot into the adjoining properties. Is this permitted and what action can be taken?

The Presiding Member Mayor Hon. Alannah MacTiernan advised that the Council can take questions "on notice" the issue of how the building proposal was publicised and then secondly and more importantly what can be done in relation to the proposal and this will be reported back to the next Ordinary Meeting of Council to be held on 25 June 2013 and the Council will provide a formal response.

4. Craig Willis of Woodville Street, North Perth Stated the following:
 - He advised that he was Mr Razavi neighbour and attended the Meeting tonight to speak regarding the development and provided the Council with a plan and information regarding the development. This was circulated to the Council.
 - His advised that he felt let down by the Council in this situation as they were not consulted. When he spoke to the Councillors they advised that they did not read the Recommendations to the approval of the development.

- The second page of the attachment that he had handed out is the Building Application from the builder to place a sea container at the back of Mr Razavi's property with an office above it with all his amenities.

The Presiding Member stated that the City Officers will investigate the matters raised, as a priority and will provide a written response to the questions.

5. Michael Easecott of 14 Brookman Street, Perth – Item 9.1.3 Stated the following:
 - He has resided at the above address for the last nine (9) months. Some of the issues that he had noticed from time to time that at 3am every morning large trucks empty bins and make a lot of noise.
 - He advised that over time the back of Wellman Street will become more residential as the blocks get developed.
6. Richard Ipstein of 24 Burt Street, Mount Lawley – Item 9.1.10 Stated the following:
 - He advised that he resides at the above address which is listed as an item for tonight's Meeting and had been listed as a refusal. He advised the reason he asked for the report to be put forward is to get an answer from the Council.
 - He lodged his application on 30 January 2013 and on the 20 May 2013, his builder rang him and advised him that he was not getting an answer from the City's Planning Services Section.
 - He advised the reason it had been listed as a refusal due to the front setback as he was trying to vary it to the Streetscape Policy.
7. Reid Ballantyne of Brookman Street, Perth – Item 9.1.3 Stated the following:
 - He thanked the Council for rejecting a previous retrospective planning approval regarding to the clubhouse facility considered earlier this year.
 - His main concern regarding the application were noisy bins - the full size bins being loaded and unloaded from 2am to 4am despite calls to the specific owners and management companies and it is a repetitive issue.
8. Debbie Saunders of 150 Oxford Street, Leederville Stated the following:
 - She advised that she would not be speaking regarding the Agenda for tonight's Meeting, it was relating to a previous Agenda Item.
 - She asked that her questions tonight could be placed on "Response to Previous Public Questions Taken on Notice", as she is not receiving the answers.
 - Her first question was regarding the Trial Alfresco for Leederville Hotel, the one of temporary permit that the Chief Executive Officer and the Director Community Services confirmed that had been issued on the 12 March 2013. Q1. "Was the permit issued under Delegated Authority or was it issued at a Meeting"?
 - She advised that she had emailed Councillors regarding this matter and they had advised her that they were surprised that a permit had not been issued for the Trial Alfresco, the Councillors believed that an email was sent to them that it had been.
 - She advised that she received an email from the Chief Executive Officer on 11 June 2013 advising that the permit had not been issued.
9. Stuart Lofthouse of 123 Oxford Street, Leederville Stated the following:
 - He advised that he was following up on his question that was placed "on Notice" from the Last Meeting which was held on 28 May 2013 as he had not received a response. Asked the following question:
 - "What was the mailing list used regarding the Community Consultation for the Oxford Street Reserve"? He advised that within two (2) days he received a letter from the Chief Executive Officer advising that he had misbehaved at a Council Meeting, however he could not receive a response regarding an item pertaining to a one and a half million dollar expenditure.
 - He advised that he had recently met with Mayor Hon. Alannah MacTiernan. The alfresco areas or the activation of the street fronts is in keeping with the Council Policy, had not been enacted at Leederville Hotel.

There being no further speakers, Public Question Time closed at approx. 6.35pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Presiding Member Mayor Hon. Alannah MacTiernan advised that at the previous Council Meeting held on 28 May 2013, she advised that the Council would provide a response regarding the "Oxford Street Reserve Community Consultation".

The Presiding Member Mayor Hon. Alannah MacTiernan asked the Chief Executive Officer Mr John Giorgi to provide a summary of the letter.

3.1 Letter sent to Mr Stuart Lofthouse and Debbie Saunders regarding Oxford Street Reserve – Community Consultation.

Cr Carey departed the Chamber at 6.38pm.

The Chief Executive Officer advised the Council that a letter had been provided and had been circulated electronically to the Council Members. A hardcopy had been provided to Mr Lofthouse and Ms Saunders at the Meeting tonight and a hardcopy had been provided in the mail.

"In summary the Community Consultation for the Oxford Street Reserve upgrade had been carried out in accordance with the Councils Community Consultation Policy which stated that "Consultation should be carried out within a 500 metre radius of the park", on the 3 April 2013 the City posted 777 Community information packages to all owners and occupiers in an area approximately 500 metres around the reserve and a copy had been provided.

Of the 777, a 100 were sent to the properties in Oxford Street, between Leederville Parade and Melrose Street, of those 777 a total of 61 letters were returned to the City unclaimed or return to sender for various reasons and when the matter was raised, I undertook to have a look at the reasons as to why the letters were returned. The information provided to me by the Directors and the information technology section, the two databases that the City uses, one is the City's rates database and the other is the Intramaps database, there is a cross reference with the two wherever possible.

I looked specifically regarding the address Mr Lofthouse had stated and unfortunately there appears to be nine (9) tenancies within the rate property. The City's database works on the information from the Valuer General's Office and the City does not go through and count individual tenancies and there appeared to be some nine (9) Commercial tenancies at this lot and a letter was sent accordingly to the occupier as shown in the database and was returned to the City. A letter was then sent to the owner of the property and it was not returned.

Notwithstanding this the City had advertised for seventeen (17) days on the City's website the proposal, included it within the Vincent E-news and the business newsletter which has approximately 1,100 on the digital audience and information had also been provided to Leederville Connect which is a local business association or precinct group. In addition to this the City has formed a Leederville Town Centre Enhancement Working Group, which comprised of the Mayor, Cr Buckels, Cr Harley, City Officer, two Community Representatives and three Business Representatives from the locality.

Strictly speaking I am quite satisfied that the Consultation has been carried out in accordance with the Council's Community Consultation Policy."

Cr Carey returned to the Chamber at 6.40pm.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Matt Buckels requested leave of absence from 29 June 2013 to 4 August 2013 (inclusive), due to personal commitments.

Moved Cr Wilcox, Seconded Cr McGrath

That Cr Buckel's request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 28 May 2013

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held on 28 May 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 Meeting with the Minister for Local Government

There was a recent meeting with the Minister for Local Government. There has been somewhat contradictory information about whether not the City of Vincent will merge with the City of Perth. At one level we are receiving information that this is the proposal and the other is a statement that they will not be adding any suburbs to the City of Perth.

The other issue is that there is no doubt that at the end of the day that there is the intention of the Government to force the issue of merging and if Councils do not agree the Minister had indicated that they will exercise their capacity under the existing Local Government Act to require the Councils to amalgamate.

There is a proposal at the end of the two (2) year process there can be a ballot if 25% of any one Local Authority proposing to be amalgamated is gathered together and that will then go to a ballot of the entire amalgamated area and if 50% vote against the amalgamation then it would be lost.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Topelberg declared a Financial interest in Item 9.1.11 – No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate – Proposed Outdoor Eating Area to Existing Eating House and Reconsideration of Previous Condition of Approval. The extent of his interest being that his company has supplied products as part of the fit out for the business at No. 448 Beaufort Street, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

- 8.2 Cr Topelberg declared an Impartiality interest in Item 9.2.4 – Investigation into Possible Daily Closure of the Section of Washing Lane between William Street and Money Street, Perth. The extent of his interest being that his family own a property on William Street approximately fifty metres (50) from Washing Lane and this is also his primary place of business, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

- 8.3 Cr Maier declared an Impartiality interest in Item 9.1.11 – No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate – Proposed Outdoor Eating Area to Existing Eating House and Reconsideration of Previous Condition of Approval. The extent of his interest being that the applicant distributed flyers concerning him at a previous Council Election, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.
- 8.4 Chief Executive Officer Mr John Giorgi declared an Impartiality interest in Item 9.1.11 – No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate – Proposed Outdoor Eating Area to Existing Eating House and Reconsideration of Previous Condition of Approval. The extent of his interest being that one of the lessees is known to him in a professional capacity and he was a former Councillor with the City and as a consequence, there may be a perception that his impartiality on the matter may be affected. He disclosed that he did not have any input into this report other than request the Director Planning Services to prepare a report for the Council consideration on tonight's Agenda at the request of a Council Member.

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, 9.1.10 and 9.4.1

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

Item 10.1

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

Item 9.1.11

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	9.2.2
Cr Buckels	Nil.
Cr Carey	9.4.2
Cr Harley	9.2.1
Cr Maier	9.1.5, 9.1.7, 9.1.8, 9.1.11 & 9.5.2
Cr McGrath	Nil
Cr Pintabona	Nil
Cr Topelberg	9.1.6 & 9.2.4
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 9.1.1, 9.1.4, 9.1.9, 9.2.3, 9.4.3, 9.4.4, 9.5.1 and 9.5.3

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

Item 14.1

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.1.4, 9.1.9, 9.2.3, 9.4.3, 9.4.4, 9.5.1 and 9.5.3

(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, 9.1.10 and 9.4.1

(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 9.1.1, 9.1.4, 9.1.9, 9.2.3, 9.4.3, 9.4.4, 9.5.1 and 9.5.3

CARRIED UNANIMOUSLY (9-0)

9.1.1 Nos. 178 – 182 (Lot 28 D/P: 96829) Stirling Street, Corner of Parry Street, Perth – Proposed Amendment from Twenty-Eight (28) Single Bedroom Multiple Dwellings and Twenty (20) Multiple Dwellings to Twenty-Six (26) Single Bedroom Multiple Dwellings and Twenty-One (21) Multiple Dwellings (Amalgamation of Units 25 & 36) within the Existing Mixed Use Development

Ward:	South Ward	Date:	31 May 2013
Precinct:	Beaufort, P13	File Ref:	PRO0956; 5.2013.172.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Parry Street WA Pty Ltd & Green Arrow Holdings Pty Ltd for Proposed Amendment from Twenty-Eight (28) Single Bedroom Multiple Dwellings and Twenty (20) Multiple dwellings to Twenty-Six (26) Single Bedroom Multiple Dwellings and Twenty-One (21) Multiple Dwellings (Amalgamation of Units 25 & 36) within the Existing Mixed Use Development at Nos. 178-182 Stirling Street, Corner of Parry Street, Perth and as shown on plans stamp-dated 3 May 2013, subject to the following conditions:

1. All of the conditions and requirements detailed in the previous approval (5.2011.283.1) granted by the City under the Delegated Authority Procedure on the 24 January 2013 shall remain unless altered by this application;
2. A Building Permit is to be submitted and approved by the City prior to the amalgamation of Units 25 and 36;
3. If the amalgamated units are to be returned to separate units in the future, a planning application shall be submitted and approved by the City; and
4. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City;
 - 4.1 **Section 70A Notification**
 The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;
 - 4.1.1 Any separation of the proposed amalgamated Unit into two (2) separate units will require Planning Approval and a Building Permit from the Local Authority;
5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City’s Chief Executive Officer.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The application is referred to a meeting of Council as there is an amendment to the number of dwellings from what was previously approved by Council. The proposal is to amalgamate two (2) approved dwellings into a single dwelling.

BACKGROUND:

History:

Date	Comment
23 October 2001	The Council at its Ordinary Meeting resolved to conditionally approve the construction of a warehouse, two showrooms, one shop and two offices on the subject site.
14 May 2002	The Council at its Ordinary Meeting granted conditional approval for proposed mezzanine level to approved warehouse, two showrooms, one shop and two offices.
8 October 2002	The Council at its Ordinary Meeting granted conditional approval for a proposed warehouse.
7 July 2004	The Council at its Ordinary Meeting refused an application for a proposed car park.
12 February 2008	The Council at its Ordinary Meeting resolved to conditionally approve the construction of a four storey mixed-use development comprising eight offices, eleven multiple dwellings and basement car park.
16 December 2008	The Council at its Ordinary Meeting resolved to refuse an application for the construction of a four storey mixed-use development comprising eight offices, eleven multiple dwellings and basement car park (Reconsideration of previous condition (xxii)).
9 March 2010	The Council at its Ordinary Meeting conditionally approved a Four Storey Mixed-Use development comprising eight offices, eleven multiple dwellings and associated basement car parking.
23 August 2011	The Council at the Ordinary Meeting conditionally approved construction of a Five storey mixed-use development comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings.
11 October 2011	The Council at the Ordinary Meeting conditionally approved 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 (reconsiderations of conditions)
12 January 2012	Item presented to Acting CEO during Delegated Authority Report
24 January 2012	The City approved under the Delegated Authority Procedure the Reconsideration of Conditions for the Development

DETAILS:

The proposed application is for the amalgamation of two (2) single bedroom units (Units 25 and 36) on the third (3rd) floor of the mixed-use development currently under construction. The proposal involves the removal of an internal boundary wall between the two units to form one large apartment with the conversion of the kitchen within Unit 25 into a storeroom. There is no change to the external aesthetics of the units proposed.

Landowner:	Parry Street WA Pty Ltd & Greenarrow Holdings Pty Ltd
Applicant:	TPG Town Planning, Urban Design and Heritage
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS No. 1) Residential/Commercial R80
Existing Land Use:	Building under Construction
Use Class:	Office Building and Multiple Dwellings
Use Classification:	"AA" and "P"
Lot Area:	1506 square metres
Right of Way:	East Side, 6.0 metres wide, sealed, right of carriageway easement

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	No change to that previously approved by Council at its Ordinary Meeting on 11 October 2011.		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	No change to that previously approved by Council at its Ordinary Meeting on 11 October 2011.		
Boundary Wall	No change to that previously approved by Council at its Ordinary Meeting on 11 October 2011.		
Building Height	No change to that previously approved by Council at its Ordinary Meeting on 11 October 2011.		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	No change to that previously approved by Council at its Ordinary Meeting on 11 October 2011.		
Access & Parking	No change to that previously approved by Council at its Ordinary Meeting on 11 October 2011.		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		

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

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Consultation Period: No community consultation was undertaken for the proposed amalgamation of the existing units, as no variations were proposed.

Comments received: Nil

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed Change from Forty Eight (48) Multiple Dwellings (28 Single Multiple Dwellings and 20 Medium Multiple Dwellings) to Forty Seven (47) Multiple Dwellings (Amalgamation of Units 25 & 36) Within Existing Mixed Use Development at Nos. 178-182 Stirling Street, Perth:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2010;
- Beaufort Precinct Policy No. 3.1.13; and
- Parking and Access Policy No. 3.7.1.

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.*

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 reworking of two individual apartments will allow for a reduction in the amount of resources and utilities to be used.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community and an increase in housing diversity within the City.	

ECONOMIC	
Issue	Comment
The internal reworking of the existing two (2) units into one (1) unit will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Car Parking

It is noted in the last approval for the mixed-use development by the City of Vincent under the Delegated Authority Procedure (21 December 2011 – 13 February 2012) the car parking approved for the residential component were as follows:

- Residents – Forty-Eight (48) car parking bays.
- Visitors to Residential Units – Four (4) car parking bays.
- Out of the Forty-Eight (48) Car Parking bays, Twenty-Eight (28) were allocated to the Single Bedroom Units, whilst twenty (20) car bays were allocated to the medium sized units.

Given the proposed reworking of the subject units 25 and 36 into one apartment, there is now twenty-six (26) single bedroom multiple dwellings and twenty-one (21) multiple dwellings greater than 75 square metres. Given this amended provision of units and the amended size of the subject unit (104 square metres) there will now be:

- Residents - Twenty-Six (26) Single Bedroom Units and Twenty- One (21) medium sized units. The single bedroom units will have twenty-six (26) bays dedicated to them (1 per each) whilst the medium units will have twenty-one (21) bays dedicated to them. A total of forty- seven (47) car parking bays;
- An additional one (1) bay left is left over from the previous number of car bays approved for the residential component and therefore there is an adequate allocation of car parking bays on site.

Management

The applicant has advised the following:

“For the purposes of managing the amalgamation, whilst units 25 and 36 are in the same ownership, they are to be treated as though it is one unit, the amalgamated unit will remain under two separate strata-titles (hereafter referred to as Lot A and B) and subject to a Management Statement (By-Law) attached hereto to enable the units to be returned two units in the future. The By-Law has been prepared under Section 42 of the Strata Titles Act 1985, which allows the Strata Company to amend, repeal or add those by-laws by an appropriate meeting procedure.

The Management By- Law states that in the event the proprietor of Lots A and B decides to sell or lease the Lots separately, then the proprietor of the Lots must install a fire rated wall on his dividing boundary between the two lots and must install a kitchen within Lot A, at his/her cost. On completion of these works, the proprietor must arrange an inspection and certification from the City of Vincent that the works comply to allow separate occupation of Lots A and B.

In order to notify any prospective purchasers of Lots A and/or Lot B of the above agreement, a Section 70A Notification will be placed on the Certificate of Title for Lots A and B.”

Whilst the City understands the Management Statement in full, it does not support the statement in full. Any amendment to the amalgamation of lots will require planning approval from the City as the title and number of Units will change. Therefore, if the application is supported, a condition requiring a planning application to be submitted and approved by the City for the amalgamated unit to be leased or sold separately.

Given the above the proposed amalgamation of the two subject units into one large unit, and the minimal impact this amendment will have to the existing approved mixed-use development and in particular the allocation of the car parking, the proposal is supported subject to the above mentioned conditions.

9.1.4 Amendment No. 107 to Planning and Building Policies – Final Adoption of Appendix 11 relating to Non-Conforming Use Register

Ward:	Both	Date:	31 May 2013
Precinct:	All	File Ref:	PLA0081
Attachments:	001 – Amended Appendix No. 11 relating to Non-Conforming Use Register 002 – Submissions for Amendment No. 107		
Tabled Items:	-		
Reporting Officer:	A Fox, Strategic Planning Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council:

- ADOPTS** the final amended version of Appendix No. 11 – Non-Conforming Use Register, as shown in Appendix 9.1.4 (Attachment 001); and
- AUTHORISES** the Chief Executive Officer to advertise the final amended version of Appendix No. 11 – Non-Conforming Use Register as shown in Appendix 9.1.4 (Attachment 001), in accordance with Clause 47 (6) of the City’s Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcome of the formal advertising of Amendment No. 107 relating to the amendment to Appendix No. 11 – Non-Conforming Use Register; and to present to the Council the final amended version of the amended Appendix No. 11 for final adoption.

BACKGROUND:

On 20 November 2012 the Council at its Ordinary Meeting resolved to adopt in the interim, a draft amended version of Appendix No. 11 relating to the City’s Non-Conforming Use Register to include No. 231-233 (Lot 100) Bulwer Street, Perth to be applied in the interim until the formal adoption of Appendix No. 11.

The draft amended version of Appendix No. 11 listed No. 231-233 Bulwer Street, Perth as having a non-conforming use of Warehouse and Showroom; however, it was acknowledged that the property had been vacant from 29 October 2012.

In accordance with Clause 16 (4) of the City’s Town Planning Scheme, once a property has been vacant for a continuous period of six months or more, the property shall not thereafter be used otherwise than in conformance with the Scheme. A site inspection was carried out on 29 October 2012 which confirmed that the property was vacant, however it is unknown how long the property had been vacant for. Therefore the City’s Officers re-inspected the property on 29 April 2013 (six months later) and it was confirmed that the property is now occupied and being used for the purpose of a Warehouse and Showroom.

History:

Date	Comment
20 November 2012	The Council at its Ordinary Meeting initiated Amendment No. 107 and authorised Draft Amended Appendix No. 11 to be advertised.
8 January 2013	The public consultation period commenced for Amendment No. 107 relating to draft amended Appendix No. 11
6 February 2013	The public consultation period closed for Amendment No. 107 relating to draft amended Appendix No. 11

In addition to the subject amendment, several amendments to the Non-Conforming Use Register have been adopted by the Council.

Previous Reports to Council:

20 November 2012 The Council considered a report relating to Draft Amended Appendix No. 11, relating to the City's Non-Conforming Use Register, and resolved to adopt in the interim amended version of the Non-Conforming Use Register with the inclusion of No. 231-233 Bulwer Street, Perth; and that the Draft Amended Appendix be advertised for public comment, in accordance with Clause 47 of the City of Vincent's Town Planning Scheme No. 1.

The Minutes of Item 9.1.9 from the Ordinary Meeting of Council held on 20 November 2012 relating to this report is available on the City's website at the following link:

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

DETAILS:

As part of the formal advertising of Amendment No. 107, the City sought comment from the owner of No. 231-233 Bulwer Street, Perth and requested evidence of the continued use of the properties in accordance with the non-conforming use of Warehouse and Showroom. The owner was also advised that the property was listed and confirmed as vacant as at 29 October 2012 and that non-conforming use rights would cease to exist on 29 April 2013 should the property not be used in accordance with the approved non-conforming use of Warehouse and Showroom.

The City received advice from Urban and Rural Planners, acting on behalf of the owner Diamond Oak 1977 Pty Ltd in relation to the Bulwer Street property as follows:

- Scope Interiors took over the lease of No. 231-233 Bulwer Street, Perth as at 1 January 2013 and commenced using the Bulwer Street premises on 1 March 2013 for Office, Warehouse and Showroom purposes associated with its current business activities;
- Scope Interiors specialise in the design, build, fitout, refurbishment and relocation of retail and commercial premises;
- Scope Interiors is owned and operated by the director of Diamond Oak 1977 Pty Ltd which is the current registered proprietor of the property in question;
- Scope Interiors previously operated from a premises in Malaga however given the impending expiry of the non-conforming use rights of the Bulwer Street premises on 28 April 2013 (as advised by the City on 28 November 2012) they made the decision to relocate the business to their Bulwer Street property to ensure that the current non-conforming use rights were not extinguished.

A site inspection of No. 231-233 by the City Officers on 22 April 2013 established that the premise at No. 231-233 Bulwer Street, Perth is being used by Scope Interiors for Office, Warehouse and Showroom use.

In light of the above, it is considered that there is sufficient evidence to support continuation of the previously approved non-conforming use of Warehouse and Showroom at No. 231-233 Bulwer Street, Perth.

Therefore, it is recommended that the Council approves for final adoption Appendix No. 11 relating to the Non-Conforming Use with the status of the Non-Conforming Use at No. 231-233 Bulwer Street, Perth being listed as current.

It is noted that a planning application has been submitted by Urban and Rural Planners, acting on behalf of the owner Diamond Oak 1977 Pty Ltd for reconfiguration of the internal floor area allocation of the existing building to allow the lessee Scope Interiors improved operational efficiency of the building; and various internal and external restorative works including construction of eleven (11) on-site car parking bays. This application is currently being assessed by the City's Statutory Planning Services.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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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) of affected properties and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

A total of two (2) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Total Submissions Received

Position	Number Received	Percentage
Support	1	-
Object	-	-
Not Stated	1	100%
Total	2	100%

Position	Number Received	Percentage
Support	1	100%
Object	-	-
Not Stated	1	-
Total	2	100%

The two (2) submissions received were from Government Authorities and did not contain any recommendation or comment.

LEGAL/POLICY:

In accordance with Clause 17 of the City's Town Planning Scheme No. 1, the City will maintain a Register of Non-Conforming Uses. The City's current Appendix No. 11 relating to Non-Conforming Uses contains a register of non-conforming uses within the City. The proposed amendments to Appendix No. 11, will ensure that the register reflects the current status of non-conforming uses within the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the City maintains a current Register of Non-Conforming Uses to ensure that approved non-conforming uses with the City are acknowledged and future assessments of these properties are correct.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

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

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 6,701</u>
Balance:	\$73,298

COMMENTS:

The final adoption of amended Appendix No. 11 relating to the City's Non-Conforming Use Register will ensure that a record of longstanding non-conforming uses within the City remain current.

In light of the above, it is recommended that the Council adopt the final amended Appendix No. 11 relating to the City's Non-Conforming Use Register in accordance with the Officer Recommendation.

9.1.9 LATE ITEM: No. 69 (Formerly Nos: 55-61) (Lot 55) Angove Street, North Perth – Proposed Demolition of Existing Place of Worship Building (Hall), Construction of New Place of Worship and Additions to Existing Building (Associated Library and Learning Centre) Conversion of Existing Place of Worship to Library and learning Centre

Ward:	North	Date:	7 June 2013
Precinct:	North Perth Centre (P9)	File Ref:	PRO1374; 5.2013.15.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Letter of Justification from Applicant 003 – Email from Western Power Corporation		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Ausmak Holdings Pty Ltd for Proposed Demolition of Existing Place of Worship Building (Hall), Construction of New Place of Worship and Additions to Existing Building (Associated Library and Learning Centre) Conversion Of Existing Place of Worship to Library and learning Centre at No. 69 (Formerly Nos: 55-61) (Lot 55) Angove Street, North Perth and as shown on amended plans stamp-dated 14 May 2013, subject to the following conditions:"

1. Building

- 1.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A and 2B Albert Street, North Perth. The finish of the wall is to be fully rendered or face brickwork;
- 1.2 The doors, windows and adjacent floor areas fronting Angove and Albert Streets shall maintain an active and interactive relationship with these streets;
- 1.3 A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
- 1.4 An interpretative plaque or another appropriate form of interpretation that recognises the social and historic value significance of the former Hall at No. 69 Angove Street, North Perth, shall be submitted to and approved by the City prior to the issue of a Demolition Permit and/or Building Permit, in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage. The form of interpretation shall be installed along the Angove Street frontage, prior to the first occupation of the approved dwellings buildings on site, at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s). The interpretative plaque may be funded by the City's Heritage Plaques Program;

2. Car Parking and Access-Ways

- 2.1 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and
- 2.2 The provision of one (1) car bay on-site for person's with a disability in accordance with Australian Standards (AS 2890.6);

3. Public Art

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

3.1 within twenty eight (28) days of the 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$15,000 (Option 2), for the equivalent value of one percent (1%) of the estimated total cost of the development (\$1,500,000);

3.2 in conjunction with the above chosen option;

3.2.1 Option 1

prior to the approval and subsequent issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist;

OR

3.2.2 Option 2

prior to the approval and subsequent issue of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.

4. Cash-in-Lieu

4.1 within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

4.1.1 pay a cash-in-lieu contribution of \$9,135 for the equivalent value of 2.61 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

4.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$9,135 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

(a) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or

(b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

(c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

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

5.1 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;

5.2 Landscape and Reticulation Plan

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

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

- 5.2.1 the location and type of existing and proposed trees and plants;
- 5.2.2 all vegetation including lawns;
- 5.2.3 areas to be irrigated or reticulated;
- 5.2.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.2.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

5.3 Schedule of External Finishes

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

5.4 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 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. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report; and

5.5 Design Features

A minimum of two (2) appropriate significant design features being incorporated into the southern elevation fencing along Albert Street;

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

6.1 **Bin store**

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; and

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

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. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner 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 Angove and Albert Streets;
3. 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 to and approved by the City prior to the erection of the signage;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning; and
5. Any new street/front wall, fence or gate within the Angove and Albert Street areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.

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

COUNCIL DECISION ITEM 9.1.9

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The application is referred to Council for determination, given it is likely to be of significant interest to the community.

BACKGROUND:

Date	Comment
12 January 2000	The City under Delegated Authority conditionally approved a new patio and store to existing church.
20 March 2013	Proposal was referred to the Design Advisory Committee for consideration and comments.
15 May 2013	The City has allocated a new address for the Church from Nos 55-61 Angove Street, North Perth to No. 69 Angove Street, North Perth.

DETAILS:

Landowner:	Macedonian Orthodox Church
Applicant:	Ausmak Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Place of Public Worship
Use Class:	Place of Public Worship
Use Classification:	"AA"
Lot Area:	987m ²
Right of Way:	Nil

This proposal is for the Demolition of Existing Place of Worship, Construction of New Place of Worship and Additions to Existing Building (Associated Library and Learning Centre). Access to the site will be entry via Albert Street, and exit via Angove Street. There is no car parking provided on-site.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Plot Ratio	N/A			
Building Height			✓	
Street Setbacks			✓	
Side and Rear Setbacks	✓			
Surveillance of the Street	✓			
Outdoor Living Area	N/A		✓	
Landscaping	✓			Revised plans submitted indicating landscaping to be compliant.
On-site Parking Provision			✓	
Vehicular Access	✓			
Site Works	✓			
Visual Privacy	✓			
Solar Access	✓			
Dwelling Size	N/A			
Essential Facilities	N/A			
Street Walls and Fences	✓			
Roof Form	N/A			

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

Issue/Design Element:	Building Height
Requirement:	<u>North Perth Centre Precinct-Scheme Map 9</u> Maximum allowable height of three (3) storeys (plus loft). Generally for three storeys the height will be 10 metres for concealed roof and 12 metres for pitched roof.
Applicants Proposal:	One storey with a total height of 15.058 metres
Applicant justification summary:	As per below submission.

Issue/Design Element:	Building Height
Officer technical comment:	A mixed use development of four storeys with basement was approved at 1-1A Albert Street opposite the subject site. The overall height of the proposed building is 13.8 metres. The proposed height is considered acceptable in the context of future developments in the area. The Design Advisory Committee have also commented that they had "no concern with height".

Issue/Design Element:	Street Setbacks
Requirement:	<u>North Perth Centre Precinct-Scheme Map 9</u> Buildings are to be setback from the street alignment such distance as is generally consistent with the buildings on the adjoining land and in the immediate locality.
Applicants Proposal:	Primary Streets (Angove and Albert Streets Angove Street- 0.227 metre to 4 metres
Applicant justification summary:	As per below submission.
Officer technical comment:	Given the configuration of the site and the walls are staggered along the streets it is considered that there will be no unreasonable adverse impact on the streetscape. Part of the toilet block street setback will match with the existing building on the western adjoining site. If the street setbacks are supported the applicant will be required to provide two design features to the solid portion of the 1.8 metres high fence facing Albert Street so as to minimise the impact on the streetscape.

Car Parking

The current place of public worship exists without parking provision and the applicant has noted that the congregation numbers have not altered. The applicant has advised that they have adequate space for the provision of 1 car bay for persons' with a disability.

Car Bay Requirement	
1 space per 3.8 square metres (proposed 140) of public floor area or 1 space per 4.5 persons (128 parishioners) of maximum number of persons approved for the site, whichever is the greater. <ul style="list-style-type: none"> Based on Floor area 140 square metres =36.84 car bays; or 128 parishioners= 28.44 car bays Greater is 36.84 or 37 car bays	37 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of public car park with 75 car bays). 0.85 the proposed development is within 400 metres of a bus stop/station. 	(0.7225) 26.73
Minus the car parking provided on-site	1 car bay for persons' with a disability, which has been conditioned.
Minus the previously approved on-site car parking shortfall based on following information: Currently 120 square metres of floor area; or 96 parishioners resulting in 31.58 car bays or 21.33 car bays respectively. Therefore 0.7225 x 32 car bays =23.12 shortfall applying to the site	23.12
Resultant Shortfall	2.61 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	22 April 2013 to 6 May 2013
Comments Received:	Two (2) objections, one (1) support and one (1) non-objection.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Car Parking</u> No on-site car parking provided. On-street car parking in the immediate vicinity is at a premium with cafes, retails and offices in the area. This will result in congestion in the area. No disabled car parking provided on site. The church and learning centre could be used for weddings, funerals and library activities, and as such on-site car parking should be provided. Unhappy as at times driveway is obstructed during ceremonies held at the church, and the issues associated with a larger church building.</p>	<p>Not Supported and conditioned. The shortfall in car parking is supported, as it is considered minimal in this instance. There is further car parking available on the Albert Street frontage. A condition has been imposed for the provision of a car bay for person's with a disability on-site. This matter can be dealt with by the City's Ranger Services.</p>
<p><u>Scale</u> The scale and architecture would dominate the all other buildings and not fit into character of Angove street landscape. Noted that the development exceeds City's development standards.</p>	<p>Not Supported. The development is considered not to have an undue impact on the streetscape or amenity of the area. It is noted that it is of similar height to the new development at 1A Albert Street. The Design Advisory Committee has also supported the height in this instance.</p>
<p><u>Setbacks</u> The setback back should comply with development standards.</p>	<p>Not Supported. The Lot is not of a regular shape and size. The reduced setback is not considered to have an adverse impact on the streetscape.</p>
<p><u>Landscaping</u> The 10 square metres of proposed landscaping is considered minimal, and should comply with development standards.</p>	<p>Supported. The applicant has submitted revised plans complying with the landscaping requirements.</p>
<p><u>Insufficient details</u> What does the conversion of the old church to a library and learning centre mean? No details provided of new works, except for new toilets and kiosk. What is the function of kitchen and kiosk? The noise that could be generated from old kitchen is of great concern.</p>	<p>Noted. In relation to sound emitted from the premises, sound levels created are not to exceed the provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Noise) Regulations 1997</i>. The applicant is required to demonstrate compliance with the City's Sound Attenuation Policy 3.5.21, in relation to the proposed development. Adequate sound attenuation of the premises is to be undertaken to ensure that noise received inside, or emitted from the premises does not exceed the levels stipulated in the <i>Environmental Protection (Noise) Regulations 1997</i>. Should the premises create a noise disturbance, the Health Services would then investigate the matter. The applicant has provided further information below regarding the use of the library and learning centre.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Clarification:</p> <p>Confirmation that during construction works that traffic, car parking and pedestrian movement during construction is not restricted, as this will cause congestion issues during school peak operating periods. The dust and noise management is undertaken during demolition and construction stage. And strict controls are enforced if asbestos containing materials are removed during the demolition stage.</p>	<p>Noted. Any building works involving the removal or alterations to asbestos products are to be carried out in accordance with the <i>Health (Asbestos) Regulations 1992</i> and WorkSafe procedures. If 10 square metres or more of asbestos containing material (such as asbestos cement sheeting) is to be removed, a WorkSafe asbestos removal licence is required and will be submitted to the City.</p> <p>A Demolition /Construction Management Plan is to be submitted to and approved by the City's Technical Services Directorate prior to both stages being commenced. A Traffic Management Plan for demolition and building traffic will be required to accompany the DMP and CMP. Access from Albert street would be restricted.</p>
<p>No reasons and comments provided in the support submission received.</p>	<p>Noted.</p>

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

The applicant has provided the following response to the concerns raised during the advertising period.

“a) *Car Parking*

Historically has never been any on site parking at this location. The Church service are held on Sundays mornings from 8:30am to 11:30am. The street parking has never been an issue because most of the parishioners attending the service, primarily are using North Perth Shopping Centre car parking area which is in the walking distance to the Church. Approximate distance of 400m only. The fact is that up to date has never been any complains in relation to the street parking and non on the offices and retailers has never been effected because they are closed on Sundays. This leaves enough street parking for some of the cafes who are opened early on the Sunday mornings.

