



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

25 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 25 June 2013, commencing at 6.01pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.01pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

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
Cr Matt Buckels	North Ward (from 6.10pm)
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.40pm)
Shelley Rutherford	Waste Management Officer (until approximately 7.10pm)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – "The Guardian Express" (until approximately 9.27pm)
David Bell	Journalist – "The Perth Voice" (until approximately 9.40pm)
Jessica Vanderende	Journalist – "Channel Seven" (until approximately 8.00pm)

Approximately 53 Members of the Public

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

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

1. Hesson Razavi of 15 Woodville Street, North Perth –Stated the following:
 - Mr Razavi advised that he had four main points of concern regarding the development at 1A Albert Street, North Perth.
 - His first point of concern was regarding part of the response he received about the encroachment onto his property and also potential damage to the buildings. He asked the following question: “*what is the Council’s position on encroachment and potential damage to the public property as the proposal set out and if the Council supported or opposed the encroachment?*”.
 - His second point of concern related to the proposal and if it could be rescinded in its present form and an alternative to be discussed.
 - His third point of concern was that he received a phone call from the builder on 13 June 2013 asking if he would sign the BA 20 forms and Mr Razavi advised that he would not be signing the forms. The builder proceeded to advise him that they would find a way to proceed with the development in a way that did not require Mr Razavi’s consent.
 - His final point of concern was that his mother received a phone call last week and she did not live within the City of Vincent boundaries, by someone claiming to work for the City of Vincent asking if Mr Razavi would sign the BA20 and tried to confirm his occupation as a doctor. Mr Razavi asked for clarification if this phone call had been made by the City and if it was a City Officer to please not do that again.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Razavi regarding the encroachment into the public domain, the City have asked that the builders produce an arborculturalist report and a full indemnity report, before any approval is given. In relation to the builder proceeding with the development without the BA20 he could not proceed onto Mr Razavi property without his approval.

The Chief Executive Officer advised Mr Razavi that the City Officers have been liaising with the builder and the developer and that there alternative means of constructions that does not require entering adjoining property including public land. In relation to any private property land the owner does have the right and there is a process under the Building Act which must be followed.

The Presiding Member Mayor Hon. Alannah MacTiernan asked the Chief Executive Officer regarding the contact from the City to Mr Razavi mother. The Chief Executive Officer advised that he was not aware of any contact being made from the City to Mr Razavi mother. The City Officers had Mr Razavi mobile number from previous correspondence and he will investigate the matter further with the City Officers.

2. Craig Willis of Woodville Street, North Perth - Stated the following:
 - He advised that he was Mr Razavi’s neighbour and would provide further background information regarding the development and provided the Council with a plan and information regarding the development. This was circulated to the Council.
 - Mr Willis advised that he had met with the acting Chief Executive Officer (Rob Boardman) this week and was provided with a letter regarding this development.
 - Mr Willis advised that on the website for this particular development has been advertised for eight (8) offices. He asked for if he could be provided with some clarification regarding the BA20 forms and the residents don’t actually know what they are signing off as the information is not clear.

3. Paul O'Brien of 7 Woodville Street, North Perth – Stated the following:
 - Mr O'Brien spoke in relation to the development at 1A Albert Street, North Perth. He advised that he attended the Meeting tonight more out of curiosity.
 - Mr O'Brien advised that he learnt about the original development from his neighbours and not from the developer.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr O'Brien regarding the original approval. It was a proposal that was processed over six (6) months, everyone was contacted and there were numerous press releases regarding this matter. In relation to the approval of the application regarding to place the site office on the Right Of Way, the City cannot stop anyone for applying, however the City have made it very clear to the builders that unless they get consent of everyone person that is entitled to use that Right of Way, there would be no way consent would be provided.
4. Paul Mavor of 13 Curacao Lane, Hillarys – Item 14.1 Stated the following:
 - Mr Mavor spoke on behalf of the company "New Frontiers" regarding the Confidential Item 14.1 and the operating hours of the small bar. He asked if the prescribed hours as per the liquor Act, the imposed hours that have been imposed by the City of Vincent made the business unviable and have no valid planning reason.
 - Mr Mavor is a member of the Small Bar Association of WA.
5. Simon Psaros of 154 Newcastle Street, Perth – Item 9.1.3 Stated the following:
 - He is the owner and Manager of the premises. He thanked and acknowledged the work the City Officers in approving his small bar, restaurant and coffee house. He advised that the site was 500 metres from the Perth CBD and train station.
 - He advised that he would be seeking approval to amend proposed condition two (2) with respect to operating hours to be in line with the hours pursuant to the Liquor Control Act and to be consistent with surrounding venues.
6. Frank Molloy of 18/177 Stirling Street, Perth – Item 9.1.3 Stated the following:
 - He advised that he was one of the original people that objected to the development and have now withdrawn his objection.
7. Marcus West of 49 Auckland Street, North Perth – Item 9.2.1 Stated the following:
 - He advised that he was disappointed regarding the proposal that had been presented with the Agenda for tonight's meeting. He received an email from the Mayor Hon. Alannah MacTiernan concurred with his disappointment.
 - He advised that Option 2 required the toilet to be emptied weekly through a pumping maintenance program and he felt it would be a Health and Safety risk presented to the community if the maintenance task does not occur.
 - His further concern was in relation to the risk management implications, a lock up time of 8pm would be not accepted as it did not address the community concern about anti-social behaviour.
8. Peter Doyle of 55 Hobart Street, North Perth – Item 9.2.1 Stated the following:
 - He advised that at a previous Meeting they were advised that there would be no loss of trees.
 - He advised that the community would like regular feedback on the trial whether it be negative or positive.
 - He invited the Council Members to attend a picnic in the park when the toilets are installed to see the outcome.
 - His main concern was in relation to the speed device next to the cafe and there has never been any mention with regards to this device being installed.