Therefore the congestion of the street parking is negligible.

Disable car parking is provided and always has been in the car parking area between the church and the School located on Albert Street.

The Church and learning Centre when conducting weddings, funerals, library activities most of the Parishioners are arriving by chartered buses and for the ceremonial limousines we are providing parking in side the Lot 55, between the existing and new proposed Church. Ref: Drawings REV 01.

The obstruction of the driveways (if any) as has been claimed, should no longer be an issue because once the site is fully redeveloped and the new Church is completed, the development shall have two cross overs as showed on the revised drawings REV 01 from 13/05/2013 Sheet 1-6. Entry from Albert Street with one way traffic to Angove Street Exit.

b) *Scale*

It is obvious that when redevelopment takes place, the new building will be a dominating structure which we believe that will have a positive effect on the revitalization of Angove Street. Also it is believed that the location of the proposed Church building once completed will become a tourist attraction in the area and will lift the character of the Angove Street landscape. We are aware that this development exceeds City Developments Standards and that is a good thing and not something to be criticized.

c) *Setbacks*

Following our meeting with the City of Vincent representatives the setback was mentioned and we are aware that 2 points of the proposed Church are closed to the boundary. Ref: Drawings REV.01 and may not comply with the development standards.

The above mentioned points to the boundary are not closed to the residential or commercial buildings, the points are facing South to Albert Street car parking area and North to Angove Street.

We don't believe that any of this locations shall have future building developments approved so close To the proposed new Church Building.

d) *Landscaping*

At the above mentioned meeting the planning officer of City of Vincent requested that the landscape around the new Church building should be 98.7sqm. We have adjusted the plans to comply with the request and plotted 99.57sqm of landscape, therefore the landscaping is not an issue. Ref: drawings REV01.

e) *Insufficient details*

The Macedonian Orthodox Church have a school for learning of the Macedonia Language which is in conjunction with L.O.T.E program (Language Other Than English). Weekly classes of the school have been conducted in the existing Community Hall Centre, once that the Hall is demolished for the new Church these activities will be transferred into the new Library and Learning Centre.

The MOC also has a large library of books and large collection of Macedonian national dressing costumes as well collection of icons and other painting, photographs and memorabilia. All this items will be displayed and stored in the existing Church, Library, and Learning Centre.

The functions of the kitchen and the kiosk in the proposed Church, Library and Learning Centre is the equivalent as of the currently existing kitchen in the Community Hall.

Historically and up to date we have had no concerns or complaints from any one that the existing kitchen creates disturbing noise. We strongly believe that the proposed community kiosk and kitchen is not of an industrial nature therefore the noise will not excide World Health Organization Standards.

f) *Clarification*

We are confirming that at critical stages (delivering materials, plant, equipment and other necessary building requirements) during construction works, the builder will install and employee Traffic Management Company to keep the traffic, parking and pedestrian movements to a minimum delays and disturbance and without big congestions during all times.

During the demolition of the existing Community Hall and the construction of the new Church, the Builder shall install all necessary requirements for dust and noise management and control. The control shall comply with all Local Authorities Policies and Procedures as well Occupational Health and Safety Standards.

During the removal of any asbestos or asbestos contaminated materials, the demolition stage, builder will ensure that all Local Authority's Policies, Procedures, Occupational Health and Safety Standards are in place at all times for the duration of the Works."

The applicant also seeks the City's consideration for the cash in lieu payment to be waived, being a non-profit organisation, as per their attached letter dated 14 May 2013.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee (DAC) on 20 March 2013, which resulted in the following DAC recommendation:

Summary of Design Advisory Committee Comments:

Discussion:

- *"North Perth has existing variety of architectural styles that exhibit richness of details and different cultures and a variety of different land uses in the vicinity – this proposal adds to 'fruity-ness'*
- *No concern with height"*

Mandatory:

- *"Materials and roof form of new additions to existing building must match with original building (e.g.). A simple gable not a hip roof."*

The applicant has submitted amended plans stamp dated 14 May 2013 complying with the above DAC comments.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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
More efficient use of land including upgrading of infrastructure and services.	

SOCIAL	
Issue	Comment
Provide a social community service in the immediate area as a place of public worship (church).	

ECONOMIC	
Issue	Comment
Short term employment opportunities related to the building and related industries.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Heritage Services

Heritage Services has no objection to the demolition subject to the followings conditions being imposed:

- *“a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and*
- *an interpretative plaque or another appropriate form of interpretation that recognises the social and historic value significance of the former Hall at Nos. 55-61 Angove Street, North Perth, shall be submitted to and approved by the City prior to the issue of a Demolition Permit and/or Building Permit, in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage. The form of interpretation shall be installed along the Angove Street frontage, prior to the first occupation of the approved dwellings on site, at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s). The interpretative plaque may be funded by the City's Heritage Plaques Program.”*

Building Services

- Building Services has advised that a Demolition Permit is required for demolition of Hall/Church.
- That a Building Permit is required for construction of church toilets and conversion of hall to library (Class 9B) to standard BCA requirements. Private Certification is required; and
- For an Occupancy Permit is required on completion of the church.

Technical Services

Technical Services has advised that the power lines on the Angove street frontage are not required to be placed undergrounded.

Western Power in their email response MP135916 dated 10 April 2013 to the applicant has advised that there is no requirement for the Church to underground the power, unless they wish to fund the project themselves.

CONCLUSION:

The proposed car parking shortfall is supported subject to cash in lieu being paid. With respect to the applicant's request to waive the cash-in-lieu, it is not supportable at officer level. The new church building is considered supporting the community needs within Perth and will not impact on the amenity of the surrounding area.

In view of the above, the proposed development is supported subject to standard and specific conditions.

9.2.3 ICLEI Water Campaign – Progress Report No. 5

Ward:	Both	Date:	31 May 2013
Precinct:	All	File Ref:	TES0578
Attachments:	Nil		
Tabled Items:	001 – Local Action Plan		
Reporting Officer:	J Parker, Project Officer – Parks & Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the Local Action Plan, as show in Tabled Item 9.2.3 (Attachment 001), as a guiding document of actions to assist the City in achieving the Water Quality and Water Conservation goals, as set in Milestone Two (2).

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the newly formed Local Action Plan, for Council's endorsement, which will act as a guiding document for actions to assist the City's relevant Officers to achieve the Water Quality and Water Conservation goals which were set by the City's relevant Officers, and endorsed by Council, in Milestone Two (2).

BACKGROUND:

Various reports have been presented to Council regarding the ICLEI Water Campaign.

The Council decisions are as follows:

Ordinary Meeting of Council 22 May 2007 (in part):

“That the Council;

- (ii) ENDORSES the Town of Vincent joining the International Council for Environmental Initiatives (ICLEI-A/NZ) – Water Campaign Program and commencing actions to achieve the five (5) Milestones at a cost of \$1,650;*
- (iii) LISTS \$1650 for consideration in the 2007/2008 draft budget to enable the Town to become a member of the ICLEI-A/NZ – Water Campaign Program; and*
- (iii) RECEIVES progress reports on the program as the respective Milestones are achieved.”*

Ordinary Meeting of Council 12 July 2012:

"That the Council;

1. *NOTES that Milestone 1 has been completed and certified verification has been received from ICLEI (refer attachment 9.2.1);*
2. *REFERS the further milestones to the City's Sustainability Advisory Group, for consideration; and*
3. *REQUESTS a further report by August 2012, which provides a timetable for developing and adopting a Local Action Plan consistent with the goals adopted in Milestone 2."*

Ordinary Meeting of Council 14 August 2012:

"That the Council;

1. *APPROVES the recommendation from the Sustainability Advisory Group (SAG) to continue with the ICLEI Water Campaign; and*
2. *ENDORSES the goals for Milestone Two (2) set by the City for the International Council for Environmental Initiative's (ICLEI) – Water Campaign as outlined in the report."*

The Water Campaign is a sustainability initiative from the International Council for Local Environmental Initiatives (ICLEI) and the Australian Government and provides local governments with a framework and structured approach to actively assess their consumption of water and how their activities affect water quality within their area.

The Council's progression through this program framework is marked by milestones which progress the water management initiative through a series of steps. These steps are referred to as milestones.

DETAILS:

Sustainability Advisory Group (SAG) meeting held on 16 July 2012:

As outlined above, at its Ordinary meeting on 12 June 2012, the Council considered the ICLEI Water Campaign Milestone Two (2) Report and referred the City's ongoing participation in the Water Campaign to the SAG.

The benefits of continued participation in the ICLEI Water Campaign were discussed and agreed upon by SAG, as the following:

- Formal documentation and recognition of the City's efforts to reduce corporate and community water use;
- Independent third party certification of the City's efforts and achievements;
- Access to ICLEI's expertise and resources in developing and adopting suitable reduction measures;
- Access to a network of other participating Councils;
- Opportunity to become a Waterwise Council (status awarded by the Water Corporation following achievement of Water Campaign Milestone Three (3); and
- Provision of free training for Council staff provided by the Water Corporation (available only to Waterwise Councils).

ICLEI Water Campaign:

As previously reported to Council, the Water Campaign provides Local Governments with a tested program model, covering a broad spectrum of water management issues. The program involves progressing through five (5) milestones, that guide participating Local Governments through a process of local research, policy making, action planning, implementation and evaluation as follows:

Milestone One (1):

Undertake a water consumption inventory and water quality checklist. Completed - Milestone one (1) awarded.

Milestone Two (2):

Establish a water consumption reduction goal and water quality improvement goal. Completed - Milestone Two (2) awarded.

Milestone Three (3):

Develop and adopt a Local Action Plan. In progress.

Milestone Four (4):

Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits. To be progressed.

Milestone Five (5):

Monitor and report on water consumption reductions, water quality improvements and water management initiatives. To be progressed.

Current Proposal:

Milestone Three (3):

The City's Officers have formulated a Local Action Plan. The Local Action Plan is a strategy which has been developed that outlines how the City will achieve the goals that have been set during Milestone Two (2). The Local Action Plan outlines the actions and measures required to achieve these goals.

The Local Action Plan encompasses the following six (6) sections:

- Introduction and context of water management;
- Baseline profile;
- Statement of water management goals;
- Outline of existing actions and policies;
- Implementation list; and
- Commitment to monitoring and review.

It is a requirement that the Local Action Plan be endorsed by Council as endorsement of the Local Action Plan marks the achievement of Milestone Three (3).

CONSULTATION/ADVERTISING:

Further progress reports will be submitted to the Council, as the project is progressed.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

- (d) Ensure effective and efficient management and use of water and encourage water minimisation.*
- (e) Protect and improve the quality and dependent ecosystems of surface and ground water resources within the City."*

SUSTAINABILITY IMPLICATIONS:

Water is one of our most precious resources and better management of water quality and use can achieve improved future sustainability. The City, through the Water Campaign program, has the opportunity to take a leadership role in the local area and be part of a growing network of Local Governments, both in Western Australia and nationally, who have identified integrated water resource management as a priority for financial, environmental and social reasons.

FINANCIAL/BUDGET IMPLICATIONS:

As the City is already a member of ICLEI, no financial or budgetary implications are applicable at this time.

COMMENTS:

The ICLEI Water Campaign Milestone One (1) and Milestone Two (2) has been completed with Milestone Three (3) in progress.

In order for Milestone Three (3) to be completed the Local Action Plan is required to be endorsed by Council.

Following the successful completion of Milestone Three (3) it is expected that the City will seek the Waterwise endorsement from the Water Corporation after meeting the remaining criteria.

9.3 CORPORATE SERVICES

Nil.

9.4.3 No. 34 (Lot 1) Cheriton Street, Perth – Progress Report No. 4

Ward:	South	Date:	31 May 2013
Precinct:	EPRA; P16	File Ref:	PRO5055
Attachments:	001 – Management Order notifications		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 4 relating to No. 34 (Lot 1) Cheriton Street, Perth;
2. **AUTHORISES** the Chief Executive Officer to;
 - 2.1 write to the Minister of Regional Development and Lands to request to vary the Management Order to include the power to lease; and
 - 2.2 prepare a Management Plan as required, to clearly define the intended development/use, time-frame for development and any conservation, environmental, heritage, etc. requirements that has been secured; and
3. **NOTES** that a further report will be presented to Council once further notification has been received from the Department of Regional Development and Lands.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To provide an update on the status of No. 34 (Lot 1) Cheriton Street, Perth.

Previous progress reports have been presented to the Council over the past years in relation to No. 34 (Lot 1) Cheriton Street, Perth; as follows:

- | | |
|--------------|--|
| 27 July 2010 | The Council at its Ordinary Meeting resolved to commence including land ceded from various Local Government authorities to the then Town (part of the boundary changes in July 2007), into the City's Town Planning Scheme No. 1, with reporting to the Council on the commencement process in September 2010. |
| 28 July 2010 | The City received a letter from Gray & Lewis Land Use and Planners, seeking the Council's support for the land to be considered to be rezoned from 'Region Reserve for Public Purposes (Special Use)' to 'Urban', with the intention largely to provide greater development options for the site. |

- 10 August 2010 A report was presented to the Ordinary Meeting of Council to provide information on the Applicant's request to the Western Australian Planning Commission (WAPC) regarding a proposed MRS Amendment relating to the rezoning of the subject land (road widening and Lot 1 Cheriton Street, Perth), from 'Region Reserve for Public Purposes' (Special Uses) to 'Urban'.
- The Council also requested that the Chief Executive Officer approach the relevant Minister(s) and local Member of Parliament seeking transfer of the land, free of cost to the City as a Crown Grant (or equivalent), rather than freehold.
- 20 August 2010 The City wrote to the Minister for Transport, Minister for Planning and the Shadow Minister for Culture and the Arts as directed at the Ordinary Meeting of Council on 10 August 2010.
- 27 August 2010 Response received from the Department of Regional Development and Lands stating that they would not support the transfer of land at no cost, but were prepared to make a direct offer of transfer in freehold to the City at market value as determined by Landgate's Valuation Services Branch.
- 2 September 2010 The City responded to the Department of Regional Development and Lands, declining their offer to organise a valuation for the property as the City was not interested in purchasing the property at market value.
- 30 September 2010 Western Australian Planning Commission response letter to the applicants of the MRS Amendment regarding the status of the land.
- 11 October 2010 Response letter from the Minister for Transport advising that the Public Transport Authority (PTA) was unable to transfer the land free of charge as Government Policy requires the disposal of assets at market value, and funds from such a sale generally applied to the reduction of debt or the acquisition of infrastructure in line with the objectives of the PTA.
- 27 October 2010 Response letter from the Western Australian Planning Commission declaring their intention to sell the property on the open market and that there was an interested party wishing to refurbish the property for commercial use (offices). The City's support was also sought to consider all applications in line with the adopted EPRA Scheme No. 1 as a guide for proposed uses until the City has reviewed its Town Planning Scheme.
- 21 April 2011 Correspondence received from Norwood Neighbourhood Association requesting further information from the City on the various heritage reports and assessments that have been compiled regarding the property.
- May 2011 The Norwood Neighbourhood Association requested Council Members and City Officers, through a number of direct conversations, to revisit the use of the property as a community facility after receiving information that the State Government had discontinued their sale process for the property.
- 2 June 2011 The City wrote to Michael Sutherland, MLA, seeking support for the property to be leased to the City at a 'peppercorn lease' in return for the property being refurbished for community use.

- 13 June 2011 Michael Sutherland, MLA wrote to the Minister for Lands advising that he had met with a number of local residents, as well as the City's Chief Executive Officer, Mayor and two Council Members, to discuss the possible use of the property as a community facility. The Member for Mount Lawley supported the proposition that the City undertake an upgrade of the property for community use given the change of demographics in the immediate vicinity.
- 10 November 2011 Correspondence received from the Department of Regional Development and Lands requesting information from the City on its financial capacity to refurbish the building within a two (2) year period for a community facility.
- 6 December 2011 Authority was given to advise the Department of Regional Development and Lands of the the City's preliminary interest in refurbishing the property at No. 34 (Lot 1) Cheriton Street, Perth for the purpose of establishing a community facility. The need to explore community needs, and service gaps within the community was requested along with investigating partnership pathways with Central TAFE.
- 27 March 2012 Council approves the acceptance of a Management Order from the Department of Regional Development and Lands for No. 34 (Lot 1) Cheriton Street, Perth with a condition attached that the property (building) on Lot 1 is to be refurbished and in use for community purposes within two (2) years of issue of the Management Order. Council listed an amount of \$300,000 in the Draft 2012/2013 Budget to undertake refurbishment of the property and building.
- 11 June 2012 The Cheriton Street Property Advisory Group (CSPAG) convened its first meeting to work through the opportunities and possibilities for uses of the property. Council endorsed the course of action taken for the group to determine possible future use and partnership collaborations with relevant agencies.
- 1 November 2012 The CSPAG agrees for a Memorandum of Understanding to be entered between Central Institute of Technology (CIT) and City of Vincent to proceed as a Working Partnership Agreement for the Cheriton Street Project. Collaboration between the City and CIT with the inclusion of Aboriginal students using the 'Live Works Projects' as part of their course, and with the provision that the City provides the materials and CIT would provide the labour.

At the Ordinary Meeting of Council held on 18 December 2012, the following recommendation was adopted:

"That the Council;

1. *RECEIVES the Progress Report No. 2 relating to No. 34 (Lot 1) Cheriton Street, Perth;*
2. *ENDORSES the course of action as listed in the Provisional Critical Path submitted by the Central Institute of Technology, as shown in Appendix 9.4.8A;*
3. *AUTHORISES the Chief Executive Officer to;*
 - 3.1 *enter into negotiations with the Central Institute of Technology to progress a partnership through a Memorandum of Understanding (Appendix001)for the purposes of engaging building works for the property, as outlined in the Provisional Critical Path list, as shown in Appendix 9.4.8A;*

- 3.2 *engage professional trades to carry out the immediate required works as listed in the Provisional Critical Path (Appendix 003) prior to the Central Institute of Technology commencing;*
4. *APPROVES the Community Garden and Cheriton Outdoor Micro Cinema proposals submitted by the Norwood Neighbourhood Association, as shown in Appendix 9.4.8B and 9.4.8C, on a trial basis with a review to be conducted in six (6) months; and*
5. *NOTES that a further report will be presented to the Council once further work on the project has been carried out as outlined in the report."*

At the Ordinary Meeting of Council held on 28 May 2013, the following recommendation was adopted:

"That the Council;

1. *RECEIVES the Progress Report No. 3 relating to No. 34 (Lot 1) Cheriton Street, Perth;*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Progress the partnership with the Central Institute of Technology by entering into a Memorandum of Understanding as shown in Appendix A for the purposes of defining roles and responsibilities of key stakeholders, and engaging building works for the property, as outlined in the Architects Scope of Works at Appendix B; and the Central Institute of Technology Provisional Critical Path list, as shown in Appendix C, subject to the Memorandum of Understanding including a date by which the works are to be completed, and that date allowing sufficient time for the property to be functioning to meet the requirements of the Management Order from the Department of Regional Development and Lands; and*
3. *NOTES that a further report will be presented to the Council once further work on the project has been carried out as outlined in the report;*
4. *NOTES that the City will be applying for an Organisational Development Grant and a Capital Funds Grant from Lotterywest prior to the end of May 2013; and*
5. *APPROVES IN PRINCIPLE the management of the facility by the Norwood Neighbourhood Association Inc., once the building is complete, subject to negotiating a Lease Agreement to the satisfaction of the City's Chief Executive Officer."*

DETAILS:

The City's Officers have been in discussions with Lotterywest to submit applications for two (2) types of grants.

An organisational development grant - to build the capacity and sustainability of a not for profit incorporated group to take on the governance and management of the facility. If Council supported a group to access the grant themselves, rather than the City applying on their behalf, the City could mentor them throughout the process and link them closely with Learning Centre Link.

- The grant amount is up to \$15,000 for an incorporated group not registered for GST. Funds can be used for governance training for the group, consultation (environmental scanning) and strategic planning. The funds could employ a Project Officer for four (4) months to undertake this work and development a business plan; and
- Capital funds - to build the extra toilets including disabled access toilets, and funds for furniture equipment, fittings, sheds, landscaping etc. The City can submit this grant and access up to \$100,000.

The issue of security of tenure was raised during the meeting and the condition of the Management Order expiring two years from the date of the Order (21 June 2012) was raised. This condition states that the facility must be operating as a community centre within the two (2) years.

Lotterywest will provide funds only with a long term tenure and the demonstration of strong assurances of the intent for the community use of Cheriton Street on a long term basis before they release funds to the City or to a community group for the organisational development grant. The City of Vincent would need to demonstrate a long term tenure over the property for a minimum of five (5) years, ideally to ten (10) years in order to secure Lotterywest grants of up to \$100,000.

Management Order

The recommendation to seek an extended tenure in the Agenda Report to the Ordinary Meeting of Council held on 28 May 2013 was based on advice sought from an Officer at the Department of Regional Development and Lands. Since then, the City's Officers have sought further advice from a Senior Officer at the Department of Regional Development and Lands to clarify the rights afforded by the Management Order.

The Management of Reserve 51225 was given to the City of Vincent under section 46 of the *Land Administration Act 1997*, placing care, control and management of the Reserve to the City of Vincent.

The Department's Officer has advised there is no end date as such for the termination of the Management of the Reserve until the Management Order is revoked and if this was to happen, it would be in consultation with the City.

The reference to "contains conditions to be observed" as stated on crown land record 3158/689 for Lot 1, on Deposited Plan 62743 (and being for Reserve 51125) relates to the building on Lot 1, which is to be refurbished and in use for "Community Purposes" within two (2) years of the issue of the Management Order. It does not imply that the Management Order ends within two (2) years of it being issued but rather it is a condition that has been placed on the Management Order.

It should be noted that the City does not have power to lease this property. This would be another condition that would have to be stated on the Management Order.

The Minister may confer power to lease, sublease or grant licences under a Management Order. These powers may be varied by the Minister, with the consent of the management body. It is important to remember that a Management Order does not create an interest in the land but only care, control and management of the land. However, the leasing or licensing power is in fact a right to grant interests.

Leases and licences granted by management bodies over reserves should be for the general public benefit and in accordance with the purpose of the reserve.

If the City made a request to vary its Management Order to include the power to lease, a management plan would be requested, to clearly define the intended development/use, time-frame for development and any conservation, environmental, heritage, etc. requirements.

If the City was to receive power to lease, then any conditions in a lease or licence granted under a Management Order should contain four basic conditions namely:

- Prior consent is required of the Minister to any dealings;
- Indemnity against claims for damages or injury in favour of the State and its agents;
- Lease or licence purpose to be the same as or ancillary/beneficial to the Reserve purpose; and
- Lease term not exceeding the maximum allowed under the Management Order and enabling legislation.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

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

Relevant due diligence will be conducted to ensure the viability of the project and protecting the City's financial interest in relation to providing funds towards capital improvements of the property.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this project is low risk.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, Objective 3 states:

"Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

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

(a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of "men's sheds", community gardens, toy libraries and the like."*

SUSTAINABILITY IMPLICATIONS:

The potential of the premises for community use supports general principles of sustainability. Proposed "live work" projects to be undertaken by Central Institute of Technology will incorporate the assessment of materials and construction techniques to promote sustainability elements for the project where possible.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$200,000 has been listed for consideration on the 2013/2014 Draft Budget.

COMMENTS:

The approval from the Minister of Regional Development and Lands to lease the property will allow for the management of the facility by the Norwood Neighbourhood Association Inc., once the building is complete. The project allows for a grassroots approach in developing a community group with latent skills and knowledge to step up to managing a facility that will provide services and programmes for the wider community.

**9.4.4 Community and Welfare Grants and Donations Scheme 2012/2013-
Perth Mobile GP Service**

Ward:	Both	Date:	5 June 2013
Precinct:	All	File Ref:	FIN0202
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer A Birch, A/Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** payment of the following Community Welfare Grant and Donation, subject to compliance with Policy No. 3.10.6:

Organisation	Amount
Perth Mobile GP Services Ltd.	\$5,895

COUNCIL DECISION ITEM 9.4.4

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To obtain Council approval for a grant to Perth Mobile GP Services Ltd. (Mobile GP) under the Community and Welfare Grants and Donations Scheme for the 2012/2013 financial year.

BACKGROUND:

The Perth Mobile GP Services Ltd recently wrote to Mayor Hon. Alannah MacTiernan seeking the City’s support, to enable it to continue with its services. The Mayor has indicated her support and has requested this matter be reported to the Council for its consideration.

The City of Vincent established the Community and Welfare Grants and Donations Scheme to provide financial assistance to individuals who are disadvantaged and/or in crisis and to not-for-profit community service providers that provide assistance to City of Vincent residents.

Under Policy No 3.10.6, not-for-profit organisations are entitled to apply for grants of up to \$5,895 per financial year to assist with providing community services and programmes.

Sundry Donations are also allocated to enable the City to provide small donations to not-for-profit community service providers, not in receipt of an annual grant. All applications are thoroughly assessed in accordance with set criteria and guidelines.

This application has been rated against the set criteria. The ratings are shown below:

Criteria	Weighting
Benefit to City of Vincent residents	50%
Financial viability of the project or programme	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or programme	10%
	100%

DETAILS:

A summary of the applications and their ratings is shown below:

Organisation	Mobile GP
Purpose of Funding	The grant will be used to purchase medical supplies to assist with the continuation of medical clinics for homeless and marginalised individuals. Specifically, the grant will be used to purchase glucometers, wound dressings, dressing packs, medications, disposables for Echocardiogram machines, sharps disposals and other medical supplies necessary for clinic operation.
Target Group	Mobile GP has a target group of marginalised persons, including homeless, at risk of homeless and newly housed low income people.
Services Provided	Mobile GP provides primary healthcare services for homeless and other marginalised people including physical and mental health services.
Incorporated	Yes.
Residents Served	Mobile GP undertook approximately 5000 consultations to 1500 patients last year. Due to the transient nature of their patients, it is difficult to determine residency however, based on the statistics of where patients were sleeping rough, squatting, couch surfing or identified as their last known address or community, approximately 50% of Mobile GP patients are Vincent residents.
Comments	Mobile GP is a not-for-profit organisation that provides holistic, high quality medical care to homeless and marginalised individuals. Mobile GP is unique from other medical services for homeless people as they focus on both physical and mental health. They have a number of community partners, including the soon to be open Oxford Foyer in Leederville. With their community partnerships and the support from the City, they will be able to continue and expand on this high quality and much needed service.
Amount Requested	\$5,895
Officer recommends	\$5,895

Mobile GP	Raw Score	Weighted Score
Benefit to City of Vincent residents	85	42.5%
Financial viability of the project or programme	80	8%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	100	10%
A unique service that meets the needs of the community	90	9%
Demonstrated experience in delivering the service or programme	100	10%
TOTAL:	555	89.5%

CONSULTATION/ADVERTISING:

The Community Welfare Grants and Donations are advertised on the City's website and are open for application in May and November of each financial year; however, applications can be accepted throughout the year pending resource availability and subject to initial discussion with the Manager Community Development.

LEGAL/POLICY:

City of Vincent Policy No. 3.10.6 Community and Welfare Grants.

RISK MANAGEMENT IMPLICATIONS:

Low Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that it low risk.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2011-2016*,

"Key Result Area Three: Community Development and Wellbeing

3.1.3 *Promote health and wellbeing in the community.*

3.1.6 *Build capacity within the community to meet its needs."*

SUSTAINABILITY IMPLICATIONS:

The provision of the recommended grant will create a positive standard of sustainability and accessibility in the community. Provision of this grant will allow Mobile GP to continue holistic medical services specifically tailored to meet the needs of homeless individuals who carry a high burden of ill health. The recommended grant is for the provision of a programme that will enhance the quality of life of all residents in the community.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the Donations and Sponsorship budgeted item as follows; \$3,397.55 will be drawn from the General Donations allocation and \$2,497.45 will be drawn from the Sundry Donations allocation:

Budget Amount:	\$45,000
Spent to Date:	\$26,602.45
Allocated to Special Welfare Assistance	\$10,000
Allocated to Sundry Donations	\$ 5,000
Balance:	\$ 3,397.55

COMMENTS:

Mobile GP is a not-for-profit organisation that provides holistic, high quality medical care to homeless and marginalised individuals. Mobile GP is unique from other medical services for homeless people as they focus on both physical and mental health. They have a number of community partners, including the soon to be open Oxford Foyer in Leederville. With their community partnerships and the support from the City, they will be able to continue and expand on this high quality and much needed service.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	31 May 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 May 2013.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

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
06/05/2013	Scheme Amendment Documents	3	City of Vincent Town Planning Scheme No. 1 Amendment No. 33 - To allow for an Additional Use of Light Industry (Bakery) and incidental uses including Local Shop and Office to Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth into the City's Town Planning Scheme No. 1 - <i>As per decision of the Ordinary Meeting of Council held on 23 April 2013 - Item 9.1.10</i>
14/05/2013	Local Law Amendment	1	City of Vincent Property Local Law No. 1, 2013 - <i>As per Council decision of the Ordinary Meeting of Council held on 14 May 2013</i>
20/05/2013	Scheme Amendment Documents	3	City of Vincent Town Planning Scheme No. 1 District Zoning Scheme, Amendment No. 33 Scheme Amendment Documents relating to No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth (Vastese Bakery) - Allow for an Additional Use of Light Industry (Bakery) and incidental uses including Local Shop and Office - <i>As per Council decision of the Ordinary Meeting of Council held on 23 April 2013 - Item 9.1.10</i>

Date	Document	No of copies	Details
24/05/2013	Restrictive Covenant	2	City of Vincent and Mr P and Mrs M Della-Maddalena both of 30 Millerick Way, Noranda re: No. 421 (Lot 246; D/P 2672) Walcott Street, Coolbinia - Survey Strata Subdivision - <i>To satisfy Clause 1. of Conditional Approval of the Western Australian Planning Commission dated 21 December 2012</i>
28/05/2013	Notification Under Section 70A	3	City of Vincent and M D Egan of 24 Cohn Street, Carlisle re: No. 28 (Lot: 146 D/P: 64743) Harley Street, Highgate - Proposed Ancillary Accommodation to Existing Single House - <i>To satisfy Clause (ii) of Conditional Planning Approval granted under Delegated Authority on 9 April 2013</i>
28/05/2013	Deed of Consent to Mortgage	3	City of Vincent and Cygnet Properties Pty Ltd as trustee for the Cygnet Unit Trust of 15 Ord Street, West Perth and Commonwealth Bank of Australia of 150 St Georges Terrace, Perth re: No. 135 (Lots 1, 2, 7, 100, 800 and 801) Summers Street, Corner Lord Street and Coolgardie Terrace, Perth - <i>To allow the Commonwealth Bank to register their mortgage over the above subject sites</i>
30/05/2013	Easement in Gross	4	City of Vincent and Water Corporation of 629 Newcastle Street, Leederville re: No. 629 (Lot: 100 D/P: 58812, Lot: 51 D/P: 37467) Newcastle Street, Leederville - <i>To satisfy Clause 3. of Conditional Approval of the Western Australian Planning Commission dated 29 January 2013 - In order for titles to be issued by Landgate</i>

9.5.3 Information Bulletin

Ward:	-	Date:	31 May 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 31 May 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 31 May 2013 are as follows:

ITEM

- IB01 Minutes from the Loftus Recreation Centre Management Committee held on 16 May 2013
- IB02 Minutes from the Health Vincent Advisory Group Meeting held on 10 April 2013
- IB03 Minutes from the Local History and Heritage Advisory Group Meeting held on 9 May 2013
- IB04 Unconfirmed Minutes of the Design Advisory Committee Meeting held on 15 May 2013
- IB05 Mainstreet Conference 2013 Melbourne, Victoria
- IB06 Register of Petitions – Progress Report – June 2013
- IB07 Register of Notices of Motion – Progress Report – June 2013
- IB08 Register of Reports to be Actioned – Progress Report – June 2013
- IB09 Register of Legal Action (**Confidential – Council Members Only**) – Monthly Report (June 2013)
- IB10 Register of State Administrative Tribunal Appeals – Progress Report – June 2013
- IB11 Register of Applications Referred to the Design Advisory Committee –May/June 2013
- IB12 Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current
- IB13 Forum Notes - 21 May 2013
- IB14 Notice of Forum - 18 June 2013

9.1.2 No. 298 (Lot 888; D/P 58701) Lord Street, Corner of Windsor Street, Highgate – Proposed Amendment from Construction of Six-Storey Mixed Use Development Comprising Thirty-Two (32) Single Bedroom Multiple Dwellings, Thirty-Six (36) Multiple Dwellings, One (1) Shop, Five (5) Offices and Associated Basement Car Parking to Construction of Six-Storey Mixed Use Development Comprising Twenty-Six (26) Single Bedroom Multiple Dwellings, Forty-Two (42) Multiple Dwellings, One (1) Shop, Four (4) Offices and Associated Car Parking

Ward:	South	Date:	31 May 2013
Precinct:	Banks; P15	File Ref:	PRO3571; 5.2013.99.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 11 March 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Greg Rowe and Associates on behalf of the owners, 300 Lord Street Pty Ltd, Avalon Holdings (WA) Pty Ltd, JNI Developments Pty Ltd & Land Surveys Pty Ltd, for Proposed Amendment from Construction of Six-Storey Mixed Use Development Comprising Thirty-Two (32) Single Bedroom Multiple Dwellings, Thirty-Six (36) Multiple Dwellings, One (1) Shop, Five (5) Offices and Associated Basement Car Parking to Construction of Six-Storey Mixed Use Development Comprising Twenty-Six (26) Single Bedroom Multiple Dwellings, Forty-Two (42) Multiple Dwellings, One (1) Shop, Four (4) Offices and Associated Car Parking at No. 298 (Lot 888; D/P 58701) Lord Street, Corner of Windsor Street, Highgate, and as shown on plans stamp-dated 15 March 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 308 Lord Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. Doors, windows and adjacent floor areas facing Lord Street and Windsor Street shall maintain active and interactive relationships with these streets;
3. The maximum gross floor area of the shop shall be limited to 126 square metres;
4. The maximum gross floor area of the office shall be limited to 205 square metres;
5. The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
6. The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development;
7. The street parking does not form part of this development approval and will not be approved in the form shown on the proposed plans;

8. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

8.1 WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$120,000 (Option 2), for the equivalent value of one percent (1%) of the estimated total cost of the development (\$12,000,000);

8.2 in conjunction with the above chosen option;

8.2.1 Option 1 – prior to the commencement of the development, obtain approval for the Public Art Project and associated Artist;

and

Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

8.2.2 Option 2 – prior to the commencement of the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.

The approved artwork in accordance with Option 1 above, shall be installed prior to the issue of a Certificate of Occupancy for the development;

9. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

9.1 Pay a cash-in-lieu contribution of \$4,760 for the equivalent value of 1.36 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

9.2 Lodge an appropriate assurance bond/bank guarantee of a value of \$4,760 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

9.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or

9.2.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

9.2.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

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

10.1 **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, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

10.2 **Visual Truncation**

Amended plans are required to be submitted detailing:

10.2.1 No building, wall, fence or landscaping greater than 0.75 metre in height, measured from the natural ground level at the access/egress ramps, shall be constructed within 1.5 metres of a vehicular access way, unless such wall or fence is constructed with a 1.5 metre truncation to ensure safe access for right of way users; and

10.2.2 A 3 metre by 3 metre truncation to be provided to the south-eastern corner of the development located at the access and egress point from Windsor Street to the right of way;

10.3 **Energy Efficiency**

The development is to meet the following minimum Environmentally Sustainable Design (ESD) requirements in respect of each stage:

10.3.1 **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City: The design of the proposed commercial components are to be certified by the Green Building Council of Australia as a 5-Star Green Star Office Design v3 rating (or the latest version of this tool at commencement of the project); and**

10.3.2 **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City: The design of the proposed residential component is to be certified by the Green Building Council of Australia as a 4-Star Green Star Multi Unit Residential Design v1 rating (or the latest version of this tool at commencement of the project);**

10.4 **Landscape and Reticulation Plan**

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

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

- 10.4.1 The location and type of existing and proposed trees and plants;
10.4.2 All vegetation including lawns;

- 10.4.3 Areas to be irrigated or reticulated;
- 10.4.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 10.4.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

10.5 Schedule of External Finishes

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

10.6 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 and 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;

10.7 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision to the satisfaction of the City's Technical Services. A waste management plan, prepared by a qualified consultant, is to be prepared and approved by the City's Technical Services Section;

10.8 Windsor Street/Right of Way Crossover

The crossover from Windsor Street and the right of way is to be at 90 degrees from the kerb line;

10.9 Privacy Screening

The following major opening(s) shall be screened to the requirements of the Residential Design Codes November 2010:

- 10.10.1 The northern and eastern elevation of the communal deck at any point within the cone of vision less than 7.5 metres from a neighbouring boundary;

10.10 Footpath Upgrade

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. The upgrade bond shall also be applied to construction of embayed parking to the City's design. A refundable footpath upgrading bond of \$86,000 shall be lodged prior to the issue of a Building Permit and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services. An application to the City for the refund of the upgrading bond when works are completed must be made in writing;

10.11 Access Ramps

10.11.1 Revised plans shall be submitted demonstrating the access ramps to the parking levels being modified with kerbing guides to prevent a left turn into the right of way. All vehicles egressing the development are to make the right turn to the Windsor Street access point of the right-of-way;

10.11.2 Ramp grades shall adhere to AS2890.1; and

10.11.3 Headroom of bays under access ramps to parking levels to be a minimum of 2.2 metres in height in accordance with the requirements of AS 2890.1;

10.12 Manoeuvring Space

Six (6) metres manoeuvring room shall be provided for vehicle access from the right of way into the parking area access points;

10.13 Intersection Modification

The intersection of Windsor Street and Lord Street shall be modified to satisfactorily address access and safety issues, at the full cost of the developer/applicant. A bond of \$25,000 shall be paid prior to the issue of a Building Permit. Actual cost of the modifications will be determined when required design has been costed, to the satisfaction of the City's Technical Services;

10.14 Section 70 A Notification under the Transfer of Land Act

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

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

10.14.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or commercial tenancies.

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

10.15 Design Features

A minimum of two (2) design features being incorporated into the boundary wall on the northern elevation of the building;”

“10.16 Car Parking

10.16.1 Car parking aisles bays shall comply with the minimum length and width in accordance with the requirements of AS2890.1, being 5.4 metres by 2.4 metres; and

10.16.2 No piers are to be positioned in the car parking bay exclusion zones and piers to be so designed so as to adhere to the requirements of AS2890.1;”

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

11.1 Car Parking

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

11.2 Residential Car Bays

A minimum of fifty-three (53) and fourteen (14) car bays shall be provided for the residents and visitors respectively. The sixty-seven (67) car parking spaces shall be clearly marked and signposted accordingly;

11.3 Visitor Bays

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

11.4 Commercial Car Parking

11.4.1 Five (5) car parking spaces for the commercial component shall be clearly marked and signposted; and

11.4.2 The car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

11.5 Bicycle Parking Facilities

11.5.1 Twenty-three (23) and seven (7) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

11.5.2 Two (2) class one or two bicycle parking facilities and one (1) class three bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the City prior to the installation of such facilities;

11.6 Right of Way

11.6.1 The right-of-way being widened to 6 metres in width along the full width and length of the eastern boundary of Lot 888;

11.6.2 The owner(s) or the applicant on behalf of the owner(s) shall enter into a legal agreement with the City to cede 1.48 metres of land to the City for the entire length of the eastern boundary for the purposes of widening the right of way to 6 metres. All costs are to be paid by the applicant to the specifications of the City's Solicitors and Chief Executive Officer; and

11.6.3 The right-of-way adjoining Lot 888 to be widened by 1.48 metres, such widening being shown on the Deposited Plan as a Right-of-Way, and vested in the Crown under section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any compensation by the Crown or the City;

11.7 Management Plan-Vehicular Entry Gate

11.7.1 The security gates are required to be setback a minimum of 6 metres from the right-of-way to ensure that there are no obstructions in the right-of-way; and

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

11.8 Strata Management Plan

The Applicant shall submit a strata management plan which encourages residents to use Windsor Street as the primary access/egress point;

11.9 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes;

11.10 Energy Efficiency

11.10.1 PRIOR TO THE FIRST OCCUPATION OF THE BUILDING, the following shall be completed to the satisfaction of the City: The office building construction, on practical completion, is to be independently assessed by a suitable Green Star Accredited Professional appointed by the City, at the applicant's cost. The independent assessment is to include assessment of a full set of As Built drawings, with all results reported to the City as proof that construction met or exceeded the previously certified Green Building Council of Australia, 5-Star Green Star Office Design v3 rating (or the latest version of this tool at the time of certification), as required by Condition 10.3.1; and

11.10.2 PRIOR TO THE FIRST OCCUPATION OF THE BUILDING, the following shall be completed to the satisfaction of the City: The residential component of the construction, on practical completion, is to be independently assessed by a suitable Green Star Accredited Professional appointed by the City, at the applicant's cost. The independent assessment is to include assessment of a full set of As Built drawings, with all results reported to the City as proof that construction met or exceeded the previously certified Green Building Council of Australia 4-Star Green Star Multi Unit Residential Design v1 rating (or the latest version of this tool at the time of certification), as required by Condition 10.3.2; and

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

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. With regards to conditions 3 and 4, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
3. Privacy screening as required by condition 10.9 is to be to a minimum of 1.6 metres above finished floor level and permanent in nature, which does not include self adhesive material. The screening may be horizontal or vertical (where appropriate), and top hinged windows may be openable no greater than 20 degrees. Alternatively if the opening(s) are amended to no longer be considered a major opening as defined in the Residential Design Codes November 2010, screening is not required;
4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Lord Street, Windsor Street and the right-of-way;
5. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
6. Any new street/front wall, fence and gate within the Lord Street and Windsor Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.

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 McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr McGrath

"That Clauses 9.1, 11.2 and 11.4 be amended to read as follows;

~~9.1 Pay a cash-in-lieu contribution of \$4,760 for the equivalent value of 1.36 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR~~

11.2 Residential Car Bays

A minimum of ~~fifty-three (53)~~ sixty two (62) and ~~fourteen (14)~~ four (4) car bays shall be provided for the residents and visitors respectively. The ~~sixty-seven (67)~~ sixty six (66) car parking spaces shall be clearly marked and signposted accordingly;

11.4 Commercial Car Parking

11.4.1 ~~Five (5)~~ six (6) car parking spaces for the commercial component shall be clearly marked and signposted; and

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 2

Moved Cr Maier, Seconded Cr Harley

“That a new Clause 11.6 be inserted and the remaining Clauses be renumbered as follows:

11.6 Motorcycle Parking

11.6.1 Provision of fifteen (15) motorbike bays of which five (5) remain as visitor bays on common property;

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

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

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 Greg Rowe and Associates on behalf of the owners, 300 Lord Street Pty Ltd, Avalon Holdings (WA) Pty Ltd, JNI Developments Pty Ltd & Land Surveys Pty Ltd, for Proposed Amendment from Construction of Six-Storey Mixed Use Development Comprising Thirty-Two (32) Single Bedroom Multiple Dwellings, Thirty-Six (36) Multiple Dwellings, One (1) Shop, Five (5) Offices and Associated Basement Car Parking to Construction of Six-Storey Mixed Use Development Comprising Twenty-Six (26) Single Bedroom Multiple Dwellings, Forty-Two (42) Multiple Dwellings, One (1) Shop, Four (4) Offices and Associated Car Parking at No. 298 (Lot 888; D/P 58701) Lord Street, Corner of Windsor Street, Highgate, and as shown on plans stamp-dated 15 March 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 308 Lord Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. Doors, windows and adjacent floor areas facing Lord Street and Windsor Street shall maintain active and interactive relationships with these streets;
3. The maximum gross floor area of the shop shall be limited to 126 square metres;
4. The maximum gross floor area of the office shall be limited to 205 square metres;
5. The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
6. The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development;
7. The street parking does not form part of this development approval and will not be approved in the form shown on the proposed plans;

8. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

8.1 **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$120,000 (Option 2), for the equivalent value of one percent (1%) of the estimated total cost of the development (\$12,000,000);**

8.2 in conjunction with the above chosen option;

8.2.1 **Option 1 – prior to the commencement of the development, obtain approval for the Public Art Project and associated Artist;**

and

Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

8.2.2 **Option 2 – prior to the commencement of the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.**

The approved artwork in accordance with Option 1 above, shall be installed prior to the issue of a Certificate of Occupancy for the development;

9. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

9.1 **Lodge an appropriate assurance bond/bank guarantee of a value of \$4,760 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**

9.1.1 **To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or**

9.1.2 **To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**

9.1.3 **To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.**

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

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

10.1 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, Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

10.2 Visual Truncation

Amended plans are required to be submitted detailing:

10.2.1 No building, wall, fence or landscaping greater than 0.75 metre in height, measured from the natural ground level at the access/egress ramps, shall be constructed within 1.5 metres of a vehicular access way, unless such wall or fence is constructed with a 1.5 metre truncation to ensure safe access for right of way users; and

10.2.2 A 3 metre by 3 metre truncation to be provided to the south-eastern corner of the development located at the access and egress point from Windsor Street to the right of way;

10.3 Energy Efficiency

The development is to meet the following minimum Environmentally Sustainable Design (ESD) requirements in respect of each stage:

10.3.1 PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City: The design of the proposed commercial components are to be certified by the Green Building Council of Australia as a 5-Star Green Star Office Design v3 rating (or the latest version of this tool at commencement of the project); and

10.3.2 PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City: The design of the proposed residential component is to be certified by the Green Building Council of Australia as a 4-Star Green Star Multi Unit Residential Design v1 rating (or the latest version of this tool at commencement of the project);

10.4 Landscape and Reticulation Plan

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

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

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

10.4.2 All vegetation including lawns;

- 10.4.3 Areas to be irrigated or reticulated;
- 10.4.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 10.4.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

10.5 Schedule of External Finishes

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

10.6 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 and 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;

10.7 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision to the satisfaction of the City's Technical Services. A waste management plan, prepared by a qualified consultant, is to be prepared and approved by the City's Technical Services Section;

10.8 Windsor Street/Right of Way Crossover

The crossover from Windsor Street and the right of way is to be at 90 degrees from the kerb line;

10.9 Privacy Screening

The following major opening(s) shall be screened to the requirements of the Residential Design Codes November 2010:

- 10.10.1 The northern and eastern elevation of the communal deck at any point within the cone of vision less than 7.5 metres from a neighbouring boundary;

10.10 Footpath Upgrade

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. The upgrade bond shall also be applied to construction of embayed parking to the City's design. A refundable footpath upgrading bond of \$86,000 shall be lodged prior to the issue of a Building Permit and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services. An application to the City for the refund of the upgrading bond when works are completed must be made in writing;

10.11 Access Ramps

10.11.1 Revised plans shall be submitted demonstrating the access ramps to the parking levels being modified with kerbing guides to prevent a left turn into the right of way. All vehicles egressing the development are to make the right turn to the Windsor Street access point of the right-of-way;

10.11.2 Ramp grades shall adhere to AS2890.1; and

10.11.3 Headroom of bays under access ramps to parking levels to be a minimum of 2.2 metres in height in accordance with the requirements of AS 2890.1;

10.12 Manoeuvring Space

Six (6) metres manoeuvring room shall be provided for vehicle access from the right of way into the parking area access points;

10.13 Intersection Modification

The intersection of Windsor Street and Lord Street shall be modified to satisfactorily address access and safety issues, at the full cost of the developer/applicant. A bond of \$25,000 shall be paid prior to the issue of a Building Permit. Actual cost of the modifications will be determined when required design has been costed, to the satisfaction of the City's Technical Services;

10.14 Section 70 A Notification under the Transfer of Land Act

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

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

10.14.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or commercial tenancies.

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

10.15 Design Features

A minimum of two (2) design features being incorporated into the boundary wall on the northern elevation of the building;

10.16 Car Parking

10.16.1 Car parking bays shall comply with the minimum length and width in accordance with the requirements of AS2890.1, being 5.4 metres by 2.4 metres; and

10.16.2 No piers are to be positioned in the car parking bay exclusion zones and piers to be so designed so as to adhere to the requirements of AS2890.1;

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

11.1 Car Parking

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

11.2 Residential Car Bays

A minimum of sixty two (62) and four (4) car bays shall be provided for the residents and visitors respectively. The sixty six (66) car parking spaces shall be clearly marked and signposted accordingly;

11.3 Visitor Bays

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

11.4 Commercial Car Parking

11.4.1 six (6) car parking spaces for the commercial component shall be clearly marked and signposted; and

11.4.2 The car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

11.5 Bicycle Parking Facilities

11.5.1 Twenty-three (23) and seven (7) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

11.5.2 Five (5) class one or two bicycle parking facilities and one (1) class three bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the City prior to the installation of such facilities;

11.6 Motorcycle Parking

11.6.1 Provision of fifteen (15) motorbike bays of which five (5) remain as visitor bays on common property

11.7 Right of Way

11.7.1 The right-of-way being widened to 6 metres in width along the full width and length of the eastern boundary of Lot 888;

11.7.2 The owner(s) or the applicant on behalf of the owner(s) shall enter into a legal agreement with the City to cede 1.48 metres of land to the City for the entire length of the eastern boundary for the purposes of widening the right of way to 6 metres. All costs are to be paid by the applicant to the specifications of the City's Solicitors and Chief Executive Officer; and

- 11.7.3 The right-of-way adjoining Lot 888 to be widened by 1.48 metres, such widening being shown on the Deposited Plan as a Right-of-Way, and vested in the Crown under section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any compensation by the Crown or the City;
- 11.8 **Management Plan-Vehicular Entry Gate**
- 11.8.1 The security gates are required to be setback a minimum of 6 metres from the right-of-way to ensure that there are no obstructions in the right-of-way; and
- 11.8.2 The proposed vehicular entry gate to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and
- 11.9 **Strata Management Plan**
- The Applicant shall submit a strata management plan which encourages residents to use Windsor Street as the primary access/egress point;
- 11.10 **Clothes Drying Facility**
- Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 7.4.7 "Essential Facilities" A7.3 of the Residential Design Codes;
- 11.11 **Energy Efficiency**
- 11.11.1 PRIOR TO THE FIRST OCCUPATION OF THE BUILDING, the following shall be completed to the satisfaction of the City: The office building construction, on practical completion, is to be independently assessed by a suitable Green Star Accredited Professional appointed by the City, at the applicant's cost. The independent assessment is to include assessment of a full set of As Built drawings, with all results reported to the City as proof that construction met or exceeded the previously certified Green Building Council of Australia, 5-Star Green Star Office Design v3 rating (or the latest version of this tool at the time of certification), as required by Condition 10.3.1; and
- 11.11.2 PRIOR TO THE FIRST OCCUPATION OF THE BUILDING, the following shall be completed to the satisfaction of the City: The residential component of the construction, on practical completion, is to be independently assessed by a suitable Green Star Accredited Professional appointed by the City, at the applicant's cost. The independent assessment is to include assessment of a full set of As Built drawings, with all results reported to the City as proof that construction met or exceeded the previously certified Green Building Council of Australia 4-Star Green Star Multi Unit Residential Design v1 rating (or the latest version of this tool at the time of certification), as required by Condition 10.3.2; and
12. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. With regards to conditions 3 and 4, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
3. Privacy screening as required by condition 10.9 is to be to a minimum of 1.6 metres above finished floor level and permanent in nature, which does not include self adhesive material. The screening may be horizontal or vertical (where appropriate), and top hinged windows may be openable no greater than 20 degrees. Alternatively if the opening(s) are amended to no longer be considered a major opening as defined in the Residential Design Codes November 2010, screening is not required;
4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Lord Street, Windsor Street and the right-of-way;
5. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
6. Any new street/front wall, fence and gate within the Lord Street and Windsor Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal relates to an amendment to a six-storey building that was previously approved by the Council. The proposal in summary is a smaller development as a result of relocating the underground basement car park above ground. The redesign is a response to further site investigations and watertable implications for a basement car park.

BACKGROUND:

History:

Date	Comment
5 December 2006	The Council at its Ordinary Meeting conditionally approved a development application for proposed mixed-use development comprising offices and fourteen (14) grouped dwellings at Nos. 296-306 Lord Street, Highgate
16 June 2008	The Western Australian Planning Commission conditionally approved the amalgamation of No. 288 (Lot 123; D/P: 4540) and Nos. 296-306 (Lots 1-4; D/P: 1197) Lord Street, corner of Windsor Street, Highgate; which was subsequent endorsed on 11 February 2011.
24 March 2009	The Council at its Ordinary Meeting conditionally approved a development application for proposed demolition of existing corner shop and attached single house at No. 288 Lord Street, Highgate.

Date	Comment
14 April 2009	The Council at its Ordinary Meeting conditionally approved the construction of a five-storey commercial development comprising offices, eating house and basement car parking at Nos. No. 288 (Lot 123; D/P: 4540), Nos. 296-306 (Lots 1-4; D/P: 1197) Lord Street, corner of Windsor Street, Highgate.
27 September 2011	The Council at its Ordinary Meeting refused a development application for proposed construction of a six-storey mixed use development comprising thirty-five (35) single bedroom multiple dwellings, thirty-eight (38) multiple dwellings, one (1) shop (deli), five (5) offices and associated basement car parking at No. 298 Lord Street, Highgate.
28 February 2012	The Council at its Ordinary Meeting conditionally approved a development application for proposed construction of a six-storey mixed use development comprising thirty-two (32) single bedroom multiple dwellings, thirty-six (36) multiple dwellings, one (1) shop (deli), five (5) offices and associated basement car parking – State Administrative Tribunal (SAT) DR 351 of 2011 at No. 298 Lord Street, Highgate.

Previous Reports to Council:

A development application for proposed construction of a six-storey mixed use development comprising thirty-five (35) single bedroom multiple dwellings, thirty-eight (38) multiple dwellings, one (1) shop (deli), five (5) offices and associated basement car parking was presented to the Council at its Ordinary Meeting held on 27 September 2011; whereby the Council resolved to refuse the development application.

Following the Council's resolution, an application for review was lodged with the State Administrative Tribunal on 11 October 2011. The State Administrative Tribunal Orders dated 22 December 2011, invited the Council to reconsider its decision under Section 31(1) of the *State Administrative Tribunal Act 2004*, subject to amended plans being submitted.

On 14 January 2012, the City received amended plans which propose the construction of a six storey mixed use development comprising thirty two (32) single bedroom multiple dwellings, thirty-six (36) multiple dwellings, one shop (deli), five offices and associated car parking. The following modifications were made to the plans:

1. Significant reduction in the built form from the site's south-eastern corner (corner of the right-of-way and Windsor Street). The original application presented as three separate buildings with a communal internal courtyard; whereas the amended plans push the focus of the development towards Lord Street and re-designed the outdoor communal space to be located along the sites eastern boundary (abutting the right-of-way);
2. Increased the setback to the right-of-way and increased the width of the right-of-way from 3.62 metres to 6 metres;
3. Ceding a total of 1.48 metres of land to the City for the purposes of the right-of-way widening;
4. Reduction in the number of dwellings of the development from 73 to 68;
5. Design changes to the façade to reduce the perceived 'bulkiness' of the built form;
6. Provision of a significant communal outdoor area, with significant planting to assist in the reduction of any impact on the adjoining property;
7. Modifications to the basement car parking levels to assist in finished levels at the ground level on the Windsor Street frontage. This enabled the 'walk up' apartments to maintain an acceptable level change (approximately 100-300 millimetres);
8. Amendments to the access ramp along the right-of-way to the lower basement to meet with the relevant Building Code of Australia requirements, whilst maintaining adequate car parking for the development;
9. Reduced overshadowing of the adjoining and adjacent residential properties; and
10. Reduced overlooking of the adjoining residential zoned properties, which are currently used for commercial purposes, to the east of the subject site.

On 14 February 2012, further amended plans were submitted to the City, which proposed the following modifications:

1. The addition of structural pillars to both the Windsor Street and Lord Street frontages;
2. Amendments to the window treatments; and
3. The removal of two private outdoor areas, located on the top two levels of the development, which were surplus to the requirements of the R-Codes.

The proposal was presented to the Council at its Ordinary Meeting held on 28 February 2012, whereby they resolved to conditionally approve the development application.

The Minutes of Item 14.1 from the Ordinary Meeting of Council held on 28 February 2012, relating to this report are available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/03f0eefe-800f-4726-b1bc-9fff00d18e94/20120228.pdf>

DETAILS:

The application is for a proposed amendment from construction of six-storey mixed use development comprising thirty-two (32) single bedroom multiple dwellings, thirty-six (36) multiple dwellings, one (1) shop, five (5) offices and associated basement car parking to construction of a six-storey mixed use development comprising twenty-six (26) single bedroom multiple dwellings, forty-two (42) multiple dwellings, one (1) shop, four (4) offices and associated car parking at No. 298 Lord Street, corner of Windsor Street, Highgate.

The proposal is an amendment to the development application that was conditionally approved by the Council at its Ordinary Meeting held on 28 February 2012, for proposed construction of a six-storey mixed use development comprising thirty-two (32) single bedroom multiple dwellings, thirty-six (36) multiple dwellings, one (1) shop (deli), five (5) offices and associated basement car parking.

The development application proposes the following amendments to the previous approval:

1. The plot ratio has reduced from 2.45 to 1.98 (reduction of 1,016.1 square metres);
2. The two (2) large dwellings (> 110 square metres) have been removed, the number of medium dwellings (75 square metres – 110 square metres) has been reduced from thirty-four (34) dwellings to eight (8) dwellings and the number of small dwellings (<75 square metres or 1 bedroom) has increased from thirty-two (32) dwellings to sixty (60) dwellings;
3. The commercial floor area has been reduced by 71 square metres;
4. The proposed shortfall has reduced from 6.365 bays to 4.36 car bays; and
5. The basement car park of the proposal has been removed and a mezzanine parking level has been introduced.

Landowner:	300 Lord Street Pty Ltd, Avalon Holdings (WA) Pty Ltd, JNI Developments Pty Ltd & Land Surveys Pty Ltd
Applicant:	Greg Rowe and Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
Existing Land Use:	Vacant site
Use Class:	Multiple Dwelling, Shop and Office
Use Classification:	"AA", "P" and "P"
Lot Area:	2162 square metres
Right of Way:	South-eastern side, 4.52 metres wide, sealed.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio			✓
Streetscape	✓		
Roof Forms	N/A		
Front Fence	N/A		
Front Setback	N/A		
Secondary Street 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			✓ (As per previous approval OMC 28 February 2012)
Solar Access	✓		
Site Works	N/A		
Essential Facilities	✓		
Surveillance	✓		
Landscaping	N/A		

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

Issue/Design Element:	Plot Ratio
Requirement:	Residential Design Codes Clause 7.1.1 A1 Plot Ratio: 0.7 (1,513.4 square metres)
Applicants Proposal:	Plot Ratio: 1.98 (4,280.8 square metres)
Performance Criteria:	Residential Design Codes Clause 7.1.1 P1 Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<i>"The plot ratio is reduced from 2.45 to 1.98."</i>
Officer technical comment:	<p>The proposed six-storey mixed use development complies with the Performance Criteria in this instance as the proposed building is at a bulk and scale which is in keeping with both the desired future built form of the locality.</p> <p>It is noted that the development application approved by the Council at its Ordinary Meeting held on 28 February 2012 approved a plot ratio of 2.45 (5,296.9 square metres). The current development application proposes to reduce the plot ratio by 19.18 percent (1,016.1 square metres), being a plot ratio of 1.98 (4,280.8 square metres).</p> <p>In light of the above, it is considered that the proposal complies with the Performance Criteria provisions as it results in a lesser variation than what was previously approved.</p>

Residential Car Parking Requirement	Applicants Proposal	Officer Recommendation
Residents car parking requirement <ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling 60 dwellings = 45 car bays • Medium (75 square metres – 110 square metres) 1 space per dwelling 8 dwellings = 8 car bays • Large (>110 square metres) 1.25 spaces per dwelling Nil Total car bays required = 53 car bays	= 63 car bays	= 53 car bays
Visitors car parking requirement <ul style="list-style-type: none"> • Visitors 0.25 spaces per dwelling 68 dwellings = 17 car bays Total car bays required = 17 car bays	= 4 car bays	= 14 car bays (Please refer to comments below)

Non-Residential Car Parking Requirement	Applicants Proposal	Officer Recommendation
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Retail Premises – Shop 1 space per 15 square metres of gross floor area Gross Floor Area = 126 square metres = 8.4 car bays • Office 1 space per 50 square metres of gross floor area Gross Floor Area = 205 square metres = 4.1 car bays Total car bays required = 12.5 car bays	= 12.5 car bays	= 13 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 400 metres of a train station) • 0.90 (development provides end-of-trip facilities) 0.80 (development is mixed use)	= 6.12 car bays	(0.4896) = 6.3648 car bays
Minus the car parking provided on-site	5 car bays	5 car bays
Minus the most recently approved on-site car parking shortfall	Nil	Nil
Resultant shortfall	1.12 car bays	1.36 car bays

Car Parking Requirement	Applicants Proposal	Officer Recommendation
Residential (including visitors): 70 car bays Non-Residential: 6.3648 car bays		
Total car bays required = 76.3648	75.37 car bays	= 76.36 car bays
Minus the car parking provided on-site	72 car bays	72 car bays
Resultant shortfall	3.37 car bays	4.36 car bays

The development application presented to the Council at its Ordinary Meeting held on 24 February 2012 comprised a shortfall of 0.365 car bays to the commercial component and a shortfall of 6 car bays to the residential component which was subsequently approved.

Residential Car Parking

The current development application comprises a shortfall of 3 car bays to the total number of car bays required for the residential component. The applicant has proposed that 63 car bays be allocated to the residents and 4 bays be allocated to visitors.

The proposed allocation of the car bays is not supported in this instance; however an overall shortfall of 3 cars bays is able to be supported in this instance provided that 53 car bays are provided for residents in accordance with the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes. This results in 14 car bays being provided for visitors in lieu of 17 car bays, therefore proposed shortfall only relates to the required number of visitor car bays under the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes. The shortfall can be considered in relation to the visitor bays as it is a condition of approval that the commercial bays are available for the residential component outside of business hours, therefore providing ample visitor bays outside of the business hours.

In light of the above it is recommended that it be a condition of approval that fifty-three (53) and fourteen (14) car bays shall be provided for the residents and visitors respectively.

Commercial Car Parking

In accordance with the City's Policy No. 3.7.1 relating to Parking and Access, the proposed shortfall of 1.36 car bays can be considered for the commercial component.

It is considered in this instance, that proposed 1.36 car parking shortfall to the commercial component does not replace the developer's responsibility to provide car parking as there is currently five (5) car bays provided on-site. The Clause 11 "Cash-in-lieu" of the City's Policy No. 3.7.1 allows the payment of cash-in-lieu to be considered where the full amount of car parking required cannot be provided for a development; as the proposal comprises a significant portion of the car parking bays it is in keeping with the Clause 11 of the City's Policy No. 3.7.1 relating to Parking and Access.

Clause 22 "Minimum Parking Requirements" of the City's Policy No. 3.7.1 states:

"In determining whether the proposed development should be refused on car parking grounds, the following percentages should be used as a guide:

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

As the commercial component of the development requires 6.36 car bays, Clause 22 i) of the City's Policy No. 3.7.1 is applicable. In accordance with Clause 22 i) cash-in-lieu is able to be considered for the car parking shortfall of 1.36 car bays; therefore the proposed variation is supported in this instance subject to the payment of cash-in-lieu.

Technical Services

Further to the above, the City's Technical Services have advised that the following:

1. The access from the car parking ramps onto Windsor Street are required to be right turn only, to guide traffic to Windsor Street, as per the previous development approval,
2. The grade of the ramps are required to be indicated on the drawings in accordance with the City's Technical Services requirements;
3. The security gates are required to be setback a minimum of 6 metres from the right-of-way to ensure that there are no obstructions in the right-of-way; and
4. The street parking does not form part of this development application and will not be approved in the form shown on the proposed plans.

Accordingly, it is recommended that the abovementioned requirements are conditions of planning approval, which are required as amended plans prior to the submission of a building permit application.

Residential Bicycle Parking

Residential Design Codes Clause 7.3.3 A3.2

1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3.

Required

Residents: 22.67 spaces = 23 spaces

Visitors: 6.8 spaces = 7 spaces

Provided

Nil

Non-Residential Bicycle Parking

Retail Premises – Shop (GFA: 126 square metres):

- 1 space per 300 square metres gross floor area (class 1 or 2) = 0.42 spaces
- 1 space per 200 square metres (class 3) = 0.63 spaces

Office (GFA: 205 square metres):

- 1 space per 200 square metres gross floor area (class 1 or 2) = 1.025 spaces
- 1 space per 750 square metres over 1,000 square metres (class 3) = Nil

Required

Class 1 or 2: 1.445 spaces = 2 spaces

Class 3: 0.63 spaces = 1 space

Provided

Nil

Bicycle Parking

Residential (including visitors): 30 spaces

Non-Residential (class 1 or 2 and class 3): 3 spaces

Total Spaces Required

33 spaces

Total Spaces Provided

Nil

Bicycle parking for the multiple dwellings is required to be provided in accordance with the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes; with the bicycle parking for the shop and offices being required to be provided in accordance with the City's Policy No. 3.7.1 relating to Parking and Access.

Further to the above, the applicant has advised that forty (40) bicycle parking spaces are to be provided; therefore resulting in the proposal complying with the R-Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	7 May 2013 to 27 May 2013
Comments Received:	Two (2) support, one (1) neither support or object and two (2) objection

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Appropriate location.</p> <ul style="list-style-type: none"> Consistent with other developments in Lord Street, Brewer Street and Beaufort Street. The proposal would be a great addition to the area as the site is currently used as an illegal carpark/dumping ground and a decent shop for locals is badly needed. 	<p>Supported. The proposal comprises an amendment to a previous approval, with the development being consistent to what was previously approved.</p>
<p>Issue: Building Height</p> <ul style="list-style-type: none"> Six-storey is too high in that area. Three or four storey would blend better. Taller buildings should be kept to south of Summers Street. Proposal is for a giant concrete building where most buildings are small houses or townhouses. Windsor Street comprises single storey dwellings, adjacent and opposite the site, therefore resulting in a loss of amenity as it is not compatible with the surrounding properties. 	<p>Not Supported. The proposal comprises an amendment to a previous approval, whereby the proposal related to a six-storey building; therefore the proposal does not result in any further variation what was previously approved.</p>
<p>Issue: Number of variations</p> <ul style="list-style-type: none"> The proposal breaches the planning and building policies of the City of Vincent in numerous ways and the developer is not giving anything back to the community in return. 	<p>Not Supported. The proposal comprises an amendment to a previous approval, where the proposal does not result in any further variations what was previously approved and has a reduction in plot ratio of 19.18 percent.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Overlooking</p> <ul style="list-style-type: none"> The proposal will impact upon the amenity of the adjoining properties with regards to overlooking. 	<p>Not supported. The proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p> <p>It is noted that the "Description of the Performance Approach Used in the R-Codes" of the Explanatory Guidelines of the R-Codes states:</p> <p><i>"The acceptable development provisions illustrate one way of satisfactorily meeting the corresponding performance criterion, and are provided as examples of acceptable design outcomes. Acceptable Development provisions are intended to provide a straightforward pathway to assessment and approval; compliance with an acceptable development provision automatically means compliance with the corresponding performance criterion, and thus fulfilment of the objective."</i></p>
<p>Issue: Traffic</p> <ul style="list-style-type: none"> The proposal will impact upon the amenity of the adjoining properties with regards to increased amount of traffic. The increase in traffic would significantly increase noise and reduce the available parking, to the detriment of the residential nature of the street. 	<p>Not supported. The proposal comprises an amendment to a previous approval, whereby the number of residential and non-residential uses has not been altered; therefore the proposal does not result in any further variation what was previously approved.</p>
<p>Issue: Setbacks</p> <ul style="list-style-type: none"> The proposal has given little consideration to the aesthetic of the backwards contouring of the façade and the impact this may have on the adjacent residential properties. 	<p>Not supported. The proposal comprises an amendment to a previous approval, whereby the setbacks have not been reduced; therefore the proposal does not result in any further variation what was previously approved.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed amendment from construction of six-storey mixed use development comprising thirty-two (32) single bedroom multiple dwellings, thirty-six (36) multiple dwellings, one (1) shop, five (5) offices and associated basement car parking to construction of a six-storey mixed use development comprising twenty-six (26) single bedroom multiple dwellings, forty-two (42) multiple dwellings, one (1) shop, four (4) offices and associated car parking at No. 298 Lord Street, Corner of Windsor Street, Highgate:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2010;
- Banks Precinct Policy No. 3.1.15;

- Residential Design Elements Policy No. 3.2.1;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Single Bedroom Dwellings Policy No. 3.4.7;
- Percent for Public Art Policy No. 3.5.13;
- Shopfronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21;
- Construction Management Plans Policy No. 3.5.23; 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*.

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 design of the building provides for adequate light and ventilation to the dwellings.	
The development consists predominantly of a non-permeable surface. As there are limited permeable surfaces, stormwater management is important.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community and an increase in housing diversity within the City.	