9. Christine Nicholson of 9/177 Stirling Street, Highgate – Item 9.1.3 Stated the following:
 - She advised that she originally objected at the start and after discussions with the owner she withdrew her objection.
10. Rob McCormack of Stirling Street, Highgate – Stated the following:
 - He advised that he would be speaking in relation to the Street Prostitution issue and that this was not listed on the Agenda for tonight's meeting.
 - He advised that he was horrified at the thought that the Council wanted to "Name *and Shame*" offenders details on the City's website.
 - He advised that every resident had the right to live safely, peacefully and harmoniously and enjoying the amenity of their own area. He had approached the Mayor Hon. Alannah MacTiernan last year for assistance as the living conditions became more and more serious and the potential for violence, injury or worse become more of a reality.
 - He thanked the Council for their efforts to try and improve the area.
11. Leslie D'Silva of 4/290 Stirling Street, Highgate – Item Stated the following:
 - She advised some of the issues she had observed within the area.
 - Since she had moved in the area things had improved quite a bit with the Mayor's intervention and she thanked the Mayor.
 - She advised that there had been several instances where her daughter had been followed by vehicles.

Cr Carey departed the Chamber at 6.30pm.

Leslie D'Silva continued speaking.

Cr Carey returned to the Chamber at 6.34pm.

12. Christopher Brenton of 62 Bulwer Street, Perth– Stated the following:
 - He advised that he attended the meeting tonight to speak regarding Street Prostitution, which was not listed on the Agenda for tonight's meeting.
 - He advised that he supported the Council decision to "Name *and Shame*" the offenders.
13. Eric Birighitti of Forrest Park and Dorrien Gardens – Item 9.2.2 Stated the following:
 - He is the president of the Perth Junior Soccer Club. He advised that the Perth Soccer Club does not support the installation of a barrier at Forrest Park. This had been the Clubs consistent view and it will not change. He advised that he would not go through all the arguments again, however to say that most of the members which more than a third are ratepayers of City of Vincent see that the Barrier will segregate them from the rest of the community and it will make them feel unwelcome and unaccepted within the Community.
 - He thanked the City Officers and in particular the Manager Parks and Property Services and the Property Officer for their fantastic work and support they provide to the Perth Soccer Club.
14. Marian Styles of 71 Harold Street, Mount Lawley – Item 9.2.2 Stated the following:
 - She advised that originally she voted for and spoke in favour of no change to the Park. She had since been persuaded by residents and users of the park that "doing nothing" is not an option.
15. Andy Freeman of 190 Woodside Street, Doubleview – Item 9.1.2 Stated the following:
 - He advised that he was not happy with having to reapply in twelve (12) months.
 - He advised that in relation to submitting a detailed management plan, he had provided quite an extensive plan a couple of years ago.