ECONOMIC	
Issue	Comment
The construction of the building will assist in creating short term employment opportunities. In addition, the proposed shop and offices will facilitate business development within the City, as it provides the potential for new businesses to invest, whilst also creating job opportunities within the locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Since the previous approval the City has adopted the Variations Policy which requires sustainability excellence for height variations. The previous approval had a condition relating to meet Green Building Star certification but the implementation of this condition was unclear. The approved condition was:

“The proposed solely commercial development and residential/commercial mixed use development shall be registered with the Green Building Council of Australia for Green Star certification of the design and building phases of the project; and the developer shall work with the Green Building Council of Australia throughout the design and build process with a view to achieving 5 Star Green Star certification for the completed buildings under the Green Building Council of Australia rating system”

It is recommended that the abovementioned condition be replaced by conditions 10.3.1, 10.3.2, 11.11.1 and 11.11.2.

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the proposal is not considered to have an undue impact on the amenity of the locality as it is within the previously approved building height and the proposed plot ratio complies with the Performance Criteria of Clause 7.1.1 “Building Size” of the R-Codes as it is in keeping with the existing and desired future development of the locality. It is also noted that the development application proposes to reduce the plot ratio by 19.18 percent (1,016.1 square metres), being a plot ratio of 1.98 (4,280.8 square metres), from the previous development application previously considered by the Council at its Ordinary Meeting held on 28 February 2012.

There is adequate car parking provided on-site for the proposed development, as the proposed car parking complies with the Performance Criteria provisions of the R-Codes for the residential component and the City’s Policy No. 3.7.1 relating to Parking and Access for the commercial component, subject to the payment of cash-in-lieu.

The proposed amendment results in a lesser impact than the development application previously approved by the Council at its Ordinary Meeting held on 28 February 2012 for proposed construction of a six-storey mixed use development comprising thirty-two (32) single bedroom multiple dwellings, thirty-six (36) multiple dwellings, one (1) shop (deli), five (5) offices and associated basement car parking – State Administrative Tribunal (SAT) DR 351 of 2011. In light of this, it is considered that there will be no adverse impact on the amenity of the locality resulting from the proposed amendment to the previous approval.

CONCLUSION:

In view of the above, the application is supportable as it complies with the City of Vincent Town Planning Scheme No. 1, the City’s Policy No. 3.7.1 relating to Parking and Access and the Acceptable Development and Performance Criteria provisions of the Residential Design Codes. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.1.3 No. 16 (Lot: 13 D/P: 613) Wellman Street, Perth – Proposed Change of Use from Warehouse to Light Industry (Meat Packing)

Ward:	South	Date:	31 May 2013
Precinct:	P13 – Beaufort Precinct	File Ref:	PRO1173; 5.2013.77.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Written Submission from Applicant 003 – Additional Information and Response to Comments Received from Applicant 004 – Health Services Conditions		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, and the Metropolitan Region Scheme APPROVES the application submitted by R Dong for the Proposed Change of Use from Warehouse to Light Industry (Meat Packing) at No. 16 (Lot: 13 D/P: 613) Wellman Street, Perth, as shown on plans stamp-dated 1 March 2013 subject to the following conditions:

1. Windows, doors and adjacent areas fronting Wellman Street shall maintain an active and interactive relationship with the street;
2. The Gross Floor Areas shall be limited to a maximum of 560 square metres for the Light Industry component. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
3. The hours of operation shall be limited to 8.00am to 5:00pm Monday to Friday and closed on Saturdays, Sundays, and Public Holidays;
4. All deliveries involving meat from and to the site shall be loaded and unloaded within the warehouse. Delivery vehicles shall not park outside of the warehouse;
5. No medium/large trucks are to be used in relation to the delivery of meat to or from the site;
6. Any lighting used on the lot must take into consideration the adjoining residential area, and may not cause undue overspill as such to have a negative impact on the amenity of the adjoining residential properties;
7. No sale of goods directly from the warehouse is permitted;
8. PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be submitted to and approved by the City:

8.1 On-Site Parking

Dimensioned car bays be indicated on the plans, compliant to AS2890, with a retractable bollard to be installed adjacent to car bay 3 to allow for the provision of a shared disabled access bay. Car bays to be designed with nil setback to the front boundary to allow for landscaping between the bays and building. An additional car bay is to be provided and located within the warehouse;

8.2 Management Plan

A management plan be submitted to and approved by the City detailing management of the retractable bollard in conjunction with allowing access the car bay located within the warehouse. In addition the plan is to address the management of the internal car bay use in relation to its availability for use of the delivery vehicle and other users of the site; and

8.3 Landscaping

Landscaping be provided within the front setback area between the car bays and warehouse including trees and shrubs to the satisfaction of the City Parks Services;

9. The bollard required for the disabled shared access car bay shall only be lowered to allow for the delivery vehicle to access the warehouse for loading and unloading, and must be up at all other times;
10. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**
 - 10.1 Pay a cash-in-lieu contribution of \$3,325 for the equivalent value of 0.95 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR
 - 10.2 Lodge an appropriate assurance bond/bank guarantee of a value of \$3,325 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 10.2.1 To the City at the date of issue of the Building Permit for the or first occupation of the development, whichever occurs first; or
 - 10.2.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
 - 10.2.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

11. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City; and
12. This approval for Change of Use from Warehouse to Light Industry (Meat Packing) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Wellman Street.
2. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Buckels

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal relates to an 'SA' use, which received four objections during its consultation period.

BACKGROUND:

The subject site was most recently used as a fruit and vegetable warehouse. Currently the warehouse is vacant.

DETAILS:

The proposed application seeks to make use of the existing development with no new additions proposed. The nature of the use is for Meat Packing which has been considered under the "Light Industry" use category. It is noted that the plans indicate rooms allocated for the storage, processing, and packing of meat products. It is noted that the office space is to be used ancillary to the light industry use.

Landowner:	Galaxy Group Pty Ltd
Applicant:	R Dong (LD Land Planning and Development)
Zoning:	Commercial
Existing Land Use:	Warehouse
Use Class:	"SA"
Use Classification:	Light Industry
Lot Area:	462 square metres
Right of Way:	N/A

ASSESSMENT:

Town Planning Scheme/Beaufort Precinct/Parking and Access Assessment

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment
Land Use			✓
On-Site Parking			✓

Town Planning Scheme/Beaufort Precinct/Parking and Access Detailed Assessment

Issue/Design Element:	Land Use
Requirement:	Town Planning Scheme No. 1 and Beaufort Precinct Policy 3.1.13 Permitted uses within a Commercial Zone
Applicants Proposal:	"SA" use – Light Industry (Meat Packing)
Performance Criteria:	<p>Careful control is to be exercised over the nature of any commercial uses and the design and site layout of development in general to ensure levels of noise, visual amenity and privacy are appropriate to surrounding residential areas.</p> <p>In particular, properties fronting Wellman Street which face directly onto residential land are to provide an acceptable visual appearance to that street, screening any storage or parking areas, preferably with landscaping - including the use of water conservation measures and appropriate local and native plant species, where applicable.</p>
Applicant justification:	<p>The nature of the operation is very small in scale and as such the impact of the proposal is no greater than a normal butcher shop. If a butcher shop can be located adjacent to residential properties, then there is no reason why the proposal can't be, let alone there is an effective physical street separation between the proposal and the residential area.</p> <p>The proposal complies with the Scheme provisions, has completed the required advertising process in accordance with the Scheme at the proponent's costs, and addressed all issues and concerns raised in the City's consultation. It must be noted that a sustainable planning outcome is seeking a balance of economic, environment and social sustainability; overly emphasising one single aspect (e.g. environment) is not going to achieve the best outcome - economic sustainability is equally important which should not be overlooked, particularly with businesses that support our local economy, and in this regard it means supporting this proposal in a managed way rather than rejecting it.</p> <p>There is strong reason in terms of why a Light Industry is an "SA" use rather than "X" use - advertising is the important mechanism in assessing an "SA" proposal to test whether the community support or oppose the proposal. Then Council should make its decision accordingly to reflect the community's aspiration. Conditions are welcomed, and the proponent is committed to comply with all Council's conditions.</p> <p>Refer to attachment 002 and 003 for full justification/details.</p>
Officer comment:	<p>Supported – Given the contentious nature of the proposed use and potential associated impact, the City is aware that should such a use be approved, it will need to be guided by and adhere to strict guidelines and conditions regulating its operation.</p> <p>All of the concerns which have been noted through the City's consultation process have been addressed by the applicant, who has stated that the business is committed to upholding the highest standards in regards sanitation, waste disposal, and minimising any potential impact to adjoining residents and land owners, further welcoming any conditions which the City may impose in relation to ensuring that this is the case.</p>

Issue/Design Element:	Land Use
	<p>While the location of the proposal is not perfect, facing a residentially zoned area on the opposite side of Wellman Street, it is within a commercial zone which is the most desirable zoning within the City for such a use. Consequently it is considered that subject to the appropriate conditions regulating the operation of the use, it should be granted the opportunity to bring the business back to the currently vacant premise and provide its service to the local community.</p> <p>In the interests of protecting the adjoining residential amenity however, a condition of the recommended approval will be that it only be approved as a trial for twelve months, and the applicant be required to reapply after this period. Therefore should the highest standards of operation not be upheld during this period, that the use will cease.</p>

Issue/Design Element:	On-Site Parking
Requirement:	<p><u>Parking and Access Policy 3.7.1 and Beaufort Precinct Policy 3.1.13</u> 5.95 car bays</p>
Applicant Proposal:	5 car bays
Performance Criteria:	<p>Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets. Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces. They should, therefore, be located underground or at the rear of properties.</p>
Applicant justification:	<p>Parking has been adequately provided in the plan and is consistent with the Scheme requirements.</p> <p>Unlike the previous business using trucks, the proposed operation only uses a van for delivery, and the loading and unloading will be done inside of the warehouse. There is no traffic issue in this regard.</p> <p>Refer to attachment 002 and 003 for full justification/details.</p>
Officer comment:	<p>Supported – While there is a proposed shortfall of on-site car bays, it is considered that the four bays will be adequate to meet the needs of the proposed business. Four bays have been provided and the maximum number of employees expected on site at any time is also four.</p> <p>Given that the nature of the business proposed, there will not be any customers attending the site as the meat products will be delivered to customers. Therefore the parking provided will adequately meet the needs of the business without the requirement for any on-street parking.</p> <p>In addition to the four bays provided there is still adequate space for a delivery van to enter the warehouse for loading and unloading, eliminating potential traffic hazards during this process, this additional bay within the warehouse will be conditioned on the approval and will also reduce the shortfall to less than one car bay.</p> <p>While no landscaping has been proposed to screen the view of the storage areas and parking facilities, there is space for the inclusion of some landscaping between the warehouse and car bays to soften the visual impact, and this has been conditioned in the recommendation to be provided.</p>

Car Parking

In addition to the 4 car bays shown on the plan, an additional bay will be provided within the warehouse which will be used for both deliveries and other users of the site (condition of approval). In this context it is considered that there will be 5 car parking bays on the site.

Parking Calculation	
Parking and Access Policy 3.7.1 and Beaufort Precinct Policy 3.1.13 Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Industry (3 spaces for the first 200m² of gross floor area and thereafter 1 space per 100m² of gross floor area or part thereof) 560m ² (ground floor 370m ² , upper floor 190m ²) = 6.6 car bays	7 car bays
Adjustment factors: <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop/station) Total adjustment factor = 0.85	5.95 car bays
Minus the car parking provided on-site Bays provided on site = 5 car bays	0.95 car bays
Minus the previously approved on-site car parking shortfall Previously approved shortfall = Nil	0.95 car bays
Resultant Shortfall	0.95 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	18 April 2013 to 9 May 2013
Comments Received:	Five (5) support, and four (4) objections

Summary of Comment Received: Support

The proposal is complementary to the surrounding businesses, and the site has been vacant for some time which has led to negative impacts. The proposal will bring the site back to life and bring more business vibrancy to the area.

Applicant Response:	Officer Technical Comment:
N/A	Noted

Summary of Comment Received: Light Industry (Meat Packing)

Lack of information has been provided regarding the operation of the proposed business. Types of meat to be processed, the nature or means of the processing of the meat including facilities that will be utilised, the type, volume, and control of the disposal of meat, and number and type of vehicles leaving and entering the facility. Without such information it is not possible to effectively object to the application.

Light industry by definition should not adversely impact the amenity of the locality via means of light, noise, vibration, smell, fumes, waste and the like. This proposal has a high risk of adversely impacting adjoining residential properties through many of the above listed methods, and as such should not be approved as a light industry.

There are already a number of environmental issues within the Wellman Street including noise, smell, and appropriate waste disposal. This business will likely further the problem and increase impact on the adjoining residential area.

Approving the business will set precedence for other high risk businesses under the category of light industry to be located directly adjacent to residential areas.

Summary of Comment Received: Light Industry (Meat Packing)	
Applicant Response:	Officer Technical Comment:
<p>The proposal is virtually a small scale of meat wholesale distribution operation. The operator will be buying packed meat from large operators such as Western Meat, Yuan's Meat Supply etc and repack them into smaller packs to supply to restaurants and takeaways. The operation can be summarised as follows:</p> <ul style="list-style-type: none"> • Buying packed meat from large wholesalers - around 1000kg per day including packed beef, pork and chicken meat; • Repack them into smaller package as per customer orders and deliver to those restaurants and takeaways; • There is only one refrigerated van used as the delivery transport, no trucks; and the van is parked inside of the warehouse for loading or unloading, therefore no traffic and amenity impact on the street; • The anticipated volume of meat being sold is around 1000kg per day; • Maximum staff number would be around 4 employees; <ul style="list-style-type: none"> • Facilities used include a packing machine and a cutting machine which is the same type of machines used in a butcher shop; there is no vibration and noise issues given that the cutting and packing is done inside of the warehouse in a closed processing room as shown on the plan submitted; • Disposal wastes are kept in a special bin which is stored inside of the cool room, and get collected weekly by the qualified special waste collection company; So that there is no smell issue -- it is almost like a normal butcher but doing wholesaling instead of retailing. • The nature of the operation is very small in scale and as such the impact of the proposal is no greater than a normal butcher shop. If a butcher shop can be located adjacent to residential properties, then there is no reason why the proposal can't be, let alone there is an effective physical street separation between the proposal and the residential area. 	<p>Not Supported – Given the contentious nature of the proposed use and potential associated impact, the City is aware that should such a use be approved, it will need to be guided by and adhere to strict guidelines and conditions regulating its operation.</p> <p>The applicant has stated that the business is committed to upholding the highest standards in regards sanitation, waste disposal, and minimising any potential impact to adjoining residents and land owners, and welcoming any conditions which the City may impose in relation to ensuring that this is the case.</p> <p>While the location of the proposal is facing a residentially zoned area on the opposite side of Wellman Street, it is within a commercial zone which is a desirable zoning within the City for such a use. Consequently it is considered that subject to the appropriate conditions regulating the operation of the use, it should be granted the opportunity to bring the business back to the currently vacant premise and provide its service to the local community.</p> <p>In the interests of protecting the adjoining residential amenity however, a condition of the recommended approval will be that it only be approved as a trial for twelve months, and the applicant be required to reapply after this period. Therefore should the highest standards of operation not be upheld during this period, that the use will cease.</p>

Summary of Comment Received: Light Industry (Meat Packing)	
<ul style="list-style-type: none"> The proposal has less impact than a Light Industry defined in the Scheme, as it is almost the same operation as a butcher shop given that the same facilities are used. It is unlikely that a butcher shop would be classified as a "high risk" business. 	

Summary of Comment Received: Light	
The previous business on site installed floodlights which emitted significant overspill into the rear yards of the adjoining residential properties. Concern that this practice may once again continue, particularly during early/late deliveries.	
Applicant Response:	Officer Technical Comment:
The proponent has confirmed that they don't need floodlights on site, as their operating hours are from 8:00am to 4:00pm. Therefore, there is absolutely no light spill issue.	Not Supported – The proposal is for operation between the hours of 8:00am to 4:00pm weekdays, and as such lighting will not be an issue during operation times. A condition will be applied restricting hours of operation, and the control of light overspill to adjoining properties ensuring this is the case.

Summary of Comment Received: Noise	
Given the main product coming and leaving the site will be meat refrigerated trucks will be required. Additional noise on top of the noise relating to the trucks engines will be created by the refrigeration units above the cab which will carry over the adjoining residential rear fences. Concern that deliveries will take place regularly including early in the morning, late at night, and on weekends. All of which will significantly reduce the amenity and quality of life of residents in the nearby residential area.	
Applicant Response:	Officer Technical Comment:
As mentioned above, the operation only uses a refrigerated van (not trucks), and the loading and unloading will be done inside of the warehouse (the van drives through into the warehouse). Accordingly, there is no noise issue. The proponent is happy for Council to place a condition to ensure loading and unloading occurs inside of the warehouse.	Not Supported – The applicant has advised that all deliveries will occur through the use of a refrigerated van as opposed to truck which will reduce resultant noise levels. All loading/unloading will also take place within the warehouse which will reduce sound levels further. A condition will be applied to the approval that all loading/unloading occur within the warehouse.
Given that their operating hours are from 8:00am to 4:00pm, Monday to Friday, therefore "concern that deliveries will take place regularly including in the morning, late at night, and on weekend" is unnecessary.	It is also noted that given operating hours will be restricted (8am to 5pm weekdays) deliveries will not occur early in the morning or late at night. Further a condition has been recommended for the approval that no trucks may be used for deliveries to the site.

Summary of Comment Received: Smell	
High risk for nauseating smell associated with meat handling, processing, and waste disposal. Existing meat handling businesses in Forbes Street emit foul odours and this is not acceptable generally, but especially within such close proximity to a residential area.	
Applicant Response:	Officer Technical Comment:
<p>Good management measures in accordance with the Health Department guidelines will be adopted to control any possible smell associated with meat handling. Given the large size of the warehouse and the sealed operating environment, the smell control would be far easier than the meat business in Forbes Street. There are some good practice examples in the proximity such Wing Hong Co where there is no smell issue to our knowledge. Furthermore, the proponent is committed to engaged a Consultant Food Safety Auditor to provide detailed guidelines for their daily operation including cleaning, smell controlling, and waste disposing etc.</p> <p>We would appreciate more positive attitude from the Council Officers towards these types of businesses as they are an essential part of our local economy. The bottom-line to the smell issue is whether there is a good management in place. This can be achieved through appropriate compliance measures and management. Council's conditions in this regard are welcomed.</p>	<p>Not Supported – All loading and unloading will be required to occur within the warehouse, and all waste disposal will be required to comply with conditions required through the City's Health Department. Should compliance with the conditions be met, it is considered that odours will be adequately contained to an acceptable level.</p> <p>Should for any reason there be odour issues the City's Health Department will follow the matter up, and this will also reduce the likelihood of a successful renewal of the use after the twelve month period.</p>

Summary of Comment Received: Waste	
Overflowing rubbish bins from the existing businesses already attract vermin into the area and adjoining properties, this problem would be exacerbated with meat waste.	
Applicant Response:	Officer Technical Comment:
<p>With regard to the rubbish bins you concerned about, as mentioned previous, the special bins are to be store inside of the cool rooms and collected weekly by qualified people, will not be on the street or in the car park, therefore your concern regarding "overflowing rubbish bins from the existing businesses attract vermin into the area and adjoining properties, this problem would be exacerbated with meat waste " does not apply to this proposal.</p>	<p>Not Supported – Waste disposal will be dealt with through conditions of the City's Health Department to ensure waste is appropriately disposed of. Should these conditions not be complied with the City will take the appropriate action to rectify the situation.</p>

Summary of Comment Received: Parking	
Any reduction of the parking requirement should not be tolerated as parking in Wellman Street is already an ongoing problem.	
Applicant Response:	Officer Technical Comment:
Parking has been adequately provided in the plan and is consistent with the Scheme requirements.	<p>Not Supported – While there is a proposed shortfall of just under one on-site car bay, it is considered that the four bays plus the additional conditioned bay (five total) will be adequate to meet the needs of the proposed business. Four bays have been provided and the maximum number of employees expected on site at any time is also four, along with an additional bay which can be used for loading and unloading of deliveries.</p> <p>Given that the nature of the business proposed, there will not be any customers attending the site as the meat products will be delivered to customers. Therefore the parking provided will adequately meet the needs of the business without the requirement for any on-street parking.</p>

Summary of Comment Received: Traffic	
The previous business had delivery trucks parking on Wellman Street which created a traffic hazard. This is not acceptable and all deliveries should occur on-site without obstructing traffic in Wellman Street. This matter was reported to the Rangers Department but was never resolved.	
Applicant Response:	Officer Technical Comment:
As mentioned in the above, unlike the previous business using trucks, the proposed operation only uses a van for delivery, and the loading and unloading will be done inside of the warehouse. There is no traffic issue in this regard.	Not Supported – The applicant has advised that all deliveries will occur through the use of a refrigerated van as opposed to truck and as a result all loading and unloading will also take place within the warehouse. A condition will be applied to the approval that all loading/unloading occur within the warehouse, and that there is to be no sale of goods directly from the warehouse.

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity. For full details provided regarding the proposal refer to attachments 002, and 003.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 3.1.13;
- Parking and Access Policy No. 3.7.1.

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*.

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Town Planning Scheme No. 1, Parking and Access Policy 3.7.1, and Beaufort Precinct Policy 3.1.13; creating an undesirable precedent for development in the surrounding area.

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*
 - 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
 - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*

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.*

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing.*
 - 3.1.3 *Promote health and wellbeing in the community."*

SUSTAINABILITY IMPLICATIONS:

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
	Currently the commercial area facing Wellman Street has been identified through the consultation period as having an issue with waste being incorrectly disposed of, leading to issues of overspill into the streets and attracting vermin to the area. Given the nature of the business handling meat products, there is potential for this problem being exacerbated should waste be disposed of incorrectly. Operation of the business would need to be closely monitored and approval conditioned to ensure this is not the case.
	The site is currently completely paved and does not include any landscaping to screen the storage and parking areas as required by the Beaufort Precinct Policy 3.1.13. A strip of landscaping has been conditioned to provide some relief to the paved area and visual impact.

SOCIAL	
Issue	Comment
<p>The proposed location is directly opposite an existing residential area, and given the use of Meat Packing can be considered to have a higher risk potential for impacts than many other commercial uses in the area, particularly in relation to smell, the operation of such a business will need to be closely monitored and upheld to the required standards to ensure protection of the amenity of the locality. The potential for the impact of light, noise, smell, and traffic were all brought up strongly within the submitted objections and as such the community also identifies the potential for high impact associated with this use. The approval is limited and conditioned to reduce such impacts as much as possible.</p>	

ECONOMIC	
Issue	Comment
<p>The business may impact adjoining businesses through means of noise, smell, and traffic which could reduce the potential customer base for businesses such as the adjoining recreational facility.</p> <p>The positive impact however is that it will allow a site which is currently vacant to once again continue operation, and will likely support local businesses which would benefit from the products it provides.</p>	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The application seeks to propose a Light Industry (Meat Packing) Use within a commercial zone, which is facing a residential area on the other side of Wellman Street. Given the close proximity to a residential area there has been concern raised from the adjoining residential owners as to the potential impact, particularly in relation to noise, smell, waste disposal, and parking. Given the nature of the business proposed these concerns are valid, however can be controlled through the use of appropriate conditions.

The items requiring Council discretion include the "SA" use of Light Industry (Meat Packing), and the parking shortfall. It can be considered that the Commercial Zoning is an appropriate zone for such a use within the City, and that provided the applicant complies with all conditions of approval relating to the appropriate operation of the site that impacts will be contained to an acceptable level. However given the contentious nature of the use the approval has been conditioned to only last a period of twelve months, after which period should there have been issues of compliance, or any undue impact as a result of its operation it will significantly reduce the change of any successful reapplication.

The parking shortfall is 0.95 car bays, with four currently shown on the plans and one proposed within the warehouse (conditioned in recommendation). The number of bays provided is considered acceptable given the proposed business for the following reasons; there will not be any customers attending the site as all goods will be delivered from the premise to the clients, the maximum number of expected staff on site will be four, and all deliveries to the site are required to occur within the warehouse, to which there will be a bay to accommodate this. A management plan has been requested to manage potential issues relating to the bollard and the use of the car bay within the warehouse to ensure that it is available for use at all times by the users of the building, and managed accordingly to be available at times when deliveries will occur.

In light of the above it is considered that the application be approved subject to the appropriate conditions.

9.1.10 LATE ITEM: No. 34 (Lot: 2 D/P: 5014) Burt Street, Mount Lawley – Proposed Demolition of Existing Single House and Construction of Two Storey Single House

Ward:	South	Date:	7 June 2013
Precinct:	Norfolk - P10	File Ref:	PRO4531; 5.2013.33.1
Attachments:	001 – Property Information Report & Development Assessment Plans 002 – Applicant Justification of Variations		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development 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 APG Homes for the Proposed Demolition of Existing Single House and Construction of Two Storey Single House at No. 34 (Lot: 2 D/P: 5014) Burt Street, Mount Lawley, and as shown on amended plans stamp dated 1 March 2013, for the following reasons:

1. The development does not comply with the following objective of the City of Vincent Town Planning Scheme No. 1:
 - 1.1 To protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment;
2. The development does not comply with clauses 6.4.2 (i) and (vii) of the City's Policy 3.2.1 relating to Residential Design Elements in respect of:
 - 2.1 SADC 5 and SPC 5 relating to Street Setbacks; and
 - 2.2 SADC 11 (b) and SPC 11 relating to Buildings on Boundary; and
3. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.

Cr Buckels Departed the Chamber at 7.10pm.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 7.11pm.

Debate ensued.

Cr Buckels returned to the Chamber at 7.11pm.

Debate ensued.

Cr Harley returned to the Chamber at 7.15pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Pintabona

That the item be DEFERRED for further consideration (and allow the Applicant make submissions and/or alterations to the plans concerning the areas of non-compliance).

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

While the City does have delegation to deal with this application, the applicant has requested the matter be put to Council for determination, as they do not wish to meet the City's requests and would otherwise be issued a delegated refusal. The main issue with the application is the street setback.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Estate of Late J Itzstein
Applicant:	APG Homes
Zoning:	Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Right of Way:	Privately owned, 3.0 metres wide, not sealed

The proposal for redevelopment of the lot for a new single house is for the most part compliant with the requirements of the City. The item which is of most concern to the City is the significant variation to the ground floor front setback requirement, which is 1.83 metres forward of the front setback requirement.

ASSESSMENT:

Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Site Area	✓		
Street Setback			✓
Minor Incursions	✓		
Garage Setback	✓		
Surveillance	✓		
Garage Door	✓		
Boundary Setback			✓
Boundary Wall			✓
Retaining Wall	✓		
Open Space	✓		
Outdoor Living	✓		
On-Site Parking	✓		
Vehicular Access	✓		
Driveways			✓
Site Works	✓		
Building Height	✓		
Privacy	✓		
Solar Access	✓		

Detailed Assessment

Issue/Design Element:	Street Setback
Requirement:	Residential Design Elements 3.2.1 Clause 6.4.2 (i) Ground floor street setback – 7.3 metre setback
Applicants Proposal:	5.47 metre setback
Performance Criteria:	<p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character. • Ensure the amenity of neighbouring properties is maintained. • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity. • Facilitate solar access for the development site and adjoining properties. • Protect significant vegetation. • 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>The subject site is located near the intersection of Norfolk and Burt Streets, in an area coded R40 under the TPS. Despite the R Code front setback requirement of 4.0m, a front setback of 4.74m to the porch and between 5.47-6.08m to the building are proposed.</p> <p>In relation to the character and the nature of prevailing development in the locality, the following is noted:</p> <ul style="list-style-type: none"> • The methodology for calculation of the front setback unfairly disadvantages the subject site, as there is only one property to the west in the street block. This does not give an accurate indication of the streetscape. • The properties directly across the road from the subject site form an integral part of the streetscape, yet they are excluded from the setback calculations. The same methodology applied to the southern side of Burt Street indicates an average front setback of approximately 4.5m is in existence. • A wider view of the locality shows a number of grouped dwelling sites and subdivided sites where lesser street setbacks have been approved (i.e. No. 38 Burt St, No. 39 Burt St, No. 45 Burt Street). • Only 6 and 7 properties to the East of the subject site, the front setbacks are reduced to less than 4.0m. These properties also form part of the streetscape, yet are not taken into account in the calculation methodology.

Issue/Design Element:	Street Setback
	<p>The following points are made in relation to the Performance Criteria of the Residential Design Elements:</p> <ul style="list-style-type: none"> • Burt Street is characterised by a mix of contemporary and older style built form, on a variety of lot sizes and shapes. There is a combination of single house lots, battleaxe lots and large grouped dwelling lots. There does not seem to be a consistent or prevailing character that can be identified. • The proposed dwelling has been designed to achieve a minimum setback of 5.4m. The garage has been positioned well behind the remainder of the dwelling, at 6.08m, in order to reduce its prominence on the facade. • No part of the dwelling arrives close to 4.0m (R40 minimum), or the lowest identified setback in the locality of ~3.6m. • The proposed porch extends forward from the facade of the building as a minor projection, to reflect the character of existing buildings in the area. • The proposed front setback will not produce overshadowing of the adjoining sites, enabling neighbour's full access to northern sunlight.
	<ul style="list-style-type: none"> • The reduced front setback allows greater side setbacks to be achieved, having less impact on the adjoining sites in terms of building bulk and overlooking etc. <p>On the basis of the above, the proposed variation will be of no consequence in terms of maintaining a desirable level of amenity for adjoining residents and the streetscape.</p> <p>See attachment 002 for full justification.</p>
Officer technical comment:	<p>Not Supported – The setback proposed currently is 1.83 metres short of that which was advised to the owner as the minimum setback prior to submission of the development application. It is noted that this is a minimum setback requirement and not an average as used in the R-Codes. The average is calculated only from dwellings on the same side of the street within the street block, and precedents outside of this area are therefore not considered or taken into account.</p> <p>The intention of the City's street setback requirement is to maintain existing streetscape character using the existing setbacks as basis for future proposed requirements. Generally a maximum of a 0.5 metre variation is permitted on the setback calculated which gives some scope for street setbacks to slowly transition over time with trends. Additional flexibility occasionally being given in the past when it is demonstrated that there is not an intact streetscape, or if there are any significant outliers which reduce/increase the average from that otherwise consistently existing in the street.</p>

Issue/Design Element:	Street Setback
	<p>In this particular case the existing adjoining properties do demonstrate a consistent pattern, and where there is some minor variation, this in most cases is countered through the use of porches/eave overhangs to match closely with adjoining neighbours. This is evident both through examination of approved plans in the street, as well as site visit sound observation of aerial photos.</p> <p>The proposed setback variation proposed is not considered minor in this case (1.83 metre reduction from that advised), and is considered to disrupt the existing streetscape character. This variation is further exacerbated through the proposed minor incursion (porch) which further extends the dwelling in front of adjoining properties, and boundary walls both proposed in at the front setback. The boundary walls will increase the frontage of the dwelling and when combining this impact with a reduced setback greatly increases its dominance within the streetscape. The boundary walls will be visible from the side perspectives given that they extend beyond the front of the adjoining dwellings and therefore are not fully screened from the street.</p> <p>The increased setback will limit the sites opportunity for landscaping, however it can still be considered that there is adequate space to provide some landscaping provided that the paving within the front setback area is largely limited to the driveway, the intention for the area adjacent the driveway is currently not noted on plans.</p>
Issue/Design Element:	Boundary Setback
Requirement:	Residential Design Codes Clause 6.3.1 (i) Upper floor west boundary – 1.8 metre setback
Applicants Proposal:	1.6 metre setback
Performance Criteria:	<p>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 between adjoining properties.
Applicant justification summary:	See attachment 002 for justification.
Officer technical comment:	<p>Supported – The proposed setback of 1.6 metres is considered adequate to provide for neighbouring access to direct sunlight, fully compliant with the R-Codes acceptable development standard, and will also not create any privacy issues as all openings proposed have been screened.</p> <p>The ground floor varying setback provides some horizontal articulation to sections of this wall reducing the visual impact of an otherwise large area of flush wall.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p><u>Residential Design Codes Clause 6.3.2</u> Walls built to only one side boundary only</p> <p><u>Residential Design Elements Clause 6.4.2 (vii)-SADC11(b)</u> Walls built up to a boundary to be behind the front setback line</p>
Applicants Proposal:	<ul style="list-style-type: none"> • Boundary wall to the east and west side boundaries • Boundary wall in front of the front setback line
Performance Criteria:	<p><u>Residential Design Codes Clause 6.3.2</u> Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. <p><u>Residential Design Elements Clause 6.4.2 (vii)-SPC11</u> Boundary walls are not to have an undue impact on the affected neighbour and the amenity of the streetscape.</p>
Applicant justification summary:	See attachment 002 for justification.
Officer technical comment:	<p>Not Supported – The proposed boundary wall is largely aligned to sections of adjoining lots where there will be minimal impact to adjoining neighbours amenity, facing a pedestrian access way to the east, and a blank wall with no major openings to the west.</p> <p>Given the orientation of the lot being north-south there will be no increase in overshadowing at midday and what overshadowing there will be in the mornings and evenings will be limited to areas which do not feature any major openings or active habitable space.</p> <p>The boundary walls do not however comply with the requirement to be built behind the street setback, and therefore the boundary walls will not be screened from the streetscape and will protrude in front of the adjoining dwellings. This will further increases the visual impact and dominance of the dwelling when combined with the reduced front setback contributing to a negative impact on the streetscape.</p>

Issue/Design Element:	Driveways
Requirement:	Driveways not to exceed more than 40% of the lot frontage (4.84 metres)
Applicants Proposal:	40.6% frontage occupied (4.95 metres)
Performance Criteria:	<p>Minimise the number and widths of vehicular access points to frontage streets.</p> <p>Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following:</p> <ul style="list-style-type: none"> • The size of the car parking area; and • The amount and type of vehicle traffic travelling along the related road. <p>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and retention of street trees.</p>
Applicant justification summary:	N/A
Officer technical comment:	Not Supported – A standard double length driveway only requires a width of 4.8 metres, which would be in compliance with the 40% requirement. This would be a conditioned requirement if recommendation were for approval.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 24 May 2013 to 6 June 2013

Comments received: One (1) submission of support was received.

Summary of Comments Received:	Officers Technical Comment:
Support	Noted

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:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes 2010; and
- 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*.

Should the Council approve the application for development approval; the proposal will be in conflict with the requirements of the City's Residential Design Elements Policy 3.2.1.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

- “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 reduced setback will limit the developments ability to provide vegetation to the front setback area.	

SOCIAL	
Issue	Comment
Nil	

ECONOMIC	
Issue	Comment
A positive impact includes short term employment during the construction stages of development.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS & CONCLUSION:

The application proposed is considered for the most part to have minimum impact on the adjoining lots, complying with requirements for open space, privacy, overshadowing, upper floor street setbacks and so on. The key area in which this application is considered to not comply with the City's Policies and considered to have an unacceptable impact on the streetscape is the front setback which has been proposed, and is also the reason for the item being sent to Council for determination, as officers do have delegation to approve and refuse such developments.

On 5 July 2012 the applicant received formal advice relating to the required front setback for development on the subject site; being 7.3 metres. On submission of this application a front setback of 5.47 metres was proposed. This was initially flagged as an issue and the applicant has since provided justification for the variation, however the City is still of the stance that the variation is not adequately justified, and has been requested to meet the acceptable development standard. As no compromise was able to be met from the original proposal the application has been referred to Council for determination under the recommendation for refusal.

The City considers that the proposed front setback in conjunction with two boundary walls within the front setback does not maintain streetscape character, and is a considerable variation from the requirement which was advised to the owner prior to submission of the application. Given that the street setbacks within the immediate area are consistent, it is not considered an appropriate site to allow for any significant variations to the average calculated setback requirement. The impact of a having reduced setback on the streetscape is considered to be further augmented by the proposed boundary walls to both side boundaries at the dwellings frontage. It is also noted that given the size of the lot and that the proposed dwelling is a new build, that there is opportunity to move the proposed dwelling back or modify the design to bring the proposal into compliance.

Therefore, in light of the above the application has been recommended for refusal by Council.

9.4.1 Mary Street, Highgate – Introduction of Parking Restrictions, Embayed/Angled Parking Bays, and Introduction of Paid Parking

Ward:	South	Date:	31 May 2013
Precinct:	Hyde Park, P12	File Ref:	PKG0002
Attachments:	001 – Plan No. 3046-CP-01: 90 degree Parking Bay 002 – Plan No. 3048-CP-01: Embayed Parallel Parking 003 – Plan No. 3049-RD-01: Location of Proposed Parking 004 – Plan No. 3025-PP-01: Proposed and Existing Parking 005 – Plan No 3046-CP-01: Revised 90 degree Parking Bay		
Tabled Items:	Nil		
Reporting Officers:	M Wood, A/Manager Ranger and Community Safety Services R Boardman, Director Community Services R Lotznicker, Director Technical Services		
Responsible Officers:	R Boardman, Director Community Services R Lotznicker, Director Technical Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. APPROVES;

- 1.1 the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between the western edge of the Church and existing ticket machine restrictions adjoining Beaufort Street, Highgate, to operate from 9:00AM to 6:00PM, Monday to Friday (excludes the existing 15 minute parking bays ~~and the proposed 90 degree parking bays~~);
- 1.2 the installation of embayed ‘parallel’ parking and associated access improvements outside the Sacred Heart Church, at No. 42 Mary Street at an estimated cost of \$20,000, as shown on Appendix 9.4.1B (Plan No. 3048-CP-01) for use by funeral and wedding vehicles;
- 1.3 the creation of twelve (12) right angled parking bays (net gain of 6 bays) on the north side of Mary Street in front of the School at an estimated cost of \$40,000, as shown on Appendices 9.4.1A (Plan No. 3046-CP-01) and 9.4.1C (Site Plan No. 3049-RD-01);

2. NOTES an amount of \$60,000 has included in the City of Vincent Draft Budget 2013/2014 to implement the proposed parking changes; and
3. UNDERTAKES a moratorium on issuing parking infringement notices for a period of fourteen (14) days, from the date the signage is erected.

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 Harley

That the recommendation be adopted.

Cr Carey Departed the Chamber at 7.16pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Pintabona

“That a new Clause 1.4 be inserted to read as follows:

- 1.4. The modification of the fifteen (15) minute parking bays in front of the school should only operate from 8am – 5pm Monday to Friday ~~and 8am – 12noon on Saturday.~~” (as per Revised Tabled Plan no.306-CP-01).

Debate ensued.

Cr Carey returned to the Chamber at 7.20pm.

Debate ensued.

Cr McGrath departed the Chamber at 7.20pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.25pm.

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 2

Moved Cr Maier, Seconded Cr Buckels

“That Clause 1.2 be deleted as follows:

~~1.2 the installation of embayed ‘parallel’ parking and associated access improvements outside the Sacred Heart Church, at No. 42 Mary Street at an estimated cost of \$20,000, as shown on Appendix 9.4.1B (Plan No. 3048-CP-01) for use by funeral and wedding vehicles;”~~

Debate ensued.

AMENDMENT 2 PUT AND LOST (1-8)

For: Cr Maier

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

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

Against: Cr Maier

COUNCIL DECISION ITEM 9.4.1

That the Council;

1. APPROVES;

1.1 the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between the western edge of the Church and existing ticket machine restrictions adjoining Beaufort Street, Highgate, to operate from 9:00AM to 6:00PM, Monday to Friday (excludes the existing 15 minute parking bays;

1.2 the installation of embayed ‘parallel’ parking and associated access improvements outside the Sacred Heart Church, at No. 42 Mary Street at an estimated cost of \$20,000, as shown on Appendix 9.4.1B (Plan No. 3048-CP-01) for use by funeral and wedding vehicles;

1.3 the creation of twelve (12) right angled parking bays (net gain of 6 bays) on the north side of Mary Street in front of the School at an estimated cost of \$40,000, as shown on Appendices 9.4.1A (Plan No. 3046-CP-01) and 9.4.1C (Site Plan No. 3049-RD-01);

1.4 The modification of the fifteen (15) minute parking bays in front of the school should only operate from 8am – 5pm Monday to Friday as per Attachment 005 (Plan No. 3046-CP-01); and

2. NOTES an amount of \$60,000 has included in the City of Vincent Draft Budget 2013/2014 to implement the proposed parking changes; and

3. UNDERTAKES a moratorium on issuing parking infringement notices for a period of fourteen (14) days, from the date the signage is erected.

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the public consultation with residents of Mary Street, Highgate, regarding the proposal to:

- introduce a two hour (2P) parking time restriction on the north side of Mary Street, between the Western edge of the Church and Beaufort Street, Highgate to operate from 9.00AM to 6.00PM, Monday to Friday (excludes 15 minute parking bays)
- embayed parking bays outside the Sacred Heart Church, at No. 42 Mary Street, Highgate, for use by funeral and wedding vehicles; and
- the creation of right angled parking bays on the north side of Mary Street.

This report also aims to inform the Council of additional strategies to assist in addressing the concerns of property owners and occupiers of Mary Street.

BACKGROUND:

For some time, the City has been receiving complaints from the Sacred Heart Church, the School, and residents and businesses in Mary Street, Highgate. Complaints have related to parents volunteering at the school, as well as visitors to the Church, residences and customers of local businesses being unable to find parking on the north side of Mary Street, because of the number of vehicles parked there all day, including residents displaying a Residential Parking Permit.

This matter was considered at the Ordinary Meeting of Council held on 14 May 2013 at Item 9.4.5 in relation to 'Mary Street, Highgate – Introduction of Parking Restrictions, and Investigation of Embayed/Angled Parking Bays' where the Council resolved as follows:

"That the Council;

1. *APPROVES an amendment to the conditions relating to existing Mary Street Residential Parking Permits, to make the Permits invalid on the 'north side' of Mary Street, in front of the school and the church; (to avoid any ambiguity, all other Residential Parking Permits on the South Side is unchanged.);*
2. *DEFERS the following;*
 - 2.1 *the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between William Street and Beaufort Street, Highgate, to operate from 8:00AM to 12-midnight, seven (7) days per week (excludes the existing 15 minute parking bays and the proposed 90 degree parking bays);*
 - 2.2 *the installation of embayed 'parallel' parking and associated access improvements outside the Sacred Heart Church, at No. 42 Mary Street at an estimated cost of \$20,000, as shown on attached Plan No 3048-CP-01 for use by funeral and wedding vehicles;*
 - 2.3 *the creation of twelve (12) right angled parking bays (net gain of 6 bays) on the north side of Mary Street, at an estimated cost of \$40,000, as shown on Appendices 9.4.5A (Plan No. 3046-CP-01) and 9.4.5C (site Plan No. 3049-RD-01);*
 - 2.4 *IN PRINCIPLE a two hour (2P) parking restriction 8AM to 7PM with ticket (first hour free) and ticket parking until midnight shall apply to the proposed right angled parking bays referred to in clause 2.3 above;*
3. *DEFERS LISTING an amount of \$60,000 in the Draft 2013/2014 Budget to implement the proposed parking changes;*

4. *DEFERS AUTHORISING the Chief Executive Officer to advertise the proposed paid ticket parking in the proposed right angled parking bays referred to in clause 1.4 above, to residents of Mary Street and immediately adjacent areas, for a period of fourteen (14) days in accordance with the City's Policy No. 4.1.5 relating to community consultation;*
5. *DEFERS REQUESTING that a further report be submitted to the Council after the conclusion of the public consultation period; and*
6. *DEFERS UNDERTAKING a moratorium on issuing parking infringement notices for a period of fourteen (14) days, from the date the signage is erected."*

Previously, at the Ordinary Meeting of Council held on 12 February 2013 at Item 9.4.5 in relation to 'Mary Street, Highgate – Introduction of Parking Restrictions, and Investigation of Embayed/Angled Parking Bays', the Council resolved as follows:

- "1. *APPROVES;*
 - 1.1 *the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between William Street and Beaufort Street, Highgate, to operate from 8am to midnight, every day subject to undertaking consultation with the residents of Mary Street, Highgate and immediately adjacent areas, as shown in Appendix 9.4.5; and*
 - 1.2 *an amendment to the conditions relating to existing Mary Street Residential Parking Permits, to make the Permits valid only on the south side of Mary Street, between William Street and Beaufort Street, Highgate; and*
2. *AUTHORISES the Chief Executive Officer to investigate the feasibility of creating embayed parking bays outside the Sacred Heart Church, at No. 42 Mary Street, Highgate, for use by funeral and wedding vehicles and developing right angled parking bays on the north side of Mary Street having regard to the health of the surrounding trees;*
3. *REQUESTS that a further report be submitted to the Council after the conclusion of the public consultation; and*
4. *UNDERTAKES a moratorium on issuing parking infringement notices for a period of 14 days, from the date the signage is erected should the restrictions be approved."*

At the Ordinary Meeting of Council held on 28 May 2013 at Item 9.4.5 in relation to 'nib Stadium "Residents Only" Parking Restrictions - Consideration of Submissions' the Council resolved as follows:

"That the Council;

1. *CONSIDERS the nineteen (19) submissions received concerning the parking area;*
2. *APPROVES the current area covered by nib Stadium "Residents Only" Parking restrictions with the exception of Mary Street; and*
3. *REMOVES Mary Street from the area covered by the nib Stadium "Residents Only" parking restrictions, as shown in Appendix 9.4.5, Plan No. 2447-PP-3 (2013-14)."*

DETAILS:

At the Ordinary Meeting of Council held on 14 May 2013, the Council gave consideration to the introduction of parking restrictions on Mary Street, Highgate.

At this meeting, the Council resolved to amend the conditions relating to the existing Mary Street Residential Parking Permits; *'to make the permits invalid on the 'north side' of Mary Street, in front of the school and the church'*.

Since this Council decision, all forty nine (49) residential permit holders within Mary Street have been corresponded with, to advise of the Council resolution. This correspondence clarified that residential parking permits currently issued, are now only valid on the South side of Mary Street and on the North side, providing it is not directly outside the School or Church. New residential parking permits reflecting the changes in parking restrictions and clearly emphasising that the permits are not valid on the North side of Mary Street in front of the Church and School, have been developed and are in the process of being issued to all residential permit holders on Mary Street. In conjunction with this, new signage has been developed, to clearly identify no parking in front of the school and church on the North side of Mary Street.

In accordance with Council's decision, Rangers have been monitoring the area for any non-compliance and residents have also been advised of these measures to encourage compliance. Rangers have been conducting daily patrols of Mary Street since 15 May 2013 and have issued twenty nine (29) tickets on Mary Street for 'failure to display a valid permit', which includes tickets issued during nib Stadium event restriction times and on the south side, during the week. Two (2) infringements have been issued for overstaying parking in the ¼ P bays on Mary Street. One (1) caution has been issued for vehicles parking on the north side of Mary Street in front of the Church and School with residential parking permits.

At the Ordinary Meeting of Council held on 14 May 2013, Council Member discussion further raised concerns of persons with residential parking permits parking continually on the north side of Mary Street, with the view that Mary Street residents with residential parking permits are parking in front of the School and Church on the north side rather than parking on the south side of Mary Street in areas where only residential permit parking applies. This is hampering persons going to the School and local businesses, who are not allowed to park on the south side of Mary Street, even when these bays are empty and not being able to park on the north side of Mary Street due to all bays being occupied, presumed largely to be by residential permit holders in the street.

Community Consultation

In accordance with the Council's decision on 12 February 2013, seventy-three (73) letters were distributed to residents of Mary Street, Highgate and immediately adjacent areas. At the close of the consultation on 5 April 2013, six (6) responses were received with one (1) in favour of the proposal, four (4) against and one (1) other response to the proposal.

Related Comments *In Favour* of the Proposal

- 1 x with no comments submitted.

Related Comments *Against* the Proposal

- Opposed to changes that restrict the ability of residents to park outside their homes - this raises safety issues. The trees make for poor lighting and raise safety concerns. No.15 Mary Street has 18 units and only 8 bays on-site; No. 35 Mary Street has 8 units and no on-site parking. The congestion seems limited to School start and finish (around 20 minutes). Some Mary Street residents build car ports off the laneway and these are difficult to access;
- There is ample parking in the School grounds for volunteers and the area of the proposed changes is vacant except for drop-off and pick-up times when the Street is congested;

- There are often issues when people without Residential Parking Permits are taking up bays (south side) and suggest improving signage and policing of permit parking, particularly Wednesday to Sunday 7:00 PM to 11:00 PM; and
- Most RUAH clients, staff and visitors park on north side of Mary Street, not near the School and over 37 families stayed at the refuge over the past 12 months and Residential Parking Permits (including nib Stadium Permits) are lost or not returned.

Related Other Comments

- In favour of 2 hour (2P) parking on northern side of Mary Street; however, any right angle or embayed parking will ruin the lovely feel of street. Against alterations to parking at western end - this works well at eastern end where there are shops, but not at the western end. From late afternoon to midnight, Mary Street is impossible to park.

Officers Comments

As can be seen, the majority of respondents are against the Mary Street, Highgate – Introduction of Parking Restrictions. Whilst a solution cannot be achieved that appeases all the diverse stakeholders and users of Mary Street, the recommendations as proposed in this report will maximize parking availability whilst at the same time giving further flexibility to users including residents, customers of local businesses, volunteers at the School, as well as visitors to the Church.

Reported Problems

The City continues to receive complaints about the abuse of Residential Parking Permits and the difficulty of funeral and wedding vehicles to find parking, along with people parking for extended periods beyond sign posted restrictions. Some volunteers of the School have been issued with infringement notices as they have been unable to find unrestricted parking in Mary Street and instead have parked in short term bays, longer than the time permitted.

Other reports are of local businesses and workers exploiting free parking on the North side of Mary Street and this has provided the previous rationale to revisit parking restrictions in Mary Street.

Residents parking on the North side of Mary Street, who despite having Residential Parking Permits and ability to park in the residential restricted area only, are reportedly utilising parking on Mary Street that is unrestricted. It has been previously suggested that Residential Parking Permits should be valid only for the south side of Mary Street to avoid this scenario.

The recommended two hour (2P) parking time restriction to be used in conjunction with the proposed right angled parking bays on the north side of Mary Street is anticipated to assist with problems immediately adjacent to the School and Church.

The introduction of two hour (2P) parking restrictions on the North Side of Mary Street, being applied to the currently unrestricted areas of Mary Street, will assist in discouraging all day parking by staff of nearby shops and free up further bays for short term use, including visitors to the Church and the School and shoppers to the nearby business district.

Discussion

Whilst public consultation was not conclusive in determining for and against with regard to parking restrictions, it is clear that with the shortage of parking in Mary Street, combined with the number of competing users increasing, the provision for additional parking spaces would assist.

The feasibility of creating embayed parking bays outside the Sacred Heart Church, at No. 42 Mary Street, Highgate, for use by funeral and wedding vehicles was undertaken.

In addition, twelve (12) right angled parking bays can be accommodated outside the School in the existing verge area currently denuded of vegetation. Two small trees in this area could be replanted in the proposed nib areas as shown in Appendix 9.4.1A (Plan No. 3046-CP-01). This would result in a net gain of six (6) bays.

The construction of embayed 'parallel' parking bays outside the Sacred Heart Church, at No. 42 Mary Street is estimated to cost \$20,000, and the creation of twelve (12) right angled parking bays on the north side of Mary Street is estimated to cost \$40,000.

It is recommended that a two hour (2P) parking restriction 9AM to 6PM operating Monday to Friday (excluding the existing 15 minute parking bays), would apply to the proposed right angled parking bays similar to the current restrictions in the existing right angle bays at the eastern end of Mary Street.

While no actual gain in parking will result from the proposed 'embayed parking', the proposal as shown in Appendix 9.4.1B (Plan No. 3048-CP-01) would better define the parking in front of the Church and provide improved access for use by funeral and wedding vehicles.

The existing 1/4P on the north side of Mary Street will be refreshed with blue paint, in accordance with the City's standards. It is intended that the right angled parking will be a two hour (2P) parking time restriction.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision. As there is now no proposed introduction of paid ticket parking in Mary Street, there is no requirement for further public consultation.

LEGAL/POLICY:

City of Vincent Parking and Parking Facilities Local Law 2007.

There is no legal consequence of the recommendation. Generally, the City's Rangers would place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of new parking restriction signs.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and visitors. If the proposal is not adopted, it is likely that Residents, Church, School and businesses will continue to be adversely affected by all-day parking and misuse of Residential Parking Permits in Mary Street, Highgate.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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.*

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$60,000 has been listed in the City of Vincent Draft 2013/2014 Budget. This does not include the cost of Ticket Machines.

Amended signage will be required, but minimal costs will be incurred. The City already has a "Signage" Budget; therefore, the costs will be met from this Budget allocation.

COMMENTS:

The above recommendation has resulted from a number of complaints about parking problems in Mary Street, Highgate. The Church and the School complain that wedding and funeral vehicles are often unable to find a parking space in Mary Street and this creates a problem with "double parking" and obstructions. The introduction of embayed parking close to the Church and right angled parking on the north side of the street, having regard to the health of the trees lining the carriageway, will resolve this issue.

There have also been complaints that vehicles are being parked on the north side of Mary Street, displaying a Residential Parking Permit, rather than using the "Residents Only" parking on the south side. This creates the problem of bays being unavailable for other drivers, who are unable to use the "Residents Only" side.

The parking situation in Mary Street needs to be improved to bring it in line with adjoining streets and to provide a better parking amenity for the Church and School, while maintaining a reasonable parking amenity for residents, discouraging all day parking by staff of nearby shops and free up further bays for short term use.

The proposed angle parking can be accommodated without adversely impacting on the trees, while providing residents and visitors with additional on-road parking.

Only six (6) people responded to the survey and while it is acknowledged that four (4) of the six (6) were against the proposal, it is considered that to bring parking in line with adjoining streets and to provide a better parking amenity, as mentioned above, the proposed Officer Recommendation should be adopted.

In addition, complaints regarding residents parking for extended periods of time in the 1/4P parking bays on the north side of the street, while ample parking exists on the south side, will be closely monitored by the Rangers.

The above recommends that the City introduce embayed and right angled parking and a two hour (2P) parking time restriction on the north side of Mary Street.

The report is recommended for approval.

9.1.5 Amendment No. 111 to Planning and Building Policies – Policy No. 3.5.1 relating to Minor Nature Development

Ward:	Both	Date:	31 May 2013
Precinct:	All	File Ref:	PLA0165
Attachments:	001 – Draft Amended Policy No. 3.5.1 – Minor Nature Development 002 – Submissions for Amendment No. 111		
Tabled Items:	Nil		
Reporting Officer:	C Roberts, Senior Strategic Planning Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the Final Amended Policy No. 3.5.1 - Minor Nature Development as shown in Appendix 9.1.5 (Attachment 001).
2. **AUTHORISES** the Chief Executive Officer to advertise the Final Amended version of Policy No. 3.5.1 - Minor Nature Development in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Maier, Seconded Cr Buckels

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

That Clause 1 be amended to read as follows:

- “1. **ADOPTS** the Final Amended Policy No. 3.5.1 - Minor Nature Development as shown in Appendix 9.1.5 (Attachment 001) subject to the following amendments:

1.1 Amend clause 2.15 of the Policy as follows:

“2.15 works to a building in a dangerous state or of an emergency endangering any person, building or structure, such that the building will be a replication of the building before it became dangerous; or of an emergency, or the works fully comply with the acceptable development provisions of the Residential Design Codes and the City of Vincent Policies, where applicable.”

1.2 A new clause 2.20 and 2.21 be inserted as follows:

“2.20 Works that fully comply with the acceptable development provisions of the Residential Design Codes and the City of Vincent Policies, where applicable.”

Debate ensued.

Cr Carey departed the Chamber at 7.34pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.35pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Buckels

“That a new Clause 2.21 be inserted in the Policy as follows:

2.21 Works which replicate existing structures and which do not increase any non-compliance with acceptable development provisions of the Residential Design Codes or the City of Vincent Policies.”

Debate ensued.

AMENDMENT 1 PUT AND LOST (3-6)

For: Cr Carey, Cr Maier and Cr McGrath

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

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Wilcox

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

3. Reviews the fees and charges and application processing time relating to Minor Nature Development with a report to be presented to the Council no later than August 2013.”

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.5

That the Council;

1. **ADOPTS** the Final Amended Policy No. 3.5.1 - Minor Nature Development as shown in Appendix 9.1.5 (Attachment 001) subject to the following amendments:
 - 1.1 **Amend clause 2.15 of the Policy as follows:**
 - 2.15 works to a building in a dangerous state or of an emergency endangering any person, building or structure, such that the building will be a replication of the building before it became dangerous;
 - 1.2 **A new clause 2.20 be inserted as follows:**
 - 2.20 Works that fully comply with the acceptable development provisions of the Residential Design Codes and the City of Vincent Policies, where applicable;
 2. **AUTHORISES** the Chief Executive Officer to advertise the Final Amended version of Policy No. 3.5.1 - Minor Nature Development in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and
 3. Reviews the fees and charges and application processing time relating to Minor Nature Development with a report to be presented to the Council no later than August 2013.
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PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the amendments to Policy No. 3.5.1 relating to Minor Nature Development, in particular Clause 2(v) (now Clause 2.5) which outlines where above ground swimming pools are exempt from the requirement to obtain development approval.

BACKGROUND:

Currently the City's Policy No. 3.5.1 relating to Minor Nature Development exempts swimming pools from the requirement to obtain planning approval where no part is more than 1800 millimetres above the surrounding ground level. This is not consistent with Residential Design Codes (R-Codes) planning approval requirements for fill above natural ground level (e.g. retaining walls), which essentially have the same amenity impact on adjoining properties as above ground swimming pools. The threshold for requiring planning approval for fill above natural ground level under the R-Codes is 500 millimetres.

The matter has been researched and it is clear that the R-Codes contains adequate provisions to address potential privacy (clause 6.8.1) and fill (clause 6.6.1) issues associated with decking surrounding above ground swimming pools, however the R-Codes do not address the edges of above ground swimming pools, which can potentially result in person/s standing on the edge of the pool, resulting in overlooking issues to neighbouring properties.

Therefore an amendment to above ground swimming pool planning approval exemptions is proposed to ensure consistency with the R-Codes standards for fill, to ensure the reasonable protection of privacy to adjoining properties.

History:

Policy No. 3.5.1 relating to Minor Nature Development

Date	Comment
26 March 2013	The Council at its Ordinary Meeting resolved to advertise the proposed amendments to Policy No. 3.5.1 relating to Minor Nature Development.

Previous Reports to Council:

This matter was previously reported to the Council on 26 March 2013 as Item 9.1.14.

The Minutes of Item 9.1.14 from the Ordinary Meeting of Council held on 26 March 2013 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

Following the closure of formal public consultation, no amendments have been made to Policy No. 3.5.1 relating to Minor Nature Development.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy will be advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts 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, the Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of one (1) submission was received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	-	0%
Object	-	0%
Not Stated	-	0%
Total		100%

Community Submissions

Position	Number Received	Percentage
Support	-	0%
Object	-	0%
Not Stated	1	100%
Total		100%

Total Submissions Received

Position	Number Received	Percentage
Support	-	0%
Object	-	0%
Not Stated	1	100%
Total		100%

Comments in Relation to Policy Amendment No. 111

Issue	Comment
<p>Suggests the addition of a new clause to complement clause 2.15 of the policy, to state:</p> <p><i>“works which replace existing structures irrespective of whether the materials are identical to the existing materials, but does not include any increase in size of the structure.”</i></p>	<p>The submission aims to complement Clause 2.15, which is not proposed to be modified as part of Amendment No. 111 to the Planning and Building Policy Manual that is the subject of this report.</p> <p>Clause 2.15 deals with rebuilding structures that have fallen down or are dilapidated (e.g. in a storm), to the same standard as what previously existed, or which complies with all Acceptable Development or Policy provisions.</p>
	<p>The effect of the new clause would be to exempt development approval requirements for the rebuilding of a structure to the same size or dimension to that which previously existed, regardless of materials used.</p> <p>It is not recommended the clause be added to Policy No. 3.5.1 relating to Minor Nature Development in view of the fact that current planning standards exist to reflect the community's expectation for development at this point in time. Performance Criteria assessments exist (including assessment under objectives, which can include giving regard to previously existing structures), and exempting approval requirements for rebuilding structures that have been damaged, particularly of different materials, could add an undesirable 'loophole' for builders to carry out construction works which do not meet Council or the community's expectation for development at this point in time.</p> <p>In any instance, it is likely a Building Permit would be required for rebuilding dilapidated structures, which deals with the structural integrity of a building, amongst other things.</p>

LEGAL/POLICY:

The following legal/policy documents are relevant to this report:

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

RISK MANAGEMENT IMPLICATIONS:

Low: The risk for amending the Minor Nature Development policy to modify the swimming pool exemption from the requirement to obtain planning approval is relatively low as the Residential Design Codes of Western Australia outlines standards for excavation/fill and visual privacy, which are the only planning issues that arise from the matter.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 6,702</u>
Balance:	\$ 73,298

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

COMMENTS & CONCLUSION:

It is considered that the amendment to Policy No. 3.5.1 – Minor Nature Development is an appropriate change to the City's Planning and Building Policy Manual to bring the planning approval requirements for above ground swimming pools in line with the provisions of 6.6.1 (excavation/fill) and 6.8.1 (visual privacy) of the R-Codes is fair, reasonable and appropriate.

The current planning approval exemption for swimming pools (exempt where projecting less than 1.8m above surrounding ground level) does not facilitate adequate protection of privacy for adjoining properties. The proposed modified threshold for swimming pools (exempt where projecting less than 0.5m above surrounding ground level) will facilitate swimming pool development that provides greater amenity protection for adjoining properties.

In light of this, it is recommended that the Council adopts the final draft amended Policy No. 3.5.1 – Minor Nature Development in accordance with the Officer Recommendation and advertise the final Policies in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

9.1.6 Metropolitan Region Scheme Amendment 1199/41 – West Perth Regeneration Precinct

Ward:	South Ward	Date:	31 May 2013
Precinct:	Cleaver (P5)	File Ref:	PLA0208
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **ADVISES** the Department of Planning that:

1. The City wishes to progress with the proposed Metropolitan Region Scheme Amendment 1199/41 to rezone the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway from 'Industrial' to 'Urban';
2. An 'Urban' zoning is consistent with the City's long term plan for this area; and
3. The Metropolitan Region Scheme Amendment 1199/41 be progressed following the finalisation of the Leederville Activity Centre Structure Plan and the Town Planning Scheme Review.

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Carey and Cr Pintabona departed the Chamber at 7.45pm.

Debate ensued.

Cr Carey and Cr Pintabona returned to the Chamber at 7.47pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

"That a new clause 2 be inserted to read as follows:

2. **NOTIFIES all landowners in the proposed Scheme Amendment Area of the Council's decision and the justification for proceeding with the amendment in this way.**"

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.1.6

That the Council:

- 1. ADVISES the Department of Planning that:**
 - 1.1 The City wishes to progress with the proposed Metropolitan Region Scheme Amendment 1199/41 to rezone the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway from 'Industrial' to 'Urban';**
 - 1.2 An 'Urban' zoning is consistent with the City's long term plan for this area;**
 - 1.3 The Metropolitan Region Scheme Amendment 1199/41 be progressed following the finalisation of the Leederville Activity Centre Structure Plan and the Town Planning Scheme Review; and**
- 2. NOTIFIES all landowners in the proposed Scheme Amendment Area of the Council's decision and the justification for proceeding with the amendment in this way.**

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Department of Planning's (DoP) request to progress or withdraw the Metropolitan Region Scheme (MRS) Amendment 1199/41 and to make a recommendation to the DoP.

BACKGROUND:

In 2008 the City prepared a Draft West Perth Regeneration Masterplan for the area bounded by Loftus Street, the northern side of Newcastle Street, Charles Street and the Graham Farmer Freeway. However, in order to implement the Masterplan, the land south of Newcastle Street is required to be rezoned from 'Industrial' to 'Urban' under the MRS.

History:

Date	Comment
2 December 2008	The then Town requested the Western Australian Planning Commission (WAPC) to consider a proposed rezoning for the West Perth area from 'Industrial' to 'Urban' under the MRS to allow the Town to implement the West Perth Regeneration Masterplan.
10 December 2010	The three month formal public inspection period for the MRS Amendment, facilitated by the WAPC, began. Advertising closes on 18 March 2011.
22 March 2011	The Council at its Ordinary Meeting considered the proposed MRS Amendment 1199/41 and requested that the Western Australian Planning Commission (WAPC) hold the MRS amendment in abeyance due to the various reasons including the costs associated with the studies to be undertaken, the Masterplan was considered outdated, there was limited interest from landowners, the Leederville Masterplan was a priority and the area was not within the City's Town Planning Scheme.
10 February 2012	Scheme Amendment No. 30 was gazetted to include the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway into the City's Town Planning Scheme No. 1.
12 June 2012	The Council at its Ordinary meeting resolved not to proceed with the West Perth Regeneration Masterplan at this point in time.
14 May 2013	The DoP wrote to the City requesting the City to advise whether it wishes to progress or withdraw the MRS Amendment 1199/41.

Previous Reports to Council:

This matter was previously reported to the Council on the following dates 22 March 2011.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 22 March 2011 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2011

DETAILS:

In 2008 a Masterplan was prepared for the area bounded by Loftus Street, the northern side of Newcastle Street, Charles Street and the Graham Farmer Freeway, as an extension to the Leederville Masterplan. The West Perth Regeneration Masterplan proposed to revitalise the existing light and service industrial area of West Perth to transform it into a high density mixed use area.

The land south of Newcastle Street is currently zoned 'Industrial' under the MRS and to enable the Masterplan to be implemented, the land would require an 'Urban' zoning. The City liaised with the WAPC to initiate an amendment to the MRS. As the MRS is managed by the WAPC; consultation was undertaken by the WAPC for a period of three months. However, due to the following reasons the City requested that the MRS amendment be held in abeyance;

- the costs associated with the studies to be undertaken;
- the Masterplan was considered outdated;
- there was limited interest from landowners;
- the Leederville Masterplan was a priority; and
- the area was not within the City's Town Planning Scheme.

The Council reconsidered the West Perth Regeneration Masterplan in 2012 however resolved to not progress with the project at this point in time. It is noted however that the area is now within the City's Town Planning Scheme No. 1.

The Masterplan is still within the City's long term vision for the area and therefore it is considered that the MRS amendment be progressed. Due to the areas proximity to Leederville and the State Government's requirement to prepare an Activity Centre Structure Plan for Leederville, it is more appropriate to progress with this project in the first instance. Following this, the City should further refine the West Perth Regeneration Masterplan with consideration for the Leederville Activity Centre Structure Plan. Given that Leederville is a secondary centre under State Planning Policy 4.2 – Activity Centres for Perth and Peel, development should be prioritised in this area. The West Perth area may not necessarily experience the same intensification of development as proposed in the existing Draft Masterplan, however an 'Urban' zoning under the MRS will facilitate future growth within this area. More detailed studies will need to be undertaken following the completion of the Leederville Activity Centre Structure Plan to ensure that the West Perth area is developed to complement what is proposed for Leederville.

It is noted that the Department of Planning have advised that there are no statutory time limits relating to the progression of MRS amendments therefore it can be held in abeyance indefinitely. Given this, it is appropriate for the City to progress with the MRS Amendment, but not in the short term.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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There is no consultation required at this point in time. Consultation was undertaken in 2010/2011.

LEGAL/POLICY:

- Planning and Development Act 2005;
- Town Planning Regulations 1967;
- Metropolitan Region Scheme.

The WAPC is the determining authority.

RISK MANAGEMENT IMPLICATIONS:

Should the City wish to progress with the Masterplan in the future, the land will need to be rezoned to 'Urban' under the MRS as mixed use developments are not compatible with an 'Industrial' zoning.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project.'

SUSTAINABILITY IMPLICATIONS:

There are no objectives in the City's Sustainable Environment Strategy 2011 – 2016 that are relevant to this proposal; however the Masterplan does promote use of public transport due to the proximity of the Leederville train station and the new train station proposed at the end of Cleaver Street.

The following tables outline the applicable sustainability issues for this MRS Amendment:

ENVIRONMENTAL	
Issue	Comment
Developing the area for urban land uses will allow for the creation of new public open spaces areas. There may be some environmental implications due to the current industrial land uses within the area which would be able to be redeveloped to urban uses.	

SOCIAL	
Issue	Comment
The rezoning of the land will allow new opportunities for mixed use development including residential developments, within close proximity to the Perth city centre. The area is also within close proximity to Leederville which maintains a strong and vibrant social atmosphere.	

ECONOMIC	
Issue	Comment
The rezoning of the land will allow new opportunities for mixed use development within close proximity to the Perth city centre.	

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds allocated to this project in the 2012/2013 Budget.

COMMENTS & CONCLUSION:

Whilst it is not considered appropriate to continue with the MRS Amendment and the associated Masterplan in the short term, this is part of the City's long term planning for the area and therefore should not be disregarded. Therefore it is recommended that the City advise the WAPC that it wishes to progress with the MRS Amendment, however not until the completion of the Leederville Activity Centre Structure Plan and the statutory consultation of the Local Planning Strategy and Town Planning Scheme No. 2.

9.1.7 Building Design and Conservation Awards

Ward:	Both	Date:	31 May 2013
Precinct:	All	File Ref:	FIN0166
Attachments:	001 – Conditions of Entry 002 – Confidential List of Winners 2012/2013 [Council Members Only]		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the amended version of the Condition of Entry to the City of Vincent Building Design and Conservation Awards, as shown in Appendix 9.1.7; and
2. **APPROVES:**
 - 2.1 the recommendation from the Building Design and Conservation Awards Occasional Advisory Group for the awards 2012/2013, as shown in Confidential Attachment 002;
 - 2.2 **ENDORSES** the new award category ‘Character Conservation and Sustainable Re-use’; and
 - 2.3 **APPROVES** the utilisation of the unallocated budget to promote design excellence and establish a webpage for this purpose utilising the awarded buildings as examples.