16. Michelle Mok of 31 Unwin avenue, Wembley Downs – Item 9.1.2 Stated the following:
 - She advised that the last thing she wanted to occur was for Beaufort Street to lose its unique, quirky vibrancy.
17. Steve Coulfunis of 460 Fitzgerald Street, North Perth – Item 9.1.7 Stated the following:
 - He advised where his property is situated and by what has been proposed within the Policy will effectively limit the prescribed height to the buildings fronting the street.
18. Vicki Kafensis of Stoddart and Co – Item 9.1.3 Stated the following:
 - She advised she is the solicitor speaking on behalf of Harry Coney owners of 187 and 191 – 193 Beaufort Street. In addition matters would be addressed supporting the proposal not to be approved.
 - The submissions presented by Mr Psaros earlier are noted and she had not had the opportunity due to time restraints to take instructions on the recent matters raised in those submissions.
19. Andrew Shore of 46 Monmouth Street, Mount Lawley – Item 9.1.5 and 9.1.9 Stated the following:
 - He advised that if this proposal is approved it would impact the amenities at his property.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that Item 9.1.9 had been proposed for deferral at tonight's Meeting.

- He advised that the Policy No. 3.4.3 that protects adjoining ratepayers to local centres and the removal of this Policy would take away clear guidelines for what could be built in local centres.
 - He thanked the Council for the work that had been carried out in Hyde Park.
20. Stuart Lofthouse of 123 Oxford Street, Leederville – Stated the following:
 - He advised that he felt sympathy and empathy regarding the issues on Stirling Street, Highgate. The using of “*Naming and Shaming*” as a deterrent is a concept that seemed from the middle ages.
 - He advised if the Council are going to “Name and Shame”, offenders for prostitution, why not publish the identity of all drivers who had been caught within the City of Vincent for drink driving offences.
 - He advised the he wanted to speak more on public consultation or the lack of it in the City of Vincent. The Oxford Street Reserve, he had received letters to and from the Chief Executive Officer, none of which answered his questions in full.
 - Oxford Street Reserve - spending \$1.5million dollars taking up car parking bays and the Mayor Hon. Alannah MacTiernan stating that the business community is a 100% or even slightly behind her, is a lie.
 - Mr Lofthouse advised that he had asked this question before: “*What does it take, to put a point of view across that is the majority. Is it the people in the gallery, is it a petition, both of these have obviously not worked yet for Hobart street*”?, so really what is it that the Council needs till you listen to the people?

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Lofthouse that he had finished his time for public speaking. Mr Lofthouse stated; “are you going to cut me short but someone else is allowed to speak a bit longer?” The Presiding Member advised Mr Lofthouse that his speaking time was up.

21. Debbie Saunders of 150 Oxford Street, Leederville – Stated the following:
- Ms Saunders advised that she would be speaking regarding her previous 'Questions taken on Notice' and the answers had been provided and were included within the Agenda for tonight's Meeting.
 - She asked more questions from the Chief Executive Officer as she felt her questions had not been answered in the letter she received. She asked the following questions:
 - Question 1. *Why she was lied to by both the Chief Executive Officer and the Director Community Services, when he confirmed to her that there had never been a permit issued to date for an outdoor eating area for Leederville Hotel?.* This had been confirmed to her on the 4 and 11 June 2013.
 - She advised the letter she received on 21 June 2013, it stated that a permit had been issued from 23 May 2013 to 19 September 2013. She advised that the 23 May is before the 4 and 11 June.
 - Question 2. *So why, when she attended the meeting, she had been told that it was not issued?*
 - Question 3. *She asked for the Chief Executive Officer to explain, in relation to the Delegated Authority for a one- of permit. Where it was recorded and was the Manager Ranger and Community Services to whom you refer Michael Wood, who was Acting Manager. She could not find a record anywhere to say it had been carried out under Delegated Authority and Council members were unaware of this fact?*
 - Question 4. *She asked if she could also have an explanation further as to Why the Council Members were instructed that it could not be deferred that night as the Leederville Hotel required a decision on the night, a decision about what? - a decision about the Trial Alfresco or a decision about St Patricks Day. I seem to be getting different answers every single time and I am sick of asking the question.*
 - She advised in relation to the "*Naming and Shaming*" i find it embarrassing that a Council that professed to be so progressive is resorting to these middle age concepts stated: "how can you separate one crime from another and if we are going to put the crime of prostitution people up on "Name and Shame" site, then I say we should put drunk drivers up, but I guess the Mayor would not want that to happen.

There being no further speakers, Public Question Time closed at approx. 7.05pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- [3.1](#) Letter sent to Mr Stuart Lofthouse regarding Oxford Street Reserve Community Consultation.
- [3.2](#) Letter sent to Ms Debbie Saunders regarding Leederville Hotel Outdoor Eating Area.
- [3.3](#) Letter sent to Mr Hesson Razavi regarding the development at 1A Albert Street, North Perth.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Warren McGrath requested leave of absence from 1 July 2013 to 4 July 2013 (inclusive), due to work commitments.