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Buckels

“That Clause 1 be amended to read as follows:

That the Council;

1. **ADOPTS** the amended version of the Condition of Entry to the City of Vincent Building Design and Conservation Awards, as shown in Appendix 9.1.7, **subject to the Conditions of Entry being amended as follows:**
 - 1.1 **Clause 12(iv) be inserted as follows:**

“Character Conservation and Sustainable Re-use Award - the prize will be presented to the person who designed/co-ordinated the project.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.7

That the Council;

1. **ADOPTS** the amended version of the Condition of Entry to the City of Vincent Building Design and Conservation Awards, as shown in Appendix 9.1.7, subject to the Conditions of Entry being amended as follows;
 - 1.1 **Clause 12(iv) be inserted as follows:**

Character Conservation and Sustainable Re-use Award - the prize will be presented to the person who designed/co-ordinated the project;
2. **APPROVES:**
 - 2.1 **The recommendation from the Building Design and Conservation Awards Occasional Advisory Group for the awards 2012/2013, as shown in Confidential Attachment 002;**
 - 2.2 **ENDORSES** the new award category ‘Character Conservation and Sustainable Re-use’; and
 - 2.3 **the utilisation of the unallocated budget to promote design excellence and establish a webpage for this purpose utilising the awarded buildings as examples.**

PURPOSE OF REPORT:

The purpose of this report is to present to the Council, the successful participants of the 2012/2013 Building Design and Conservation Awards, and also an amended version of the *Conditions of Entry* for future awards.

BACKGROUND:

The City of Vincent biennially holds the Building Design and Conservation Awards (BDCA) which is endorsed by the Council as part of the *Town of Vincent Heritage Strategic Plan 2007 – 2012* and also the recently adopted *City of Vincent Heritage Strategic Plan 2013 – 2017*.

The Inaugural awards held in 1996 under the guise *Building Restoration Awards* were held to celebrate the conservation works completed by architects, developers and owners of private buildings within the City of Vincent. In 1999 the awards were expanded to recognise not only conservation but also design excellence. Since this time the City has biennially held the awards to promote design excellence to encourage quality design of buildings throughout the City.

During the adjudication of the BDCA 2012/13 the City's Building Design and Conservation Awards Occasional Advisory Group (the Group) raised concerns regarding the conditions of entry into the awards. The Group recognised the extensive work which residents had undertaken in all categories. In regard to the Conservation Municipal Heritage Inventory Award category, it was recognised that some of these projects are ongoing. Whilst extensive works may have been undertaken to a high standard some projects remained unfinished. To support the completion of such conservation projects it was decided that resubmission would be allowed as part of the conditions of entry. A review of the conditions ensued and has been presented to the Council as Attachment 001.

The advertised categories, prizes and number of entries to the BDCA 2012/13 are as follows:

Category	Prize	Entries
Building Design Excellence Award		
Single/Grouped Dwellings	Winner - \$1,000	3
Multiple Dwellings	Winner - \$1,000	0
Commercial Developments	Winner - \$1,000	0
Sustainable Design Award		
	1st - \$1,000 Commendation - \$500	3
Conservation – Municipal Heritage Award		
	Winner - \$1,000 Commendation - \$500	3

History:

Date	Comment
12 February 1996	The Council at its Ordinary Meeting deferred item 12.1.37 relating to a 1996 Heritage Festival – The Town of Vincent Building Restoration Award Competition for budget and costing.
26 February 1996	The Council at its Ordinary Meeting approved the initiation of a 1996 Heritage Festival – The Town of Vincent Building Restoration Award Competition.
18 January 1999	At the Ordinary Meeting of Council a Notice of Motion was put forth by Cr. Hyde for the initiation of the Best Design Awards and inclusion of the Best Design Awards in the 1999/2000 budget.
24 June 2003	The Council at its Ordinary Meeting requested the Heritage Advisory Group consider the Heritage Design Awards.
10 April 2007	The Council at its Ordinary Meeting resolved to defer the Building Design and Conservation Awards to 2007/2008.
23 October 2007	The Council at its Ordinary Meeting approved the review of the Building Design and Conservation Awards categories to allow restoration to properties not listed on the City's Municipal Heritage Inventory.

Previous Reports to Council:

This matter was previously reported to the Council on 23 October 2007.

The Minutes of Item 10.1.3 from the Ordinary Meeting of Council held on 23 October 2007 relating to this report is available on the City's website at the following link:

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

DETAILS:

The City of Vincent biennially holds the Building Design and Conservation Awards. These awards were first created in 1996 to celebrate conservation of heritage buildings within the City of Vincent. Over the years the Awards have developed to involve best design in 1999 and more recently a category for excellence in sustainable design.

The successful entrants for the Building Design and Conservation Awards 2012/13 are shown in Confidential Appendix 9.1.7 (Attachment 002):

The Building Design and Conservation Occasional Advisory Group (The Group) noted that as entries were not received in the Building Design Excellence Award for Multiple Dwellings or Commercial Developments, and given the high standard of entries in all other categories, that the following changes to the advertised categories be recommended:

1. The addition of a commendation in Building Design Excellence (Single/Group Dwellings) Award;
2. The Commendation described above for the *Conservation – Municipal Heritage Inventory Award*, has not been awarded prize money as the Group acknowledged and praised the work which had been started however recognised that further work was needed prior to completion. The work which had been started was of a high quality and is to be commended with the encouragement of re-entry when the works have been completed; and
3. The Group suggested the creation of the category *Character Conservation and Sustainable Re-use*, as above. The new category is to commend the work completed and promote work of this kind, as this type of innovation is an important example of sustainable re-use of locally sourced construction materials, and conservation of the distinct streetscape characters in the City.

To ensure the continued success of the awards into the future the conditions of entry must be reviewed by the Council. The most recent Building Design and Conservation Awards saw excellent examples of creative design and useful conservation. To encourage entrants to reapply in subsequent awards the conditions of entry must be amended as follows:

Conditions of Entry Changes Proposed

Clause Amendments	Comments
1. 4. To be eligible for an award, works do not need to have been undertaken during the past year. Works that have been undertaken in previous years are also eligible for an award. However, previous <u>Previous</u> entries cannot be re-submitted <u>where further substantial works have been undertaken, however entries are only entitled to one monetary prize.</u>	The Building Design and Conservation Occasional Advisory Group decided to award No. 100 Alma Road <u>[CONFIDENTIAL]</u> with a commendation to be encouraged to re-enter in subsequent awards. The works were not entirely completed but deserved a commendation as the property was conserved well.
13. <u>The Building Design and Conservation Awards Occasional Advisory Group may recommend an award that combines two of the categories, subject to Council approval.</u>	The insertion of new clause no. 13 is to introduce new categories as the Building Design and Conservation Awards Occasional Advisory Group see necessary. When a new category is suggested by the Group this must then be approved by the Council.

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

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Four adverts 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.

LEGAL/POLICY:

City of Vincent Community Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Low: It is important to be clear in the conditions of entry to a competition therefore the reviewed conditions of entry agreed by Council will remove uncertainty for future applicants in the Building Design and Conservation Awards.

STRATEGIC IMPLICATIONS:

In keeping with the *City of Vincent Heritage Strategic Plan 2013 - 2017* key result area 1 Community and Heritage;

'Conduct Biennial Building Design and Conservation Awards'

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

Through the promotion of sustainable design excellence the City can encourage, with examples, the appropriate design of buildings for reduced energy consumption.

SOCIAL

The awards celebrate excellence in design, bringing together home owners and designers to be proud of their buildings.

ECONOMIC

Design excellence involves the employment of sustainable design principles which, when applied and operated correctly, can conserve energy therefore reducing energy costs.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$10,000
Spent to Date:	\$ 1,110
Awards:	<u>\$ 5,000</u>
Balance:	\$ 3,890

The City's Officers recommended utilising the unallocated money for the promotion of quality design by attaining the services of a photographer to capture the elements of design excellence. Further to this the Design Advisory Committee have also requested the consideration of a webpage (or a section of the City's existing website) to promote excellence in design, this could be achieved by utilising the remaining budget.

COMMENTS & CONCLUSION:

The City of Vincent has successfully celebrated the conservation and design excellence of the built form within the City since 1996. The continued support and involvement of the Council is to be commended. To continue the success of the Awards it is considered necessary that the Council accept the reviewed *Conditions of Entry* and the Awarded participants.

9.1.8 Town Centre Collaborative Promotional Campaign

Ward:	All	Date:	31 May 2013
Precinct:	Both	File Ref:	ADM0105
Attachments:	001 – Slices of Sydney Website Version Copy 002 – Project Summary		
Tabled Items:	Nil		
Reporting Officer:	P McAuliffe, Economic Development Officer		
Responsible Officer:	C Eldridge, Director of Planning		

OFFICER RECOMMENDATION:

That the Council APPROVES the City's participation in the "*Pieces of Perth*" Campaign to collaboratively promote the City's five (5) Town Centres, to an amount of \$15,000 to be funded from the City's Economic Development Budget.

Moved Cr Topelberg, Seconded Cr Harley

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

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

That the Council APPROVES the City's participation in the "*Pieces of Perth*" Campaign to collaboratively promote the City's five (5) Town Centres, to an amount of \$22,000 ~~\$15,000~~ to be funded from the City's Economic Development Budget."

Debate ensued.

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

COUNCIL DECISION ITEM 9.1.8

That the Council APPROVES the City's participation in the "*Pieces of Perth*" Campaign to collaboratively promote the City's five (5) Town Centres, to an amount of \$22,000 to be funded from the City's Economic Development Budget.

ADDITIONAL INFORMATION:

On reviewing the opportunity to promote the City's five (5) Town Centres it is considered that that City of Vincent Villages given their significant position and status in the Metropolitan Area should receive more prominent attention within the booklet. Therefore an additional amount of \$7,000 is recommended to increase the City's coverage from 10 pages to 14 pages. This will ensure our five Town Centres are publicised adequately and the City will have a dominate presence within the booklet in line with the standing of our Town Centres.

The funds are available to increase the amount and secure the higher level presence in the 2013/2014 financial year Economic Development Budget. This is seen as an excellent use of the funds given the project promotes and provides economic benefits to each of our five Town Centres in a publication that is perfectly positioned to effectively showcase what they have to offer.

If this amendment is carried, the amount will be updated throughout the report to reflect the updated recommendation.

PURPOSE OF REPORT:

The purpose of this report is to present an opportunity for the City of Vincent to promote the City's five Town Centres in a collaborative marketing campaign. The aim of which is to position each of these Town Centres' own unique character and promote the key attributes and experiences to the local, interstate and international visitor markets. The City has an opportunity to be part of the Pieces of Perth campaign.

BACKGROUND:

The City of Vincent has been presented with an opportunity to take a leading role in the development of a significant new collaborative destination marketing project. The aim of which is to position and promote the City's five Town Centres through an innovative and collaborative approach to promotion of Perth's Inner City Urban Villages.

The opportunity has come about through the identification of a similar program successfully conducted by the City of Sydney in 2011, which promotes the City's surrounding Urban Villages in a collaborative destination marketing campaign called Slices of Sydney.

The City of Vincent has a high level of representation in this opportunity with five of the top ten Main Street/Urban Village precincts within close proximity to the Perth CBD. With this in mind, the City's Economic Development Officer coordinated a series of meetings to explore a similar projects and the feasibility for Perth. Meetings were organised with Inner City Council representatives, Tourism Western Australia and Perth's Regional Tourism Organisation, Experience Perth and Urban Walkabout. Discussions then further clarified that the project would need to be as comprehensive as possible and include the key urban villages that surround the Perth CBD to achieve support from Tourism WA and funding contributions from Experience Perth. This was also identified as essential from a costing perspective in order to produce and adequately distribute the marketing collateral and importantly provide the consumer with all-inclusive information on the key Urban Villages that surround the City.

This project presents an opportunity to work collaboratively with the Regional Tourism Organisation, Experience Perth, City of Perth, adjacent and nearby local governments and non-profit marketing organisations such as Pro-Subi and Pro-Cottesloe. The aim is to promote specific shopping and entertainment areas as unique 'village-style' locales that collectively form a distinctive offering for local, intrastate, interstate and international visitors.

To this point definite commitment or commitment in principle to contribute financially to the project has been received from the Town of Claremont, City of Subiaco, Pro-Subi, Town of Victoria Park, City of Perth, City of Bayswater, Pro-Cottesloe and Experience Perth.

Discussions with Tourism Western Australia have been extremely productive with the agreement to promote the new Urban Village positioning and the various precincts through the major new Taste Master Marketing Campaign which will run from August 2013 to March 2014.

Each stakeholder will contribute to the cost of the guide which will be titled 'Pieces of Perth' that will closely resemble the 'Slices of Sydney' guide recently published for the City of Sydney). Stakeholders will receive proportional representation within the guide dependent upon their level of financial commitment. Refer to Attachment 001 for the 'Slices of Sydney' Web Version Copy.

The City of Vincent and its five Town Centres stand to benefit significantly through this project given the high standing and unique offerings of our precincts which will be highlighted and promoted in the campaign. It will however be important to be able to financially contribute to a point of ensuring the appropriate coverage for each of our Town Centres within the publication.

DETAILS:

The aim of the Pieces of Perth guide is three fold:

1. To raise awareness by positioning the City's Town Centres as unique experiences in their own right and demonstrate the new level of urban village sophistication that now exists within them through offering unique retail and hospitality experiences.
2. To encourage an increase in visitation to these precincts and further stimulate the local economic benefits to businesses that operate within them.
3. To offer a variety of choice that will encourage locals and visitors to stay longer, spend more, come back and recommend to others.

The guide will focus on identifying and promoting each area's unique qualities and attractions. It will encourage visitation by promoting a 'type of experience' that a visitor may encounter at each location rather than relying on the promotion of individual businesses.

The Pieces of Perth guide will:

- Present the unique character of each featured village;
- Emphasise the accessibility of these villages proximity to the City and each other;
- Provide clear, concise and easy to use information about how to travel to each village and encourage 'village hopping';
- Feature historical highlights;
- Give interesting examples of the different cultural, shopping, leisure and culinary experiences available in each village;
- Feature a Calendar of Events listing each villages significant events;
- Highlight experiences in each village in the following categories:
 - Wining and Dining;
 - Entertainment and Live Music;
 - Shopping and Local Designers;
 - Arts and Culture;
 - Significant Events;
 - Heritage and Architecture;
 - Parks and Recreational Activities; and
 - Bikeways and Laneways.

This publication will be produced by reputable marketing and publishing company Urban Walkabout. Urban Walkabout have also recently produced similar publications for the City of Sydney and City of Ryde in NSW and produces the very well known Urban Walkabout maps for areas in Melbourne, Sydney and Perth. Refer to Attachment 001 for the project summary developed by Urban Walkabout.

The Pieces of Perth guide will complement more detailed tourist guides and maps that concentrate more specifically on promoting individual businesses within the targeted areas.

Importantly Pieces of Perth will promote the village areas within the broader context of 'Perth' and encourage visitation between the precincts. Such promotion aligns with many locals and visitors' concept of Perth, for whom local government boundaries bear little relevance when they are considering the appeal of a destination.

Collaborative Partners

Partners that have to-date committed to the project or indicated in principle support are:

- Experience Perth, the Regional Tourism Organisation for the Experience Perth region. This region covers an area from Lancelin to Mandurah and east to the Avon Valley;
- Tourism Western Australia (Promotional Support Taste Master Campaign);
- City of Perth;
- Town of Victoria Park;
- City of Subiaco;
- Pro Subj;
- City of Claremont;
- Pro Cottesloe; and
- City of South Perth.

Confirmation of the level of commitment from collaborative partners will be finalised pending final approvals being obtained through relevant approvals processes. A minimum overall total commitment of \$60,000 will be required to progress the project.

Proposed Format

The proposed format of the publication is for a 32 page, A6 booklet with fold out map/back page and an online pdf page-turner version of the guide which will also be available for download.

The guide will feature a stylised modern design including a quality illustrated map and distinct sections for each featured area.

Each village will have individual representation within the guide.

City of Vincent Section:

It is proposed that the City of Vincent representation will focus its five Town Centres Leederville, Mount Hawthorn, North Perth, Mount Lawley/Highgate and Perth.

Additional information relating to attractions and events within the City of Vincent will be included in the following sections: editorial pages; an illustrated map of the whole CBD and villages in fold-out back cover; introduction; top ten experiences list; and a calendar of events.

In order to adequately represent the high number of Villages that are situated within the City of Vincent it is recommended that seven double pages be secured at a cost of \$22,000.

There is also an option to buy into the publication at \$5,000 for one double page or \$7,000 for two double pages or \$10,000 for three double pages; however, this would not be sufficient to adequately promote the City's five Precincts. It is noted that the City of Subiaco has committed \$10,000 (three double pages) to just one precinct. Therefore it is considered that the City of Vincent's five precincts would run the risk of being considerably diluted within the publication and not adequately emphasised if we were take less the (7 double pages). This would also provide good value for the City at a total cost of \$22,000.

Quantity:

- 50,000 printed copies.

Distribution:

- 5,000 café distribution throughout the promoted areas;
- 100+ Perth hotels, serviced apartments and Bed and Breakfast's;
- Tourist distribution outlets;
- Tourism WA Media and Industry Familiarisation programs;
- Tourism WA Public Relations programs; and
- Guides to be made available for conferences, and other marketing opportunities as required.

Shelf Life:

- 6 to 8 months (while stocks last).

Suggested Launch Date:

- September 2013.

Promotion:

- Through Tourism WA/Tourism Australia Taste Master Program media and on line coverage the new Urban Village positioning will be referred to and reinforced;
- Through a range of online and social media avenues managed by Urban Walkabout;
- Campaign Launch;
- Through Experience Perth Website and Promotion and Distribution Channels;.
- Through Tourism WA Media and Industry Familiarisation programs;
- Through Tourism WA marketing public relations activity; and
- Through the individual and collective Council website and promotional avenues.

Online Support:

- Publication featured on www.urbanwalkabout.com; and
- Online version and page turner version available for download and provided to each Council for cross-promotion.

Cost:

- The overall total project cost is \$60,000; and
- A commitment of \$22,000 from the City to secure representation of five precincts over 14 pages (7 double pages) and representation of features and events throughout the guide as previously outlined is recommended. All production and distribution costs and access to online support are included in this price.

CONSULTATION/ADVERTISING:

All Town Centre Business Group representatives will be met with individually to brief them on the opportunity and connect them with the Urban Walkabout representatives this will be coordinated by the City's Economic Development Officer. Urban Walkabout have already developed good relationships with a range of businesses in the City's Town Centres through their Urban Walkabout business publications and this will provide a sound starting point for this new project in that the organisation already has an excellent established reputation. Urban Walkabout will coordinate photography and the collection of material that will provide the text for the promotional material. Final drafts of the material will be approved by the City of Vincent and the Town Centre Representatives will be consulted. Promotion and Advertising of the material will primarily be provided through the:

- The Distribution Strategy for the material;
- Urban Walkabouts on line presence;
- On line version of the material for distribution; and
- Tourism WA and Tourism Australia Taste Master Campaign – Social Media and Media coverage.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Given the information is general in nature (not specific to any operator) and the City and each of the Town Centre representatives will be involved in the development of the material and also required to sign off on the content there should little risk to City.

STRATEGIC IMPLICATIONS:

Partnering in the Pieces of Perth Campaign is in keeping with the City's Strategic Plan 2011-2016 and Economic Development Strategy 2011 – 2016 as follows:

Strategic Plan 2011-2016

"Natural and Build Environment

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 for the vision for the town.*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*

2.1.3 *Develop business strategies that reduce reliance on rates revenue.*

2.1.4 *Implement the Leederville Masterplan and West Perth Regeneration Project."*

Economic Development Strategy 2011-2016

"Town-Wide Actions

1.5 *Engage with community organisations and identify projects that foster community participation in respect to street art, street-scaping, heritage and Town infrastructure.*

1.6 *Continued collaboration with the City of Perth around the encouragement of local creative and entrepreneurial activities.*

1.8 *Partner with leading marketing and tourism agencies to promote the unique visiting opportunities presented by the Town's precincts.*

2.7 *Identification of potential 'cluster networks' that could benefit from targeted collaboration e.g. government administration or cultural precincts."*

SUSTAINABILITY IMPLICATIONS

It is considered that partnering in the Pieces of Perth Campaign will assist in sustaining the long term growth and development of Town Centres and businesses within them across the City.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item Economic Development – 2030.340.667:

Budget Amount:	\$25,000
Spent to Date:	<u>\$ 674</u>
Balance:	\$24,326

COMMENTS:

This project offers a unique opportunity for the City to meet its aims of economic development with a focus on the City's five Town Centres as outlined in the City's Strategic Plan 2011 - 2016 and the City's Economic Development Strategy 2011 -2016. The project is of particular relevance to the City given the prominence of its five Town Centres in the list of what is considered the top ten Town Centres in Perth. The opportunity is timely in providing a perfect avenue to raise broader awareness of these Town Centres growing maturity, attractiveness and the unique independent operator offerings and experiences they provide.

The opportunity to work collaboratively with other Councils including the City of Perth, Experience Perth, and Tourism Western Australia will provide significant benefits in making the costs to adequately represent the City's five Town Centres achievable for the City. Other important benefits include the capacity to have a broader distribution and promotional reach through a larger campaign. Offering more choice to customers has the benefit of creating higher interest and multiple return visitations and spending.

There is an ideal alignment for the City to work with an organisation such as Urban Walkabout who is already perfectly positioned in the Urban Village and independent operator domain. Apart from the Slices of Sydney Program they have recently successfully delivered an promotional Campaign for the City of Ryde highlighting the attractions of their local villages and towns to both the local and tourism markets. Urban Walkabouts experience and standing in this market provides an increased capacity to more strongly position and align our Town Centres with a brand that perfectly compliments where we seek to be positioned. It also aligns with the operators and product offering in each of our five Town Centres and aims to reach the visitors we seek to attract.

From a tourism perspective The Pieces of Perth guide will promote a number of unique inner metropolitan retail and hospitality areas as 'villages', each with its own history and appeal. This collaboration mirrors promotions of cities such as Melbourne and Sydney where areas outside of the CBD such as St Kilda and Glebe are promoted as key destinations within the City. Such promotion also highlights the opportunities for tourists staying within the Perth area to visit and include the City's Urban Villages as a key part of their visitor experience to the City and the State and this overall broadens the attraction of Perth and Western Australia as a tourist destination.

The timing of the project has fitted perfectly with one of the state biggest tourism promotion campaigns the Best Job in the World Taste Master Program. The uniqueness of the Pieces of Perth campaign and the strong new positioning of Urban Villages in Perth that it clearly demonstrate has attracted a strong promotional partner in Tourism WA with which to launch the project. This type of alignment opportunity and promotion is something that can not be bought. It is a timely and rare opportunity, that is important to embrace and leverage.

It is expected that further opportunities for promotion, funding reprinting and partnerships will be attracted as a result of this initial undertaking that will provide multiple and ongoing benefits to the City's five Town Centres. These benefits will flow on to the businesses that operate in them, the locals that frequent them and the visitors that are educated and as a result utilise them.

9.1.11 LATE ITEM: No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate – Proposed Outdoor Eating Area to Existing Eating House and Reconsideration of Previous Condition of Approval

Ward:	South	Date:	10 June 2013
Precinct:	Mount Lawley Centre – P11	File Ref:	PRO0238; 5.2013.223.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Letter of Justification from Applicant dated 7 June 2013 003 – Access Way Plan as contained in Deed of Covenant		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Planning Services		

Cr Topelberg Declared a Financial Interest in this Item. Cr Topelberg departed the Chamber at 8.07pm and did not participate in the debate or vote on the Item.

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Little on behalf of Owners Miraldo Nominees Pty Ltd for Proposed Outdoor Eating Area to Existing Eating House and Reconsideration of Previous Condition at No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate and as shown on plans stamp-dated 7 June 2013, subject to the following conditions:

1. **Building**
 - 1.1 The doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with Beaufort Street;
 - 1.2 The public floor area of the eating house shall be limited to 108 square metres;
2. **Car Parking and Access-Ways**
 - 2.1 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and
3. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
 - 3.1 The redundant or “blind” crossover shall be removed and the verge and kerb made good to the satisfaction of the City’s Technical Services Directorate, at the applicant /owner(s) full expensive.
4. All conditions of approval of the planning approval serial 5.2008.174.1 granted by the Council at its Ordinary meeting held on 8 July 2008 are still applicable to this development, excluding Condition (viii) of the previous approval as per the above serial 5.2008.174.1 which has now been deleted; and
5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City’s Chief Executive Officer.

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner 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 Angove and Albert Streets;
2. 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 to and approved by the City prior to the erection of the signage; and
3. Any new street/front wall, fence or gate within the Beaufort Street areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
4. The applicant/owners will have to address the following Building related matters:
 - 4.1 The windows/openings to the side of the wall less than 3 metres to the southern lot boundary. Alternative solution will need to be proposed or a Fire Engineers Certification is required to be submitted; and
 - 4.2 The canopy over the outdoors eating area is non-compliant and unauthorised, and will require a submission of a Building Approvals Certificate to be certified by a Private Building Surveyor.

Cr Topelberg departed the Chamber at 8.07pm.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

PURPOSE OF REPORT:

The application is referred to Council for determination, as it involves the proposed outdoor eating area to the existing eating house and reconsideration of condition (viii) imposed by the Council at its Ordinary Meeting held on 8 July 2008.

BACKGROUND:

Date	Comment
12 October 1998	The Council at its Ordinary Meeting resolved to refuse an application from vacant building to eating house at the subject place for the following reasons: <i>"(a) the non-compliance with the car parking requirements of the Town of Vincent Town Planning Scheme;"</i>

Date	Comment
16 November 1998	<p>The Council at its Ordinary Meeting resolved by an absolute majority to approve the change of use of the subject site from vacant building to eating house with karaoke facilities. It is understood that this approval was not acted upon as the Town did not issue a Building Licence for the proposal nor was an Eating House Licence issued for the proposal. Therefore, the approved use of the building is as what was approved prior to the above meeting.</p> <p>It is noted that prior to the above approval at the Ordinary Meeting of Council held on 16 November 1998, the building was vacant and there was no file history on this property and the property appeared to have been used for showroom purposes.</p>
2 December 2008	<p>The Council at its Ordinary Meeting considered the proposed change in use from showroom to eating house and associated alterations and replacement of existing awning at the above site, and resolved "<i>That the item be deferred at the request of the Draftsman representing the applicant</i>".</p>

Council at its Ordinary Meeting held on 8 July 2008, conditionally approved the below development as follows:

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Barber on behalf of the owner Mirauo Nominees P/L for proposed Change of Use from Showroom to Eating House and Replacement of Existing Awning, at No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate, and as shown on plans stamp-dated 10 June 2008, subject to the following conditions:

- (i) within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$21,299.60 for the equivalent value of 7.607 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
 - (b) lodge an appropriate assurance bond/ bank guarantee of a value of \$21,299.60 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
 - (3) to the owner(s) / applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;

- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) *the public floor area of the eating house shall be limited to 108 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street ;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (vi) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to the following:*
 - (a) *the landowner agrees in writing to remove the proposed awning and bicycle bays at the time when the reserved land is required for the upgrading of Beaufort Street at their cost and expense; and*
 - (b) *the land owner agrees in writing that the presence of the awnings and proposed bicycle bays shall not be taken into consideration in determining any compensation that may be payable by Town or the Western Australian Planning Commission when the reserved land is required for future upgrading of Beaufort Street;*
- (vii) *prior to the issue of a Building Licence or first occupation of the development, the owner(s) shall enter into a legal agreement to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to ensure all vehicular access (entry/exit) to the subject sites at No. 448 Beaufort Street, Highgate through Nos. 442-446 Beaufort Street, Highgate, is legally and continually secured, to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (viii) *to ensure that vehicle access to the site via Beaufort Street is for entry purposes for staff only and is to be adequately sign posted to this effect, from the existing under width driveway along the southern boundary of the property;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (x) *all proposed parking on the site shall comply with AS2890.1 and any resultant reduction in onsite parking spaces will require additional cash in lieu payment to be determined."*

DETAILS:

Landowner:	Mirauda Nominees Pty Ltd
Applicant:	J Little
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Building
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	911 square metres
Right of Way:	Nil

This proposal is for the additional outdoor eating area on the south side of the subject site. The total floor area of the eating house remains as 108 square metres, as the applicant has redesigned the reconfigured the internal floor and seating areas. The area where the proposed outdoor eating area is proposed is affected by the condition (viii) applying to the current approval as follows:

- (viii) *to ensure that vehicle access to the site via Beaufort Street is for entry purposes for staff only and is to be adequately sign posted to this effect, from the existing under width driveway along the southern boundary of the property;*

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Plot Ratio	N/A			
Building Height	N/A			
Street Setbacks	✓			
Side and Rear Setbacks	N/A			
Surveillance of the Street	✓			
Outdoor Living Area	N/A			
Landscaping	N/A			
On-site Parking Provision	✓			
Vehicular Access	✓			
Site Works	✓			
Visual Privacy	N/A			
Solar Access	N/A			
Dwelling Size	N/A			
Essential Facilities	N/A			
Street Walls and Fences	N/A			
Roof Form	N/A			

Car Parking

Car Bay Requirement	
Car Parking Requirement (nearest whole number) Restaurant • 1 space per 4.5 square metres of public area (108 square metres)	24 car bays
Apply the adjustment factors • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) • 0.90 (the proposed development provides 'end-of-trip' facilities* for bicycle users, in addition to the facilities specified in the Bicycle Parking Requirements Table).	(0.6503) 15.607
Minus the car parking provided on-site	8
Minus the previously approved on-site car parking shortfall, for which the cash-in-lieu has been paid.	7.607 car bays
Resultant Shortfall/surplus	Nil

Bicycle Parking Requirement	
Restaurant Class 1 or 2 - 1 space per 100 (proposed 108) square metres public area- Required = 1 space Class 3 - 2 spaces plus 1 space per 100 (proposed 108) square metres of public area - Required = 1 space 3 spaces	Conditioned previously. 4 spaces

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No, as there are no variations.
Consultation Period:	N/A		
Comments Received:	N/A		

The applicant has provided the following justification dated 7 June 2013 attached in support of the proposal.

The current application lodged with the City on Friday 7 June 2013, and was not referred to the Department of Planning (DOP) formerly Department of Planning and Infrastructure (DPI) for further comments, as there is no further impact on the Beaufort Street Road Reservation.

Design Advisory Committee:

Referred to Design Advisory Committee: N/A

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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
More efficient use of land.	

SOCIAL	
Issue	Comment
Provision of additional eating facilities for the public.	

ECONOMIC	
Issue	Comment
Short term employment opportunities related to the building and related industries, and is considered to contribute to business activity and vitality in the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

Building Services

Building services has advised as follows:

- The windows/openings to the side of the wall are non-compliant, as they are less than metres to the southern lot boundary. Alternative solution will need to be proposed or a Fire Engineers Certification is required to be submitted.
- The canopy over the outdoors eating area is non-compliant and unauthorised.
- Private Building Surveyor's Certification is required for the above matters.

Technical Services

Technical Services has advised that the redundant crossover accessing Beaufort Street be removed and the footpath kerb and verge be reinstated at the applicant /owner(s) cost to the City's Specification.

Health Services

Health Services have advised that Sound levels created shall not exceed the provisions of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.

Planning

In the Agenda Report at Council Ordinary Meeting held on 8 July 2008, the Department of Planning supported the proposal subject to the following conditions.

- *"The land owner agrees to remove the awning at the time when the reserved land is required for the upgrading of Beaufort Street at their cost and expense.*
- *The land owner agrees that the presence of the awnings and proposed bicycle bays shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for future upgrading of Beaufort Street."*

Furthermore, to ensure the existing underwidth driveway along the southern boundary of the property is not utilised as the main point of access for the rear car parking area, the applicant has proposed to utilise the adjacent property at Nos. 442-446 Beaufort Street for entry into their rear car parking area. In a letter dated 23 June 2008, the DPI advised that it had no objection to the proposed point of access subject to a legal agreement, being registered as a caveat on the Certificate of Title to avoid any future potential conflict should the properties change ownership."

The current Deed of Covenant- Vehicular access ensures that there is access right from the adjoining property to the south at Nos. 442-446 Beaufort Street, Highgate to the subject site.

The legal agreements also states that the above legal agreement may only be revoked if the use of the land reverts to showroom with the prior written consent of the local authority. Attached is the Access Way Plan that forms part of the above Deed.

There is no restriction placed in the Deed that prohibits delivery or staff vehicles from using the vehicular access way secured by a Deed on the adjoining property at Nos. 442-446 Beaufort Street, Highgate.

In view of the above, there is no objection to the condition (viii) as above imposed by the Council at its Ordinary Meeting held on 8 July 2008 being deleted, as there will be no adverse impact in terms of vehicular access to the site.

The 2 metres high gate is also supported in this instance, as it is setback approximately 4.8 metres from the Beaufort street frontage.

Neon signage has been denoted on the plans, which are insufficient to undertake a full assessment at this stage. Advice Note No 3 is required to be complied with.

CONCLUSION:

In view of the above, the proposed development is supported subject to standard and specific conditions.

9.2.1 On Road Cafes in Shopping Precincts - Consideration of Submissions and Approval to advertise for Expression of Interest – Progress Report No. 4

Ward:	Both	Date:	31 May 2013
Precinct:	ALL	File Ref:	PLA0084
Attachments:	001 – For and Against Comments 002 – Email Comments 003 – Photographs		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. AUTHORISES the Chief Executive Officer to;

1.1 invite businesses in the following streets to submit an Expression of Interest (EOI) to be considered for a temporary On Road Cafe (ORC) to be located adjacent to their business (following the adoption of the 2013/2014 Budget);

- Oxford Street (between Vincent Street and Leederville Parade);
- Scarborough Beach Road (between The Boulevard and Fairfield Street);
- Chelmsford Road or Raglan Road - nodes off Beaufort Street);
- William Street (south of Brisbane Street);
- Angove Street (between Woodville Street and Fitzgerald Street);
- Brisbane Street (between Lake Street and William Street); and
- Bulwer Street (embayed parking area near lake Street); and

any other suitable location with protected embayed on street parking in a commercial strip;

1.2 following receipt of the EOI's undertake a detailed assessment on the suitability of each requested location; and

1.3 provide a report to the Council in August/September 2013 with the recommended locations;

2. NOTES that;

2.1 the business adjacent to a successful location will be required to enter into a formal agreement and agree to the conditions as outlined in this report; and

2.2 one part of the agreement will be for the business to either provide seating/shade or the ORC being fitted with bench seating by the City (dependant on location).

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

Cr Topelberg returned to the Chamber at 8.14pm.

Moved Cr Harley, Seconded Cr Carey

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

“That clause 1 be amended to read as follows:

1. **AUTHORISES** the Chief Executive Officer to;

1.1 invite businesses, community members or groups in the following streets to submit an Expression of Interest (EOI) to be considered for a temporary On Road Cafe (ORC) to be located adjacent to their business (following the adoption of the 2013/2014 Budget);

- Oxford Street (between Vincent Street and Leederville Parade);
- Scarborough Beach Road (between The Boulevard and Fairfield Street);
- Chelmsford Road or Raglan Road - nodes off Beaufort Street);
- William Street (south of Brisbane Street);
- Angove Street (between Woodville Street and Fitzgerald Street);
- Brisbane Street (between Lake Street and William Street);
- Bulwer Street (embayed parking area near lake Street); and”

any other suitable location with protected embayed on street parking in a commercial strip;

1.2 following receipt of the EOI's undertake a detailed assessment on the suitability of each requested location; and

1.3 given the success of the trial, priority should be given to the an Oxford Street, Leederville location for ORC's to a maximum of three (3);

1.4 give priority to locations that can demonstrate a wide span of operation seven (7) days a week, day and evening to maximize usage either under the responsibility of one (1) business or a collaboration of businesses;

1.5 The installation to be for a maximum period of nine (9) months;

1.6 Include in the EOI the possibility of the City providing fixed bench seating in the facility; and

1.37 provide a report to the Council in August/September 2013 with the recommended locations;

Debate ensued.

Cr Topelberg departed the Chamber at 8.15pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.16pm.

Debate ensued.

Cr Topelberg departed the Chamber at 8.17pm and did not return to the Meeting.)

Debate ensued.

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Maier

“That Clause 1.5 be deleted as follows:

~~**1.5—The installation to be for a maximum period of nine (9) months;**~~

Debate ensued.

**AMENDMENT 1 PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

For: Cr Buckels, Cr Maier, Cr McGrath and Cr Wilcox
Against: Presiding Member, Mayor Hon. Alannah MacTiernan (two votes – deliberative and casting vote), Cr Carey, Cr Harley, Cr Pintabona

(Cr Topelberg had departed the Meeting and did not return.)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Buckels

“That Clause 1.3 be deleted as follows:

~~**1.3—given the success of the trial, priority should be given to the an Oxford Street, Leederville location for ORC's to a maximum of three (3).”**~~

Debate ensued.

AMENDMENT 2 PUT AND LOST (2-6)

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

(Cr Topelberg had departed the Meeting and did not return.)

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting and did not return.)

At approximately 8.20pm the Chief Executive Officer informed the Meeting that Cr Topelberg had departed the Meeting, due to an urgent family matter.

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. AUTHORISES the Chief Executive Officer to;

1.1 invite businesses, community members or groups in the following streets to submit an Expression of Interest (EOI) to be considered for a temporary On Road Cafe (ORC) to be located adjacent to their business (following the adoption of the 2013/2014 Budget);

- **Oxford Street (between Vincent Street and Leederville Parade);**
- **Scarborough Beach Road (between The Boulevard and Fairfield Street);**
- **Chelmsford Road or Raglan Road - nodes off Beaufort Street);**
- **William Street (south of Brisbane Street);**
- **Angove Street (between Woodville Street and Fitzgerald Street);**
- **Brisbane Street (between Lake Street and William Street);**
- **Bulwer Street (embayed parking area near lake Street); and**

any other suitable location with protected embayed on street parking in a commercial strip;

1.2 following receipt of the EOI's undertake a detailed assessment on the suitability of each requested location; and

1.3 given the success of the trial, priority should be given to an Oxford Street, Leederville location;

1.4 give priority to locations that can demonstrate a wide span of operation seven (7) days a week, day and evening to maximize usage either under the responsibility of one (1) business or a collaboration of businesses;

1.5 The installation to be for a maximum period of nine (9) months;

1.6 Include in the EOI the possibility of the City providing fixed bench seating in the facility; and

1.7 provides a report to the Council in August/September 2013 with the recommended locations; and

2. NOTES that;

2.1 the business adjacent to a successful location will be required to enter into a formal agreement and agree to the conditions as outlined in this report; and

2.2 one part of the agreement will be for the business to either provide seating/shade or the ORC being fitted with bench seating by the City (dependant on location).

PURPOSE OF REPORT:

The purpose of this report is to provide information on alternative uses for car parking bays in the City's Town Centres.

BACKGROUND:

Ordinary Meeting of Council held on 27 March 2012:

A further report was presented to the Council where, following considerable debate, the following decision was made:

"That the Council;

1. *APPROVES IN PRINCIPLE, where appropriate, using existing 'On-Road' car parking spaces for alternative uses as discussed in the report;*
2. *ESTABLISHES an "in-house" Working Group comprising of officers from Technical Services, Development Services and Community Services to develop some 'draft' guidelines for alternative uses for car parking spaces based on the New York 'Pop-Up Café' concept, as referred to in attachment 9.2.1A and 9.2.1B; and*
3. *NOTES that a further report on the matter will be submitted to the Council by no later than May 2012."*

Council Members Forum – 18 September 2012:

The Council was presented with some background and options to progress a trial using existing 'On-Road' car parking spaces for alternative uses.

Ordinary Meeting of Council held on 9 October 2012:

It was suggested that an On Road Cafe trial be conducted in Oxford Street, Leederville, and that a formal agreement be entered into with the interested adjoining business and the trial be monitored closely (as was the case with the New York Trials).

There was discussion at the Forum that businesses in other areas of the City be given the opportunity to be considered for a trial; however, it is considered that this will be the flow on effect pending the success of the proposed Leederville trial.

Following consideration of the report the Council made the following decision:

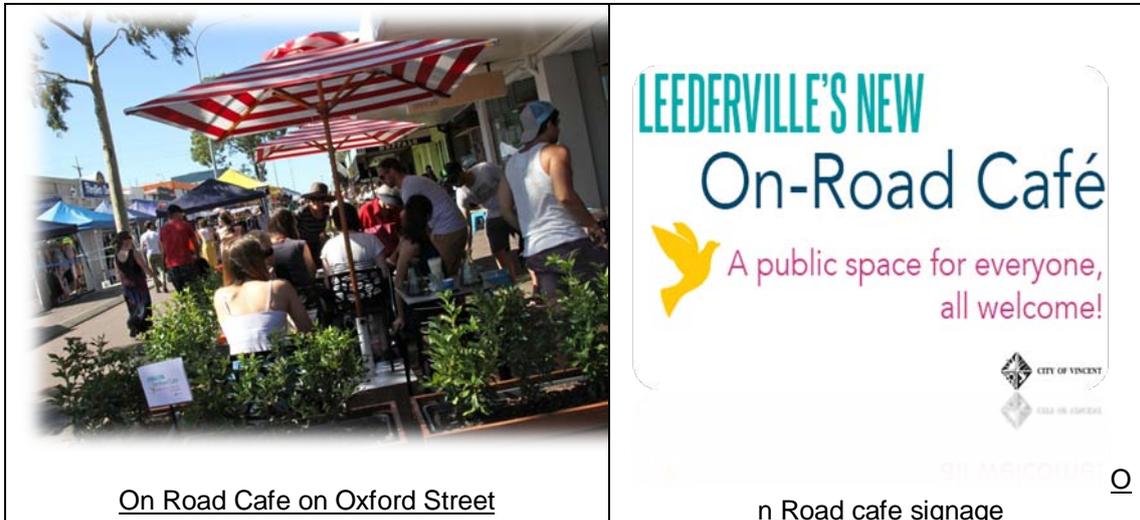
"That the Council;

1. *APPROVES the following:*
 - 1.1 *a four (4) month 'On Road Cafe' trial in Oxford Street Leederville in the locations as outlined in the report, estimated to cost \$2,000, as shown on attached Plan No 2982-CP-01A; and*
 - 1.2 *an 'On Road Bicycle Parking' Trial in the Newcastle Street using a 'car shaped bicycle parking rack', as outlined in the report, estimated to cost \$3,000 as shown on attached Plan No 2982-CP-01A; and*
2. *AUTHORISES the Chief Executive Officer to enter into agreements, for the 'On Road Cafe' trial, as outlined in the report, with the ~~two~~(2) adjoining businesses prior to progressing with the trial; and*
3. *INFORMS the Leederville Business Community of the proposal prior to implementing the trial; and*
4. *REQUESTS that the matter be presented to a Council Forum followed by a detailed report sometime in 2013 at the conclusion of the trial where the initiative can be further determined in the context of the 2013/2014 draft budget."*

DETAILS:

Installation of On Road Cafe:

In December 2012 (just prior to the Leederville festival) and following the City entering into an agreement with one of the businesses in Oxford Street, the On Road Cafe (ORC) - (refer photo below) was installed.



On Road Cafe on Oxford Street

On Road cafe signage

Community Consultation - Advice:

On 5 April 2013, 434 consultation packs were distributed in and around the Leederville Business District to gauge the support or otherwise for the ORC.

The covering letter indicated the following:

“At its Ordinary Meeting held on 9 October 2012 the Council approved a four (4) month On Road Cafe (ORC) trial in Oxford Street Leederville and authorised the Chief Executive Officer to enter into an agreement for the On Road Cafe trial with the adjoining business ‘Foam’ prior to progressing with the trial.

In accordance with the Council’s decision a formal agreement was entered into with Foam in November 2012 and the trial implemented in December 2013.

As part of the trial, the City set up the ORC and a formal agreement was entered into with the adjoining business who agreed to participate in the trial.

Conditions of use/maintenance:

The adjoining business agreed to the following:

- *Provide the seating/shade;*
- *Keep clean all components of the ORC including clearing and cleaning tables and keeping the area clear of rubbish;*
- *Maintain the ORC including the vegetation in the planter boxes;*
- *No alcohol/smoking;*
- *Immediately report any matters to the City, i.e. damage, safety issues etc;*
- *Area being accessible to all users, and not exclusive to adjoining business; and*
- *Area not being an extension of adjacent business, due to licence and approval ramifications.*

Other suitable/unsuitable locations:

Other locations that may be suitable include low speed roads with embayed parking e.g. Oxford Street, Angove Street and off road car parking areas in Town Centres.

Unsuitable locations would include any District Distributor i.e. four lane roads and narrow roads less than 7.4m in width.

The vast majority of comments/feedback, to date, mainly from users and passersby, has been very positive. Therefore as a business proprietor in the area we would like to receive your comments regarding the trial ORC."

Community Consultation - Results:

At the close of consultation on 26 April 2013, thirty eight (38) formal responses were received with thirty five (35) in favour and three (3) against.

The respondents were asked to tick the box on the following questions:

• <u>I SUPPORT the 'ORC' initiative and would like to see more rolled out</u>	<u>35</u>
○ <i>I am prepared to contribute financially to the 'ORC' initiative.</i>	1
○ <i>I SUPPORT rotating the locations of 'ORC's'.</i>	16
○ <i>I SUPPORT leaving the 'ORC's' in one location on a permanent basis.</i>	8
○ <i>I SUPPORT the 'ORC' being located in front of a Cafe or Restaurant only.</i>	16
○ <i>I WOULD LIKE an 'ORC' located outside my business (if possible).</i>	6
• <u>I DO NOT SUPPORT the 'ORC' initiative and would NOT like to see more rolled out</u>	<u>3</u>
○ <i>I DO NOT SUPPORT losing 'on road' car parking to accommodate ORC's.</i>	3

Discussion:

As can be seen from the above table of the thirty five (35) in favour, sixteen (16) supported rotating the locations of the ORC and sixteen (16) supported the ORC being located outside a restaurant.

Note: Of those *in favour*, seventeen (17) were business owners, eight (8) were residents and ten (10) were workers in one or more business in the consultation area. Of those against, all three (3) were business owners.

Those against felt the adjoining business was provided with an unfair advantage and did not support the loss of on road parking.

A summary of the comments received are included as attachment 9.2.1A; "For and Against Comments".

Other Comments Received:

During the trial period many emails were received by the City's administration, all mainly positive regarding the trial. A summary of the comments received via email are attached at attachment 9.2.1B; "Email Comments".

One email respondent* indicated "*that the outdoor wooded platform seating area outside the café and even though it looks cool...the safety aspect of it is very low. Sat just inches from buses...trucks and cars while they pass at 50 kph or more is not a good thing. One false move on their behalf and it could lead to a catastrophe. As much as I welcome this kind of outdoor sitting arrangements.....the mixture of pedestrians and moving vehicles within such a close proximity is a major concern to me.*"

Note: *This respondent had a medical background.

Officer Comments:

Initially the City's officers were not supportive of this initiative for health and safety reasons; however, the Council wanted this to be further investigated as it was keen to see something happen.

The Council was subsequently advised that locations that may be suitable included only low speed roads with embayed parking e.g. Oxford Street (30 kph speed limit), Angove Street and off road car parking areas in Town Centres. Unsuitable locations included any District Distributor i.e. four lane roads and narrow roads less than 7.4m in width.

Information on legal, insurance and liability issues was requested from the City's insurers who subsequently advised that the risk associated with persons conducting activities on a road way were high due to moving vehicles (at whatever speed) and vehicles manoeuvring in and out of adjoining parking bays and there was always the risk that driver behaviour may result in a mishap occurring and this risk needed to be managed.

In addition, compliance with the requirements of the Occupational Safety & Health Act 1984 and the Occupational Safety & Health Regulations 1996 (or as amended) would need to be complied with where all necessary precautions would need to be taken to ensure the health and safety of all participants including the general public.

The City's officers also met with the Senior Risk consultant from Local Government Insurance Services in late 2010 to discuss alternative uses for car parking bays such as alfresco dining, provision of tables and chairs for socialising and/or bicycle parking etc within designated areas of the City of Vincent.

The following response highlighted some of the risk issues and suggestions:

"Using any of the City's infrastructure or assets for a purpose other than what they are intended and/or designed for exposes the City to additional risk.

In making a decision whether or not to go ahead with the proposed activity it is essential that the City

- is aware of those risk issues;*
- implements treatments to ensure it is doing what would be reasonably expected of it under the circumstances;*
- has a level of assurance that those controls are effective in managing the risk; and*
- that the level of risk is acceptable in light of the opportunities created by the proposed activity."*

The Council considered the matter further and approved a four (4) month trial proceeding in Oxford Street.

The ORC was fitted and surrounded with planters to protect users including 'kerb stops' and flexible bollards. Other locations would need to be assessed on a case by case basis and appropriate safety measures implemented.

Suggested Way Forward:

Potential Locations:

Given the overall positive response to the trial, it is considered that the ORC initiative be expanded in 2013/2014.

As previously reported to Council, 'possible' suitable locations would include the following:

- Leederville (Oxford & Newcastle Streets & Carr Place);
- Mount Hawthorn (Scarborough Beach Road);
- Mount Lawley (Chelmsford Road or Raglan Road - nodes off Beaufort Street);
- Perth (William Street); and
- North Perth (Angove Street).

Speeds on the adjoining street need to be low and the ORC needs some level of protection from moving/passing motor vehicles to be assessed on a case by case basis.

Process:

One recurring criticism from some business owners who approached the City's Administration was that the adjoining business was getting an unfair advantage even though the ORC was sign-posted that the space was a public space and all were welcome to use.

Some have also suggested that the ORC be pre-fitted with benches for seating so the adjoining business does not provide the seating to make the ORC look more like a public area.

Another observation was that if the adjoining business was closed e.g. public holiday etc, then the tables/chairs/shade (umbrellas) were not set up.

Also, better signage/promotion is required to ensure everyone is aware the ORC is a public space for all to use at all times.

It is therefore considered that having an adjoining business 'take ownership' of the ORC worked well; however, any future agreement should stipulate that the ORC be open seven (7) days per week.

Note: The City will still fabricate/install/remove the ORC and associated infrastructure and provide the plants.

The adjoining business would need to agree to the following:

- Either provide the seating/shade or the ORC being fitted with bench seating (dependant on location);
- Keep clean all components of the ORC including clearing and cleaning tables and keeping the area clear of rubbish;
- Maintain the ORC including the vegetation in the planter boxes;
- No alcohol/smoking permitted in the ORC;
- Immediately report any matters to the City, i.e. damage, safety issues etc;
- AREA BEING ACCESSIBLE TO ALL USERS, and not exclusive to adjoining business SEVEN (7) days per week;
- Area not being an extension of adjacent business, due to licence and approval ramifications; and
- The ORC not being located outside of the business for more than six (6) months from (November to April).

Conclusion/Recommendations:

Given the overwhelming success of the ORC, for 2013/2014 it is recommended that businesses in the following streets be given the opportunity to apply for a temporary ORC located adjacent to their business:

- Oxford Street (between Vincent Street and Leederville Parade);
- Scarborough Beach Road (between The Boulevard and Fairfield Street);
- Chelmsford Road or Raglan Road - nodes off Beaufort Street);
- William Street (south of Brisbane Street; and
- Angove Street (between Woodville Street and Fitzgerald Street).

Once submissions are received each location will be assessed on its suitability and the recommended locations considered by the Council.

The business adjacent to a successful location will be required to enter into a formal agreement and agree to the conditions as outlined in this report.

One part of the agreement will be for the business to either provide seating/shade or the ORC being fitted with bench seating by the City (dependant on location).

RISK MANAGEMENT IMPLICATIONS:

HIGH: Each location needs to be assessed on a case by case basis and appropriate safety measures designed into the cafe.

CONSULTATION/ADVERTISING:

Businesses in the following streets will be invited to submit an expression of interest to have an ORC located in front of their premises:

- Oxford Street (between Vincent Street and Leederville Parade);
- Scarborough Beach Road (between The Boulevard and Fairfield Street);
- Chelmsford Road or Raglan Road - nodes off Beaufort Street);
- William Street (south of Brisbane Street; and
- Angove Street (between Woodville Street and Fitzgerald Street).

LEGAL/POLICY:

Local Roads and Local and District distributors are under the care, control and management of local government. Any event on a road needs not only the approval of the local government but depending on the event may also require endorsement by the Police and/or Main Roads WA.

Laws that apply include the City's relevant local laws, the Road Traffic Act and/or the Local Government Act.

STRATEGIC IMPLICATIONS:

No specific area within the City's *Strategic Plan 2011-2016* matched this proposal; however, the closest states:

"Natural and Built Environment

Objective 4.1.4 Focus on stakeholder needs, values, engagement and involvement (a) Ensure stakeholders are effectively engaged on issues that may affect them."

SUSTAINABILITY IMPLICATIONS:

Raise awareness of the importance of urban public spaces, rethinking the way streets are used and creating diverse conversations about making cities more sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$30,000 has been listed for consideration in the 2013/2014 Budget for ORC's.

COMMENTS:

Given the overwhelming success of the ORC in Leederville it is recommended that the Chief Executive Officer invite businesses in the streets as indicated in the report to submit and Expression of Interest (EOI) to be considered for a temporary On Road Cafe (ORC) to located adjacent to their business (following the adoption of the 2013/2014 Budget).

9.2.2 Leederville Town Centre Enhancement Project - Oxford Street Reserve Playground Upgrade, Expression of Interest and Other Proposed Actions - Progress Report No. 3

Ward:	South	Date:	31 May 2013
Precinct:	Oxford Centre (4)	File Ref:	ADM0106
Attachments:	001 – Plan No. 3052-CP-01 002 – Plan No. 2455-CP-1A		
Tabled Items:			
Reporting Officers:	J van den Bok, Manager Parks & Property Services C Wilson, manager Asset and Design R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. NOTES;

1.1 that an amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project to be carried forward to 2013/2014 and an amount of \$1,050,000 has been listed for consideration in the 2013/2014 draft budget for the Leederville Town Centre – Streetscape and Oxford Street Reserve Enhancement Project;

1.2 The total estimated cost of the Oxford Street Reserve project (excluding the playground), including preparation of concept plans, design/documentation, surveys, tender assessments and contract supervision is \$1,145,000; and

1.3 the recommendation of the Leederville Town Centre Working Group (LTCWG) meeting held on 27 May 2013 in relation to progressing with the playground design/upgrade at Oxford Street Reserve including planting additional trees in the Oxford Street median and improving the parking in the vicinity of the existing taxi rank in Newcastle Street;

2. AUTHORISES the Chief Executive Officer to prepare an Expression of Interest (EOI) inviting suitably qualified landscape architects and playground designers to submit a 'Playground Design' for Oxford Street Reserve;

3. APPROVES the;

3.1 the planting of five (5) *Eucalyptus maculata* - Spotted Gums in the median strips in Oxford and Newcastle Streets, Leederville, as shown on drawing No. 3052-CP-01, at an estimated cost of \$8,000; and

3.2 installation of three (3) x 1/4P parking bays in Newcastle Street, Leederville outside the Leederville Hotel, as shown on attached drawing No. 2455-CP-1A, to operate between the hours of 8.00am and 6.00pm, Monday to Sunday, reverting to a Taxi Zone between the hours 6.00pm to 8.00am, Monday to Sunday; and

5 ADVISES the Taxi Council and the Taxi Industry Board of its decision with regards clause 3.2.

Moved Cr Pintabona, Seconded Cr McGrath

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

“That Clause 2 be amended to read as follows:

That the Council;

2. **AUTHORISES the Chief Executive Officer to prepare an Expression of Interest (EOI) inviting submissions suitably qualified landscape architects and playground designers to submit a ‘ for a ‘Playground Design’ for the, Oxford Street Reserve at an estimated cost of construction of between \$150,000 and \$225,000;”**

Debate ensued.

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

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **NOTES;**
 - 1.1 that an amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project to be carried forward to 2013/2014 and an amount of \$1,050,000 has been listed for consideration in the 2013/2014 draft budget for the Leederville Town Centre – Streetscape and Oxford Street Reserve Enhancement Project;
 - 1.2 The total estimated cost of the Oxford Street Reserve project (excluding the playground), including preparation of concept plans, design/documentation, surveys, tender assessments and contract supervision is \$1,145,000; and
 - 1.3 the recommendation of the Leederville Town Centre Working Group (LTCWG) meeting held on 27 May 2013 in relation to progressing with the playground design/upgrade at Oxford Street Reserve including planting additional trees in the Oxford Street median and improving the parking in the vicinity of the existing taxi rank in Newcastle Street;
2. **AUTHORISES the Chief Executive Officer to prepare an Expression of Interest (EOI) inviting submissions for a ‘Playground Design’ for the, Oxford Street Reserve at an estimated cost of construction of between \$150,000 and \$225,000;**
3. **APPROVES the;**
 - 3.1 the planting of five (5) *Eucalyptus maculata* - Spotted Gums in the median strips in Oxford and Newcastle Streets, Leederville, as shown on drawing No. 3052-CP-01, at an estimated cost of \$8,000; and
 - 3.2 installation of three (3) x 1/4P parking bays in Newcastle Street, Leederville outside the Leederville Hotel, as shown on attached drawing No. 2455-CP-1A, to operate between the hours of 8.00am and 6.00pm, Monday to Sunday, reverting to a Taxi Zone between the hours 6.00pm to 8.00am, Monday to Sunday; and
- 5 **ADVISES the Taxi Council and the Taxi Industry Board of its decision with regards clause 3.2.**

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to progress with an Expression of Interest (EOI) in relation to the playground upgrade at Oxford Street Reserve and to approve the implementation of some other improvements

BACKGROUND:

At the Ordinary Meeting of Council held on 23 April 2013 a further report was presented to the Council following the public consultation period where it was resolved (in part)

"That the Council;

2. APPROVES;

- 2.1 *the proposed improvements to Oxford Street Reserve, as shown on the attached concept plan No. 9.2.5 (Option No.1) at an estimated cost of \$1,145,000 (as detailed in the report) and progresses to the detailed design/documentation phase;"*

The above estimated cost does not provide for the design, or supply and installation of a playground as outlined within the report.

DETAILS:

LTCWG meeting – 27 May 2013:

Oxford Street Reserve:

Amongst various items on the meeting's agenda, discussions were held with working group members on how best to progress with the playground design for Oxford Street Reserve.

The group had previously looked at numerous playground designs presented by the landscape architect and discussed various themes that could be used in designing a unique playground for this location.

With the park upgrade progressing to the tender stage and on-ground works potentially commencing as early as August/September 2013 it is important to progress the playground design so that the two (2) projects could be completed in unison and the park able to be opened with a playground for children available for use and without further disruption.

The working group resolved that the best way forward was to go out for an Expression of Interest (EOI) to suitably qualified landscape architects and playground designers with a nominated budget ranging between \$150,000 to \$225,000 for the provision of a concept plan including design fees.

The submissions received would be assessed by the working group and the successful submission/s further developed in conjunction with working group and the consultant.

The working group members resolved that the playground should:

- cater for 0-8 year old children;
- be original;
- be creative;
- be exciting; and
- be built to a scale and height suitable for the location.

Oxford Street/Newcastle Street Streetscape:

The discussion then progressed to possible streetscape upgrade scenarios for Oxford Street (Vincent Street to Leederville Parade) and Newcastle Street (Oxford Street to Carr Street).

The Group acknowledged that it was too early in the process to consider detailed design elements but rather to adopt in principle some guidelines from which the design could be refined over successive meetings.

The various concepts ranged from a complete 'make-over' involving removing the existing infrastructure so as to create a seamless transition between footpath and road in-conjunction with removing the median trees, to a less intrusive scheme retaining the majority of the existing infrastructure with minor improvements to 'uplift' the area.

The Group broadly agreed with the latter, the minor improvements options, but again not going into details at this time.

Further the Group strongly supported the retention of the mature Spotted Gum's in the median strips in both Oxford and Newcastle Streets. The Group also endorsed a proposal to replace the 'missing'* trees to recreate the avenue affect of the regular spacing (of the trees) as an immediate improvement.

Note:* Over the past decade some of the trees were removed as a result of either being in decline or after being hit by vehicles. They were not replaced pending the outcome of the Leederville Master Plan and its predecessor the 'Oxford Centre Study'.

The Manager Parks and Property Services has subsequently secured a number of 400 litre specimens of *Eucalyptus maculata* - Spotted Gums five (5) metres in height (from ground level).

The five (5) trees would be planted as per the attached drawing; 3052-CP-01.

The estimated cost to plant the trees is \$8,000. This is inclusive of traffic management, 'grubbing out' the remnant stumps, and paving reinstatement.

Newcastle Street Taxi Rank:

The taxi rank in Newcastle Street, directly outside the Leederville Hotel, was installed in its current form, as shown on attached drawing 2455-CP-1A, in the latter part of 2006.

Prior to these works there was a large taxi rank located in the Frame Court car park. However, the Taxi Council at the time were of the opinion that it was too far away from the centre of activity and asked that it be relocated to adjacent the Leederville Hotel in Newcastle Street.

There had been an existing taxi rank that could accommodate three (3) or four (4) cabs in front of the Leederville Hotel with the remainder of the parking lane accommodating three (3) x 1/4P bays.

The Taxi Council subsequently submitted that the demand for taxis in the Leederville area was sufficient to justify the entire kerb-side parking lane to being given over to an exclusive taxi rank.

However, a series of random site surveys has shown that while there are quite often cabs at the rank during the course of the day it is only in the peak periods in the evenings that the entire rank is utilised.

In recognition of the above the LTCWG asked if consideration could be given to reinstating some short term parking in Newcastle Street in front of the Leederville Hotel.

The attached plan, 2455-CP-1A, has been amended to show the three (3) x 1/4P bays being reinstated at the western end of the taxi rank. However it is intended that the bays would revert to taxi only parking in the evening.

Therefore, the proposed signage, which would be a split panel sign, and would read as follows:

- 1/4P 8.00am to 6.00pm Monday to Sunday (i.e. 7 days a week) and Taxi Zone 6.00pm to 8.00am Monday to Sunday.

Note: To ensure there is no ambiguity the signs would 'close out' the entire 24 hour period. If longer term parking is installed, i.e. one (1) or (2) hours, then a ticket machine would be required, which would be difficult to accommodate given existing level of activity at this location.

A similar situation currently exists on Scarborough Beach Road adjacent to the Paddington Ale House. During the day, 6.00am to 9.00pm, it is normal kerb side parking and during the night time peak period, 9.00pm to 6.00am, it is an exclusive taxi zone.

The main difference between the two locations, and hence the time difference, is that the cabs servicing the Paddington Ale House do not generally 'sit on' the rank for extended periods of time but rather drop off and pick-up.

Furthermore, the Leederville taxi rank tends to be busy far earlier in the evening as there are a greater number of entertainment and dining options in the immediate vicinity.

The proposed 1/4P bays would commence at 8.00am so as to be consistent with the existing on-street parking restrictions in the area.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable (at this stage).

RISK MANAGEMENT IMPLICATIONS:

Medium: These proposals are likely improve safety for both pedestrians and park patrons by providing a safe enclosed space where children can play and parents can sit and enjoy the space without the worry of their children running onto adjacent busy roads.

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:

Consideration has been given whilst progressing this project to ensure that sustainable options are investigated and included within the final design of the areas to be upgraded where practicable.

FINANCIAL/BUDGET IMPLICATIONS:

As indicated in the previous report to the Council the estimated cost of implementing the park upgrade, excluding the cost of the playground, is \$1.05m.

The total estimated cost of the project, including preparation of concept plans, design/documentation, surveys, tender assessments and contract supervision (excluding the playground component) is \$1,145,000.

Current Funding 2012/13:

An amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project, including but not limited to the future upgrade of the Oxford Street Reserve, Water Corporation Reserve and the Oxford Street – Newcastle Streetscape.

Future Funding 2013/14:

An amount of \$1,050,000 has been listed for consideration in the 2013/14 draft budget for the Leederville Town Centre – Streetscape and Park Enhancement Project.

As indicated previously the overall 'proposed' scope of the Leederville Streetscape and Park Enhancement is as follows:

- Oxford Street Reserve - \$1,145,000;
- Playground – cost to be determined (estimated \$0.4m+);
- Oxford Street/Newcastle Street Streetscape – costs to be determined following further development of the design options by the landscape architect and the LTCWG; and
- Water Corporation Reserve – costs to be determined following further development of the design options by the landscape architect consultants and the LTCWG.

COMMENTS:

To enable this project to be progressed and completed it is therefore recommended that the Council authorises the Chief Executive Officer to prepare an Expression of Interest (EOI) inviting suitably qualified landscape architects and playground designers to submit a playground design for Oxford Street Reserve.

It is also recommended that the Council approves the planting of five (5) *Eucalyptus maculata* (Spotted Gums) in the median strips in Oxford and Newcastle Streets, Leederville, and the installation of three (3) x 1/4P parking bays in Newcastle Street, Leederville, outside the Leederville Hotel, to operate between the hours of 8.00am and 6.00pm, Monday to Sunday, reverting to a Taxi Zone between the hours 6.00pm to 8.00am, Monday to Sunday.

9.2.4 Investigation into Possible Daily Closure of the Section of Washing Lane between William Street and Money Street, Perth

Ward:	Both	Date:	31 May 2013
Precinct:	ALL	File Ref:	PLA0084
Attachments:	001 – Washing Lane Sketch Concept Plans		
Tables Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the information contained in the report regarding the proposed daily closure of Washing Lane including logistical and cost implications;
2. **DOES NOT** pursue the ongoing daily closure of the section of Washing Lane between William Street and Money Street;
3. **CONSIDERS** approving future pre-organised road closures in the section of Washing Lane between William Street and Money Street for specific events from time to time, in lieu of an ongoing daily closure, once the streetscape improvements have been completed; and
4. **RECEIVES** a further report once the proposed Washing Lane streetscape plans have been further developed, as per Attachment 001.

COUNCIL DECISION ITEM 9.2.4

Moved Cr McGrath, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Buckels

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

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

PURPOSE OF REPORT:

The purpose of this report is to provide information to the Council regarding the possible daily closure of the section of Washing Lane between William Street and Money Street, Perth.

BACKGROUND:

Ordinary Meeting of Council held on 11 August 2009:

Council received a report on a proposed six (6) Storey Mixed Use (Commercial/Residential) Development, including a Subterranean Car Park under Washing Lane - Land within the East Perth Redevelopment Authority (EPRA) Area. The development encompasses lots (Lots 551-562) bounded by William, Newcastle and Money Streets, Perth where the following decision was made (in part):

"That the Council

ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS IN PRINCIPLE the Proposed Six (6) Storey Mixed Use (Commercial/Residential) Development, including a Subterranean Car Park under Washing Lane, at Nos. 322-324 (Lots 551-562) William Street, Corner Newcastle Street and Money Street, Perth and as shown on plans stamp dated 4 June 2009, subject to Washing Lane being closed and subject to the following additional conditions:"

EPRA subsequently *did not support* the permanent closure of Washing Lane and as a consequence the design was modified to delete the portion of subterranean car park beneath Washing Lane and as a result the lane remained a dedicated road under the care control and management of the City.

Ordinary Meeting of Council held on 23 April 2011:

The Council considered a report on the concept proposal for the streetscape improvements of Washing Lane where the following decision was made (in Part):

"That the Council;

1. *APPROVES IN PRINCIPLE the proposed Preliminary Washing Lane Streetscape Improvement 'Concept Plans' as shown on attached drawings SK02 to SK06;*
2. *AUTHORISES the Chief Executive Officer to continue to liaise with the Developer to further develop and improve the Washing Lane Streetscape Improvement proposal;*
3. *RECEIVES a further report/s once the Washing Lane Streetscape Improvement proposal has been developed to a more advanced stage;"*

Ordinary Meeting of Council held on 26 March 2013:

The Council considered a notice of motion regarding the possible daily closure of the section of Washing Lane between William Street and Money Street where after considering the matter the following decision was made:

"That the Council;

1. *AGREES TO INVESTIGATE the daily closure of the section of Washing Lane between William and Money Streets, Perth to allow only pedestrian access between 11am and 11pm in order to facilitate active laneway uses, including extended retail and entertainment, alfresco dining etc, in line with the proposed uses currently under development; and*
2. *REQUESTS the Chief Executive Officer to investigate and report on the following;*
 - 2.1 *The matters raised in Clause 1 above;*
 - 2.2 *The legal requirements for the daily closure of the street;*
 - 2.3 *The requirements for any proposed outdoor eating areas, (including liquor licensing requirements;*
 - 2.4 *The financial implications to the City;*
 - 2.5 *The mechanisms required to implement the daily closure; and*
 - 2.6 *The proposed streetscape required and any additional programs/initiatives to encourage an active and pedestrian friendly laneway, in conjunction with the developers currently constructing on both sides of the laneway; and*
 - 2.7 *any other relevant matters; and*
3. *RECEIVES a report no later than May 2013."*

DETAILS:

Proposed Streetscape Improvements:

In April 2009, the Council approved the streetscape design for Washing Lane (in principle) as the developer required this to satisfy EPRA's Development Approval condition on the understanding that the City would be the determining authority.