Moved Cr Topelberg, Seconded Cr Wilcox

That Cr McGrath'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 11 June 2013

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held on 11 June 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 Vincent Wins National Award

I am very pleased to announce that the City of Vincent has won the 'National Excellence' award from 'MobileMuster'. Vincent is one of only five councils from around Australia that have been recognised for their commitment to keep old mobiles out of landfill by correctly recycling them.

This financial year Vincent has collected 36.15kg of mobiles and accessories (batteries, chargers), making Vincent one of the highest per capita collectors in Australia.

MobileMuster - the not-for-profit, mobile telecommunications industry recycling program - proudly announced the winners of its 2013 Local Government Awards at the National General Assembly of Local Government in Canberra, which the CEO and I attended recently.

This award is presented to the local government that has actively promoted and creatively engaged their community in mobile phone recycling, as well as activity to actually collect mobile phones and their accessories.

In June 2011, the City of Vincent was one of four finalists in the National Mobile Muster Local Government Awards and to finally win this award and be top of the "heap" nationally is a significant achievement for the City of Vincent. The City of Vincent is a local government which is definitely "punching above its weight".

The City was awarded for their commitment to the MobileMuster campaign, having used multiple marketing and communication channels, from the Vincent website and Facebook page, to local advertising, promotional posters and displays, and also setting up two drop-off points (available year-round) at the Administration Centre and the Library. A great deal of positive feedback and interest from locals has been received by Vincent staff.

Congratulations to Director Technical Services, Rick Lotznicker and Michelle (Shelley) Rutherford, Waste Management Officer, who was driving force behind this initiative.

Received with Acclamation!

7.2 Deferral of Item 9.1.1

It is announced that Item 9.1.1 relating to No. 29 Scarborough Beach Road, North Perth – Proposed Partial Demolition of Existing Service Station and Construction of Two-Storey Mixed Use Development Comprising Eating House with Incidental Vintage Car Storage and Display Area, Two (2) Multiple Dwellings and Associated Car Parking has been DEFERRED at the request of the applicant in order to submit a revised proposed that will address the City's concerns.

7.3 Deferral of Item 9.1.9

It is announced that Item 9.1.9 relating to Nos. 159-161 Walcott Street, Mount Lawley - Proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) and Eating House has been DEFERRED at the request of the applicant in order to conduct further community consultation with the local residents.

7.4 Withdrawal of Item

It is announced that the Chief Executive Officer has WITHDRAWN Item 9.2.4 relating to Hyde Park Lakes Restoration Project – Progress Report, to enable further information to be included.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.2.2 – Forrest Park, Mount Lawley – Consultants Report on Barrier Options – Progress Report No. 5. The extent of her interest being that she lives opposite Forrest Park.

She requested Council approval to participate in the debate and vote on both items and that the Deputy Mayor Warren McGrath preside on the item.

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 7.10 pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.2.2. Deputy Mayor Cr Warren McGrath assumed the chair.

PROCEDURAL MOTION:

Moved Cr Pintabona, Seconded Cr Harley

That Mayor Hon. Alannah MacTiernan's request to participate in the debate and vote on item 9.2.2, be approved.

PROCEDURAL MOTION CARRIED (7-1)

For: Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Maier

(Mayor Hon. Alannah MacTiernan was out of the Council Chamber and did not vote.)

Mayor Hon. Alannah MacTiernan returned to the Chamber at 7.11pm and assumed the Chair.

The Chief Executive Officer informed Mayor Hon. Alannah MacTiernan that her request had been approved, with Deputy Mayor Cr Warren McGrath to preside for the Items.