It was noted at the time that concept plans (Attachment 001) would be progressively developed to include street furniture, an agreed materials list, landscaping incorporating Water Sensitive Urban Design (WSUD) principles, a low speed pedestrian friendly environment and public art.

A brief extract provided by the developer at the time is included as follows (fully extract can be viewed in the minutes of 23 April 2011:

"To the west, the dining, café and small bar type functions mandate a design response that allows an outdoor socialising and 'food and beverage' type space; the middle section, with the proposed service functions of hairdresser, day spa and gymnasium require similarly good access but no outdoor seating accommodation; and the eastern section which serves primarily as the laneway's 'back of house', accommodating the main basement parking driveway, bin store and pick-up, and vehicular access to the laneway.

Correspondingly, the design incorporates the following elements to respond to, and define, the different activity zones, whilst contributing to a cohesive and adaptable space:

- *The incorporation of one-way, single lane, traffic flow in an east-west direction, to reduce the vehicular traffic volume through the laneway and provide predictable vehicular movements;*
- *creating a raised and articulated carriageway with flush edges and distinct paving treatments to promote traffic calming, equitable pedestrian access and create generous space within the narrow laneway to accommodate alfresco functions; and*
- *the inclusion of trees, planting, street furniture, pavement design and drainage infrastructure to define activity zones and calm traffic.*

The proposed treatment of the carriageway will create a low speed environment that promotes careful driving and pedestrian equality, in turn creating a safer environment for visitors..."

Possible daily closure of the section of Washing: Lane between William and Money Streets, Perth, to allow only pedestrian access between 11am and 11pm:

On Friday, 26 April 2013 the City's officers met with the Project Manager NW Constructions Pty Ltd, and MRA representatives to discuss the above matter.

Comments from NW Constructions Pty Ltd:

"In our opinion this is not feasible due to the following:

- *High traffic flow from the basement car parking will have major impact on Money Street;*
- *All the ground floor tenancies are used as commercial as such will need deliveries for loading and unloading even after peak hours; and*
- *Not enough turning circle for pick up bins trucks in the event delay occurred for normal pick up time*

We however, support the road closure if there's any major event that comes up from time to time and No Street Parking along Washing Lane except only for loading area.

We are more than happy to sit down with City to go through in detail to discuss the proposed streetscape/landscape in the near future."

Comments from MRA:

"Thank you for providing the Metropolitan Redevelopment Authority (MRA) with the opportunity to comment on the proposed closure of Washing Lane, between William and Money Streets, to allow pedestrian access only between the hours of 11am and 11pm.

The MRA has considered the information provided in your letter dated 15 April 2013 and reaffirms its previous position that it does not support the permanent closure of the road reserve or privatisation of the public space.

The MRA is however generally supportive of high quality urban design outcomes that prioritise pedestrian activity and encourage the use of public spaces for alfresco dining while enabling controlled vehicle access to encourage active, safe and pedestrian friendly streets."

The Legal Requirements for the possible daily closure of the street:

Washing Lane is located in the Metropolitan Redevelopment Authority (MRA) sector formerly known as EPRA. Closure or obstruction of a road within this sector of the City requires the joint approval of the MRA and the City, in accordance with the requirements of the Local Government Act 1995 section 3.50 (1a):

"3.50. Closing certain thoroughfares to vehicles

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions."

The requirements for any proposed outdoor eating areas, (including liquor licensing requirements:

As mentioned above, the Council on 23 April 2011 considered a report on the concept proposal for the streetscape improvements of Washing Lane and approved the proposal, in principle and for the Chief Executive Officer to continue to liaise with the Developer to further develop and improve the Washing Lane Streetscape Improvement proposal.

Also, as mentioned above the proposed Washing Lane streetscape design will incorporate elements to respond to, and define, the different activity zones, while contributing to a cohesive and adaptable space such as *"creating a raised and articulated carriageway with flush edges and distinct paving treatments to promote traffic calming, equitable pedestrian access and create generous space within the narrow laneway to accommodate alfresco functions"*.

Should the road be closed to vehicular traffic on a daily basis (11am to 11pm) as suggested by the 'Notice of Motion' then approvals including, but not limited to, temporary food premises registration, application for liquor licence, noise permits, application for markets as well as relevant traffic management plan, similar to what is required when roads are closed for festivals, would need to be submitted for determination by the City. This area would also need to be assessed in accordance with the Public Building Regulations as it may be subject to further required approvals and permits.

Financial Implications to the City:

If removable bollards/retractable bollards were installed, to ensure no vehicles drive through the obstruction a minimum of six (6) bollards would be required i.e. three (3) at either end of the street.

The manually operated bollards would cost in the order of \$1,000 each including installation. In addition, the City would need to engage a security firm (same as currently occurs with the locking of toilets) to lift and retract the six (6) bollards twice per day seven days per week. This has been estimated to cost \$8,500 per annum.

- Therefore the total cost of this option could be in the order of \$6,000 plus \$8,500 per annum.

Retractable bollards on a timer (or remotely operated) would cost in the order of \$5,000 each or \$30,000 for six (6). In addition, wiring would need to be installed connected to a power source. This could cost an additional \$5,000 to \$10,000. If the bollards were on a timer some form of audible warning system with flashing lights would be required for health and safety reasons. This could cost in the order of \$2,000.

- Therefore, total cost of this option (excluding running costs and maintenance) would be in the order of \$40,000 plus approx \$1,500 per annum servicing/maintenance/running costs.

Mechanisms required to implement the daily closure:

As mentioned above, there are two (2) options. Manual operation or automatic (or remote controlled) operation. Manual would require someone to physically attend to the bollards twice per day. Automatically controlled bollards would not require someone attending unless they were operated by a remote control which would require some one attending.

Proposed Streetscape required and any additional programs/initiatives to encourage an active and pedestrian friendly laneway, in conjunction with the developers:

As mentioned above, the Council on 23 April 2011 considered a report on the concept proposal for the streetscape improvements of Washing Lane and approved the proposal, in principle and for the Chief Executive Officer to continue to liaise with the Developer to further develop and improve the Washing Lane Streetscape Improvement proposal.

Also as mentioned above the proposed Washing Lane streetscape design will incorporate elements to respond to, and define, the different activity zones, while contributing to a cohesive and adaptable space such as *“creating a raised and articulated carriageway with flush edges and distinct paving treatments to promote traffic calming, equitable pedestrian access and create generous space within the narrow laneway to accommodate alfresco functions”*.

It is considered that the proposed design will *encourage an active and pedestrian friendly laneway*.

Programs/initiatives for activation would be discussed with the business community once the development has been completed and the road upgraded based on the previously agreed 'design intent'.

Discussion/Comments:

Considerable discussion has taken place with the developer in the past regarding the streetscape improvements for the section of Washing Lane in question. The proposed design will lend itself to the road being a shared space with alfresco dining etc and allowing access for delivery vehicles, waste collection and access to and from the proposed undercroft carpark area.

The development has been designed around the street being able to be used as a vehicle thoroughfare and therefore the daily closures may have an adverse effect of the operation of future businesses in the street.

Who would take responsibility for the ongoing daily closure, what if a delivery was required during the closure period, what if there was a malfunction (in the case of the automatic retractable bollards?).

In addition, the proposed egress into William Street will be a left turn only. Directing all of the traffic to Money Street would create access issues for service delivery vehicles, and residents/visitors to the development. It would also increase rat running through the adjoin street and congestion at the Money/Newcastle Street intersection.

It is considered that a pre-organised road closure for specific events from time to time would be a feasible alternative to an ongoing daily closure.

Community Consultation:

The developer and MRA will be advised of the Council's decision.

LEGAL/POLICY:

Washing Lane comes under the care and control of the City of Vincent; however, as it falls within the catchment of the MRA, closure or obstruction of the road also requires their approval. The closure or obstruction of the road can be effected in accordance with section 3.50 (1a) of the Local Government Act 1995.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposal would result in some positives and some negatives but no major risks would result.

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.*

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

SUSTAINABILITY IMPLICATIONS:

Despite being a small pocket of the city's urban fabric, Washing Lane presents an opportunity to incorporate, display and promote sustainability initiatives through the proposed Water Sensitive Urban Design (WSUD) response with the selection of robust, durable and readily replaceable materials.

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been included in the 2013/2014 draft budget for this proposal.

As mentioned in the report, the total estimated cost of removable bollards/retractable bollards could be in the order of \$6,000 plus \$8,500 per annum.

The total estimated cost of retractable bollards on a timer or remotely operated (excluding running costs and maintenance) could be in the order of \$40,000 plus approx \$1,500 per annum servicing/maintenance/running costs.

COMMENTS:

For the reasons outlined in the report it is recommended that the Council not pursue the ongoing daily closure of the section of Washing Lane between William Street and Money Street but instead considers approving future pre-organised road closures in the section of Washing Lane between William Street and Money Street for specific events from time in lieu of an ongoing daily closure, once the streetscape improvements have been completed.

9.4.2 Senior Outings Programme – Progress Report No. 2

Ward:	Both	Date:	31 May 2013
Precinct:	All	File Ref:	CMS0103
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	B Grandoni, Community Development Officer L Devereux, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 2 for the Senior Outings Programme; and
2. **APPROVES** the;
 - 2.1 change of the ‘Over 55s Senior Outings’ Programme’ to the ‘Over 65s Senior Outings’ Programme’; and
 - 2.2 increase in fees for the outings to \$30 per person; and
3. **AUTHORISES** the Chief Executive Officer to advertise a ‘Request for Quotation’ from suitably qualified organisations to manage and operate the Seniors Outings Programme for a trial two (2) year period 2013–2015.

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.45pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.46pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Pintabona

“That clauses 2, 4 and 5 be amended as follows:

That the Council;

1. **RECEIVES** Progress Report No. 2 for the Senior Outings Programme; ~~and~~
2. **APPROVES** the;
 - 2.1 change of the ‘Over 55s Senior Outings’ Programme’ to the ‘Over 65s Senior Outings’ Programme’; ~~and~~
 - 2.2 change in pricing for outings to a fixed ‘subsidy’ basis with the level of subsidy to be approximately \$30 per person;

3. **AUTHORISES** the Chief Executive Officer to advertise a 'Request for Quotation' from suitably qualified organisations to manage and operate the Seniors Outings Programme for a trial two (2) year period 2013–2015; and

4. **REQUESTS:**

4.1 that one of the criteria used to assess the 'Request for Quotations' include the ability to cater for community members with physical limitations; and

4.2 a further report after the 'Request for Quotation' has been analysed and that report include recommendations on how to ensure that financially disadvantaged members of the community are not excluded from going on outings.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

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

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

COUNCIL DECISION ITEM 9.4.2

That the Council;

1. **RECEIVES** Progress Report No. 2 for the Senior Outings Programme; ~~and~~
2. **APPROVES** the;
 - 2.1 change of the 'Over 55s Senior Outings' Programme' to the 'Over 65s Senior Outings' Programme';
 - 2.2 change in pricing for outings to a fixed 'subsidy' basis with the level of subsidy to be approximately \$30 per person;
3. **AUTHORISES** the Chief Executive Officer to advertise a 'Request for Quotation' from suitably qualified organisations to manage and operate the Seniors Outings Programme for a trial two (2) year period 2013–2015; and
4. **REQUESTS;**
 - 4.1 that one of the criteria used to assess the 'Request for Quotations' include the ability to cater for community members with physical limitations; and
 - 4.2 a further report after the 'Request for Quotation' has been analysed and that report include recommendations on how to ensure that financially disadvantaged members of the community are not excluded from going on outings.

PURPOSE OF REPORT:

To update the Council on the progress of the City's Senior Outings Programme, seek approval to change the eligibility of the programme for seniors from 55 years old to aged over 65 years, and advertise for quotations to outsource the Seniors Outings Programme.

BACKGROUND:

On 26 June 2012, the Council considered and approved of a Notice of Motion (submitted by Cr Carey) requesting an investigation into the City's Over 55s Outings after a presentation to a Council Forum; as follows;

"That the Council REQUESTS:

1. *the Chief Executive Officer to investigate and devise a new Seniors Outings Program for 2012/2013 financial year, which includes the use of external buses (one or more) to cater for the current high level of demand and drastically reduces or eliminates waiting lists. This investigation will include but not limited to:
 - 1.1 *increase the frequency of the program visits if the budget allows; and**
2. *that a report be submitted to the Council for consideration and determination, no later than 30 August 2012; and*
3. *that subject to approval of the Clause 2, in order to increase the Senior's overall awareness of the City's new program/schedule, that it be advertised to existing members of the seniors database, as well as through newsletters, website, social media and local newspapers."*

At the Ordinary Meeting of Council held on 9 October 2012 at Item 9.4.2, the following was resolved:

"That the Council;

1. *RECEIVES Progress Report No. 1 on the request to investigate the Seniors Outing Programme and review of the City's Seniors Strategy; and*
2. *REQUESTS that a further progress report on the outcomes of the investigation and review be reported to the Council at the meeting to be held on 20 November 2012, after consideration by the Seniors Advisory Group."*

This report provides details of action taken since the Progress Report No. 1 was presented to the Ordinary Meeting of Council held on 9 October 2012 on the Over 55s Seniors Outings.

DETAILS:

The City of Vincent is committed to having an inclusive community in which the participation and value of older people is actively promoted.

As part of the City's programme to target seniors, the Over 55s Outings have been organised for active Vincent seniors to encourage general wellbeing and alleviate social isolation. The City has been operating a Seniors Outings Programme since 2000, including the outsourcing of management and operations to independent groups at various times.

The current outings utilise the City's 22 seater community bus to transport senior residents of the City on day trips to a variety of local attractions. The trips were designed for active seniors over the age of 55, with the aim to provide stimulating social activities for local residents, to reduce isolation, promote friendship and a sense of belonging to their community. It should be noted that seniors who are frail aged and meet the Home and Community Care (HACC) criteria are serviced for outings within services offered by agencies funded by the HACC programme. These seniors would not be eligible for the City's programme given the particular health and safety requirements of caring for frail-aged seniors.

The current outings are not means tested and the only criteria applied is as follows;

- Over 55 years of age;
- A resident of the City of Vincent; and
- Independently mobile without aids or assistance.

Review of the Senior Outings

The City's Officers conducted an initial investigation and the results were presented at the Seniors Advisory Group (SAG) meeting on 16 August 2012. These results included a breakdown of direct and indirect costs to the City, plus a comparison on services and programmes that were offered in neighbouring Councils.

At the subsequent SAG meetings on 20 February 2013 and 27 March 2013, the review of the Senior Outings was discussed, including the option to outsource the whole programme.

The other options included the following:

- Outsourcing the trips to a private experienced tour Company that can do all inclusive trips, including transport and activities for a fee per head;
- Commissioning and finding a not-for-profit organisation, such as People Who Care, to provide the service on behalf of the City;
- Changing the cost per head to reflect a more accurate amount of the actual cost; and
- Charging different costs to different residents based on means income testing.

These options were further investigated and reported to the Seniors Advisory Group.

Outsourcing Option

The option was raised for not-for-profit agencies providing similar services in Vincent to receive additional funding to carry out the service on the City's behalf, and whether it would be a viable and more cost effective option.

It is determined that the Seniors Outings Programme would need to encompass the following principles:

- Ensure the programme responds sensitively to seniors residing in the City of Vincent;
- Ensure that potential outings are cognisant of the impact on existing senior residents and ensures that their needs and concerns are adequately addressed; and
- Provide options and strategies to ensure outings are accessible and equitable for Vincent seniors from across the socio-economic spectrum.

Three (3) not-for-profit (NFP) organisations have been approached and expressed interest in having further discussions.

Out of the preliminary discussions, one of the options was that the NFP organisations, People Who Care and Volunteer Task Force, could be requested to nominate four (4) clients to participate in each outing. The cost was suggested \$5.00 per person and would be means tested by the referring organisation.

It was also suggested that other participants could be requested to pay extra for the more expensive outings, such as the trips to Rottnest Island.

The issue of using an online booking system to reduce the large administrative component of the tours has also been raised. It was suggested that older people enjoy the personal contact as part of their socialisation needs and would be reluctant to use the system. People Who Care use a similar online system to manage their programme.

At the SAG meetings held on 20 February 2013 and 27 March 2013, the Group suggested for the City to continue the co-ordination of the programme for the time being, and to ensure access and equity for isolated seniors on low incomes and living in Vincent by making available a few places for each outing. Furthermore, they agreed that any changes regarding access and equity, and pricing of the outings will need to be reported to the Council.

Cost of Programme – Managed by the City

The following provides the breakdown of the funds spent by the City of Vincent on Senior Outings, including the operating costs for the community bus, in the 2011 – 2012 financial year:

Project Costing of Senior Outings (excluding GST)

Total expenditure:	\$35,486
Total expenditure per head:	\$ 83
Total expenditure per individual:	\$ 203
Total income:	\$ 9,511

The following provides the breakdown of the funds spent by the City of Vincent on Senior Outings, in the 2012 – 2013 financial year to date (YTD):

Total Expenditure for Senior Outings

Project expenditure:	\$21,653
Bus expenditure:	\$ 32,177
Administration expenditure:	\$ 62,095
Total Project Expenditure:	\$115,925
Total Project Income:	\$ 13,450

Administration Costs

The cost and time allocated for staff involved in planning and booking the outings must also be considered in the overall costs, as above. The Community Development Officer (Seniors) who coordinates these outings works part time (3 days a week), with support from the Administration/Bookings Officer (full time) and Customer Service Centre staff.

The total costs in administering the programme are: \$115,925 (based on 2012/2013 YTD figures). The City also employs three (3) bus drivers. The year to-date bus driver salaries equate to \$14,080.

If the outings continue to be managed internally, the following changes have been proposed to increase efficiency:

- Contract an online booking system, for example 'Try Booking' to enable seniors to book and pay online to reduce multiple handling for bookings and payment by City staff;
- Plan the calendar of outings on a bi annual basis to reduce time and marketing costs; and
- Place the calendar on the website for marketing and promotional purposes.

It has also been proposed to change the cost of the outings from \$20 to \$30 per outing for residents. This would help increase the cost effectiveness of the outings and allow more leverage to outsource and/ or expand the programme.

Cost of Programme – Externally Managed

City of Vincent are recommending the option to outsource the Senior Outings, preferably to a Not-for-Profit group to undertake on behalf of the City.

The City proposes to pay the provider \$30,000 per annum (as currently budgeted), reflecting the current annual operating budget for the City of Vincent Seniors Outings. This fee would include:

- Salary of bus drivers;
- Parking fees;
- Fuel;
- All venue /event entry fees; and
- Catering.

The City also proposes to provide all established administration data to the successful organisation to ensure continuity in service provision and handover relating to:

- Information on tours /contacts;
- Details and work instructions for bus drivers;
- Seniors' addresses and contact details registered (subject to permission from the addressee);
- Policies and procedures; and
- Work instructions.

Participant Statistics from Outings (Spring 2012 – Winter 2013)

Statistics	Spring 2012	Summer 2013	Winter 2013
Trips Originally Booked	14	12	12
Additional Trips Booked	4	7	4
Fully Booked	14	15	16
Total Number of Places Filled	292	345	310
Total Number of Wait Lists	36	16	44
Total Number of People Attending Outings	180	185	190
Percentage of passengers bookings under: 65	10.58%(34)	9.73% (33)	13.16%(40)
Percentage of individual bookings under 65	3.79% (11)	4.9% (17)	8.06% (25)
Percentage of passengers 65 and over	89.8%(264)	90.3%(312)	86.8%(270)

Current Eligibility to Participate

The current Over 55s programme has minimal eligibility requirements, as follows:

- Over 55 years of age;
- A resident of the City of Vincent; and
- Independently mobile without aids or assistance.

The outings are developed and organised by a Community Development Officer. Bookings are co-ordinated by the Administration Officer and payment for the trips is collected by the Cashier. The City employs three (3) casual bus drivers.

The outings are delivered in three (3) seasons over the calendar year from March to December with each season comprising a variety of activities and destinations. The mailing list for the outings comprise of 510 seniors.

New Programme Proposal – Over 65s

Throughout the recent Council Member discussions, it has been suggested to change the current Over 55s Senior Outings Programme and cater for residents aged 65 and over. This is due to the following:

- Pension age;
- City of Vincent demographic statistics; and
- Recent Outings statistics.

The eligibility for Age Pension depends on one's current age and when the person is born.

If a person is born before 1 July 1947, they have reached the qualifying age for Age Pension. From 1 July 2017, the qualifying age for Age Pension will increase from 65 years to 65 ½ years. The qualifying age will then rise by six months every two years, reaching 67 by 1 July 2023.

It has also been proposed that the current eligibility for the outings be changed from 55 years to 65 years to align with the current minimum pension age.

According to the 2011 Census, the City is home to 31,548 residents and has a total of 6,139 people aged 55 and over, with 3,596 people aged 65 and over. Overall, 2,543 people aged between 55 and 65 years will no longer be eligible to participate in our Senior Outings Programme.

It is important to note that this subgroup of the population (people aged between 55 and 65 years) only make up approximately 10% of our bookings in the outings, according to the most recent statistics. On average, approximately 17 people out of this subgroup who have been attending these outings will no longer be eligible to attend.

CONSULTATION/ADVERTISING:

The City has been operating a Seniors Outings Programme since 2000 and has grown to a mailing list of 510 members. As discussed, if the programme continued to be managed internally, the mailing list will be reviewed and expanded.

The recommendations made have been derived from detailed discussions with the SAG and have been formed from ongoing consultation with participants of the service, neighbouring Councils, not-for-profit groups providing similar services to Vincent residents and multicultural groups providing outings for their senior members.

The 'Request for Quotation' (RFQ) will be advertised via our City of Vincent website, social media, local newspapers and advertised via Community Services networks.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment, this investigation has been determined as low risk.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, Objective 3 states:

"Community Development and Wellbeing

- 3.1.3 *Promote health and wellbeing in the community.*

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

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

SUSTAINABILITY IMPLICATIONS:

The recommendations to outsource the programme for Over 65s will not only align with our current Australian pension age, but may produce a programme of activities that are more cost effective and capable of serving a diverse range of residents and ultimately be more sustainable in the long term.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$30,000
Spent to Date:	<u>\$19,120</u>
Balance:	\$10,840

COMMENTS:

The City has an array of activities on offer, directly and indirectly for seniors, including but not limited to our Transport Assistance Scheme, Welfare Grants and Monthly Senior Information Sessions.

The Senior Outings are very popular with Vincent Seniors; however, it has become so popular that it now has extensive waiting lists, which requires considerable staff resources to organise additional outings to meet the demand, and is not deemed to be cost effective given the time and resources required.

The investigation on redesigning the outings programme is intended to allow for more cost effective outings that more residents can access equitably and, therefore, be sustained on a long term basis.

9.5.2 4th Australian Public Sector Anti-Corruption - Attendance

Ward:	-	Date:	31 May 2013
Precinct:	-	File Ref:	ADM0031
Attachments:	001 - Conference Program		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, JP Chief Executive Officer		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the Chief Executive Officer to attend 4th Australian Public Sector Anti-Corruption Conference 2013 and Pre-Conference Workshop, to be held in Sydney, from 26 November to 28 November 2013, at an estimated cost \$4,626.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Pintabona, **Seconded** Cr Harley

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Maier

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

PURPOSE OF REPORT:

The purpose of the report is to obtain approval for the Chief Executive Officer to attend the above conference to be held in Sydney, November 2013.

BACKGROUND:

The 4th Australian Public Sector Anti-Corruption Conference (APSACC) will be held at the Hilton Sydney, from 27 November to 28 November 2013, with workshops being offered on 26 November.

The Conference theme '**Vision. Vigilance. Action**' reflects the knowledge, skills and attributes needed to effectively identify, consider and respond to corruption and misconduct.

Pre-conference workshops feature interactive sessions with practitioners to develop knowledge and understanding of corruption prevention approaches; better whistleblower and reporting systems management; probity in procurement and disposal; embedding ethics; conducting fact finding activities; and managing complaint handling systems.

DETAILS:

The bi-annual conference will be held from 27 November to 28 November 2013 in Sydney. A pre-Conference workshop will be held on 26 November 2013.

The Conference will have the following streams:

- Local Government;
- Police;
- Topical Issues; and
- "*Both sides of the fence*".

Speakers from Australia's three major anti-corruption agencies will present papers. These include:

- Independent Commission Against Corruption (ICAC) – NSW
- Corruption and Crime Commission (CCC) – WA
- Crime and Misconduct Commission (CMC) – Queensland

Speakers will include some of Australia's highly qualified and experienced anti-corruption personnel. The workshop and conference is of a technical specialist nature and relates to dealing with compliance matters at an administrative level.

Attendance at the conference has been recommended for;

- Public and Private sector executives;
- Newly appointed managers;
- Local Government specialists;
- Corruption prevention practitioners;
- Senior Police;
- Academic and University Executives;
- Internal Auditors and investigators; and
- Human Resources Specialists.

In view of the above, attendance at this conference by a Council Member is not recommended.

The Conference Program is attached at Appendix 9.5.2.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Council's Policy 4.1.15 – "Conferences" – Clause 1.1 (i) states:

"When it is considered desirable that the City of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;"

Attendance by a Council Member at this conference is not recommended in this case.

The Chief Executive Officer's Contract of Employment entitles him to attend one (1) interstate conference per annum. The Chief Executive Officer did not attend an interstate conference in 2012.

Previous Attendances

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

Officer's Comments:

There has been no previous attendance at this Conference:

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2011-2016*, Objective 4.1 states:

"Provide good strategic decision making, governance, leadership and professional management".

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Estimated cost:

	Costs
Conference Registration and Pre-Conference Workshop (<i>Early Bird payment</i>)*	\$2,198.00
Accommodation (4 nights) (<i>Up to \$299 per night</i>)	\$1,196.00
Airfare Return (economy class) - <i>indicative cost</i>	\$750.00
Expenses allowance (<i>4 days @ \$120.52 per day</i>)#	\$482.00
Estimated Total	<u><u>\$4,626.00</u></u>

Rounded off.

COMMENTS:

The City's Chief Executive Officer is the City's designated Complaints Officer, as required by the Local Government Act 1995. The Chief Executive Officer is the City's Principal Officer responsible for all Compliance matters involving the City. The Conference is particularly relevant to Local Government. It is considered that attendance at this Conference will be beneficial for the City.

It is therefore recommended that approval be granted for Chief Executive Officer to attend the 2013 Conference to be held in Sydney, from 26 November to 28 November 2013, at an estimated cost \$4,626.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Mayor Hon. Alannah MacTiernan – Request to Amend Council Policy No: 4.2.1-‘Purchasing’ to include a requirement concerning procurement of catering for City functions, receptions and meetings
--

That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND Council Policy No: 4.2.1-‘Purchasing’ to include the following new Clause 6, as follows:

“6. The catering for City functions, Advisory Group meetings and any other receptions are to be sourced from businesses or persons located primarily within the City of Vincent wherever possible.”

COUNCIL DECISION ITEM 10.1

Moved Cr McGrath, Seconded Cr Pintabona

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr

“That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND Council Policy No: 4.2.1-‘Purchasing’ to include the following new Clause 6, as follows:

6. The catering for City functions, Advisory Group meetings and any other receptions are to be sourced based on quality, price, variety and an assessment of ‘food miles’.”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (7-1)

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

Against: Cr Maier

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

Information provided by Cr Maier:

The term ‘food miles’ has been around for a few years and it’s use was intended to encourage consumption of local food, both because of the support for local producers, but also because of reduced greenhouse gases from the transport.

For example, there recently were cherries in super markets which were flown from Washington. These have high ‘food miles’.

Probably a better example is garlic. Shops often sell garlic which has been grown in China and is very cheap. The alternative would be locally grown garlic which probably is more expensive, but required less greenhouse gas production to get it to the shop.

The idea of the amendment is to move away from favouring a supplier just because they are based in Vincent, and to provide a more defensible set of criteria to get a similar result. If an adjoining local government came up with a similar ‘buy local’ policy, we would be aggrieved that it unfairly penalised suppliers in Vincent.

10.2 NOTICE OF MOTION: Mayor Hon. Alannah MacTiernan – Request to Amend Council Policy No: 4.1.22-“Enforcement and Prosecution” to include a requirement concerning the enforcement of the City of Vincent Local Government Property Local Law 2008 Clause 3.13 concerning the prohibiting camping and/or occupying a vehicle overnight in a public place

That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND Council Policy No: 4.1.22-“Enforcement and Prosecution” to include a Clause under Clause 2.1.1 – *General Procedures*, concerning the enforcement of the City of Vincent Local Government Property Local Law 2008 Clause 3.13 concerning prohibiting camping and/or occupying a vehicle overnight in a public place, as follows:

“The enforcement of the City of Vincent Local Government Property Local Law 2008, Clause 3.13 concerning prohibiting the camping and/or occupying a vehicle overnight in a public place, shall only follow a complaint from a local resident, ratepayer or a Police Officer.”

Moved Cr McGrath, **Seconded** Cr Buckels

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr Pintabona, **Seconded** Cr Buckels

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

That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND Council Policy No: 4.1.22-“Enforcement and Prosecution” to include a Clause under Clause 2.1.1 – *General Procedures*, concerning the enforcement of the City of Vincent Local Government Property Local Law 2008 Clause 3.13 concerning prohibiting camping and/or occupying a vehicle overnight in a public place, as follows:

“The enforcement of the City of Vincent Local Government Property Local Law 2008, Clause 3.13 concerning prohibiting the camping and/or occupying a vehicle overnight in a public place, shall only follow a complaint or a decision by the Manager Ranger and Community Safety Services, from a local resident, ratepayer or a Police Officer.”

AMENDMENT PUT AND CARRIED (6-2)

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

Against: Cr Buckels and Cr McGrath

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

**MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-2)**

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

Against: Cr Buckels and Cr Maier

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

COUNCIL DECISION ITEM 10.2

That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND Council Policy No: 4.1.22-“Enforcement and Prosecution” to include a Clause under Clause 2.1.1 – *General Procedures*, concerning the enforcement of the City of Vincent Local Government Property Local Law 2008 Clause 3.13 concerning prohibiting camping and/or occupying a vehicle overnight in a public place, as follows:

“The enforcement of the City of Vincent Local Government Property Local Law 2008, Clause 3.13 concerning prohibiting the camping and/or occupying a vehicle overnight in a public place, shall only follow a complaint or a decision by the Manager Ranger and Community Safety Services, from a local resident, ratepayer or a Police Officer.”

10.3 NOTICE OF MOTION: Mayor Hon. Alannah MacTiernan – Request to Publish Information on the City’s Website

That the Council REQUESTS;

1. The City publish on its web site the names of all persons convicted of seeking the services of a prostitute in a public place, where the offence has taken place in the City of Vincent; and
2. The names are to remain on the website for a period of six (6) months from the date of conviction.

Moved Cr Carey, Seconded Cr McGrath

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

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

That the Council REQUESTS;

1. The City publish on its web site the names of all persons convicted of seeking the services of a prostitute in a public place, where the offence has taken place in the City of Vincent
2. The names are to remain on the website for a period of six (6) months from the date of conviction; and
3. A review to the approach of publishing names be carried out in twelve (12) months.”

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-2)

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

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

COUNCIL DECISION ITEM 10.3

That the Council REQUESTS;

1. The City publish on its web site the names of all persons convicted of seeking the services of a prostitute in a public place, where the offence has taken place in the City of Vincent
 2. The names are to remain on the website for a period of six (6) months from the date of conviction; and
 3. A review to the approach of publishing names be carried out in twelve (12) months.
-

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations - Local Government Advisory Board; Air Quality Coordinating Committee

Ward:	-	Date:	31 May 2013
Precinct:	-	File Ref:	ORG0045
Attachments:	001 – WALGA Nomination Details		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That:

1. _____ be nominated as WALGA Member - Local Government Advisory Board (Panel of 9 required) (Approval by Minister);
2. _____ be nominated as WALGA Deputy Member - Local Government Advisory Board (Panel of 9 required) (Approval by Minister);
3. _____ be nominated as WALGA Metropolitan Member - Air Quality Coordinating Committee; and
4. _____ be nominated as WALGA Metropolitan Deputy Member - Air Quality Coordinating Committee.

The Presiding Member Mayor Hon. Alannah MacTiernan called for Nominations and none were received.

DETAILS:

Please see Appendix 12.1 for further details.

NB:

NOMINATIONS CLOSE BY 5PM THURSDAY 13 JUNE 2013

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.35pm Moved Cr Buckels, Seconded Cr Pintabona

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

There were no Members of the Public present.

Journalists – Sara Fitzpatrick, Stephen Pollock and Rebecca Twigger departed the Chamber.

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

PRESENT:

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

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

14.1 CONFIDENTIAL REPORT: Request for Information Relating to an Insurance Claim against the City - Trees Planted on City Property

Ward:	South	Date:	10 June 2013
Precinct:	-	File Ref:	RES0121
Attachments:			
Tabled Items:			
Reporting Officers:	John Giorgi; Chief Executive Officer		
Responsible Officer:	John Giorgi; Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the request from Mayor Hon. Alannah MacTiernan on behalf of Mr Peter Wignall of 10 Toorak Rise, North Perth, to provide a copy of the City’s Arboriculturist report dated 3 June 2011; and
2. **EITHER;**
 - 2.1 **AUTHORISES** the Chief Executive Officer to release the Arboriculturist report dated 3 June 2011 to Mr Wignall of No. 10 Toorak Rise, North Perth; or

ALTERNATIVELY

- 2.2 **DOES NOT AUTHORISE** the releasing of the Arboriculturist report dated 3 June 2011 the report to Mr Wignall of No. 10 Toorak Rise, North Perth.

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Carey

“That Clause 2.2 and the words “EITHER”, and “or ALTERNATIVELY” be deleted as follows:

2. **EITHER;**

ALTERNATIVELY

- 2.2 ~~**DOES NOT AUTHORISE** the releasing of the Arboriculturist report dated 3 June 2011 the report to Mr Wignall of No. 10 Toorak Rise, North Perth.”~~

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Topelberg had departed the Meeting and did not return.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

COUNCIL DECISION ITEM 14.1

That the Council;

- 1. CONSIDERS the request from Mayor Hon. Alannah MacTiernan on behalf of Mr Peter Wignall of 10 Toorak Rise, North Perth, to provide a copy of the City's Arboriculturist report dated 3 June 2011; and**
 - 2. AUTHORISES the Chief Executive Officer to release the Arboriculturist report dated 3 June 2011 to Mr Wignall of No. 10 Toorak Rise, North Perth.**
-

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

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

"2.15 Confidential business

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

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 9.45pm **Moved Cr McGrath, Seconded Cr Buckels**

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting at 8.17pm and did not return.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.45pm with the following persons present:

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

No members of the Public or journalists were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 June 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013