- 8.2 Cr Carey declared an Impartiality interest in Item 9.1.2 – Nos. 442-446 (Lot 751; D/P: 92894) Beaufort Street, Highgate – Proposed Increase in Patronage and Operating Hours to Existing Outdoor Amphitheatre (Bamboo). The extent of his interest being that he is the chair of the Beaufort Street network which Lux Bar is an active community member. 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 Topelberg declared an Impartiality interest in Item 9.2.3 – Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 8. The extent of his interest being that his family owns a property on William Street located between Brisbane Street and Newcastle Street and this is 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.
- 8.4 Chief Executive Officer Mr. John Giorgi declared an Impartiality interest in Item 9.2.2 Forrest Park, Mount Lawley – Consultants Report on Barrier Options – Progress Report No. 5. The extent of his interest being that he is an accredited Soccer referee with Football West and FFA and is sometimes allocated to referee soccer games at Forrest Park. He disclosed that he did not have any input into the preparation of the agenda report, other than the normal vetting of the report as part of compiling of the agenda.
- 8.5 Chief Executive Officer Mr. John Giorgi declared an Impartiality interest in Item 9.2.5 Request for Tender for a Review of Waste Management Practices in the City of Vincent – Invitation to Submit a Tender – Progress Report No. 4. The extent of his interest being that he had a professional association with a director of one of the tender Companies. This person was previously the Project Director of the Mindarie Regional Council Resource Recovery Facility. he has not had any contact with this persons for a number of years. This person’s Company was unsuccessful in the tender. He disclosed that he did not have any input into the preparation of the agenda report, other than the normal vetting of the report as part of compiling of the agenda.
- 8.6 Chief Executive Officer Mr. John Giorgi declared an Impartiality interest in Confidential Item 14.2 Wellness Centre, Farmer Street, North Perth – Approval of Naming Rights. The extent of his interest being that he has a professional association with the Branch Manager and Chairman of the North Perth Bendigo bank. The Chairman was also the previous Mayor of the City for many years. He had not discussed this matter with either person. He disclosed that he did not have any input into the preparation of the agenda report, other than the normal vetting of the report as part of compiling of the agenda.
- 8.7 Cr Maier declared an Impartiality interest in Confidential Item 14.2 Wellness Centre, Farmer Street, North Perth – Approval of Naming Rights. The extent of his interest being that he has an association with the chairman of the North Perth Community Financial Services as he is a former member of the Council.
9. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**

- 9.1 Cr Joshua Topelberg submitted the following question “*with notice*” to the Ordinary Meeting of Council held on 25 June 2013.

The following is advised:

Question 1

In relation to the Council decision of June 11, 2013 relating to the ‘naming and

How will this data be collected?

Chief Executive Officer’s Response

It is advised that WA Police issue a “*News Release*” which includes the following information:

1. Perth Magistrates Court hearing date in which persons charge with the relevant offence are required to appear; and
2. Age and suburb of the person charged with the relevant offence.

The City then obtains information from published court lists, in which Court room the hearing is to take place.

A City Officer will attend the Court hearing to obtain the relevant details, including name, address, age, plea and fine and costs imposed.

In addition, the Courts have advised that if the City provides the names of an alleged offender, the court will be able to provide the necessary details at the conclusion of the Court hearing date.

It should be noted that the City will also have access to information published by bonafide media.

Question 2

What data will be published?

Chief Executive Officer's Response

The page will include the following headings, together with a brief paragraph under each.

1. Heading - Street Prostitution convictions in Vincent
2. What is the situation?
3. What is the purpose of this webpage?
4. Persons convicted - a table will be added as a pdf that is an image (old text/information will not be able to be found, should the City be required to update this) this table will include the following information;
 - 4.1 Full Name
 - 4.2 Age
 - 4.3 Suburb they live in
 - 4.4 Date of Court Conviction
 - 4.5 Plea
 - 4.6 Fines Imposed
 - 4.7 Court Cost Imposed
5. Relevant Links – this will link to the following:
 - 5.1 Media Statement from Mayor Hon. Alannah MacTiernan 13 June 2013
 - 5.2 Letter from Mayor Hon. Alannah MacTiernan 19 April 2013
 - 5.3 Advise to residents from the City re: important contact numbers, 19 April 2013
 - 5.4 Letter from Mayor Hon. Alannah MacTiernan to Highgate, 9 November 2012.
6. What action has the City taken to date?
7. Has this had an effect?
8. What should I do and who do I contact?

Question 3

Where on the City's website will it appear?

Chief Executive Officer's Response

A separate page specifically dedicated to this matter will be linked to the Safer Vincent menu item.

The page will also be found by searching the City of Vincent website under "*Street Prostitution*".

Cr McGrath departed the Chamber at 7.15pm.

Cr McGrath returned to the Chamber at 7.17pm.

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 14.1, 9.1.2, 9.1.3, 9.1.7, 9.1.9, 9.2.1 and 9.2.2.

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

Items 9.3.4 and 9.5.1.

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

Item 9.2.2.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil.
Cr Buckels	Nil.
Cr Carey	9.1.10 and 9.2.3
Cr Harley	Nil.
Cr Maier	Nil.
Cr McGrath	9.1.6
Cr Pintabona	Nil.
Cr Topelberg	9.5.2
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 9.1.4, 9.1.8, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2 and 9.5.3.

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

Items 14.1 and 14.2.

New Order of Business:

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

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

Items 9.1.4, 9.1.8, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2 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, 9.1.7, 9.2.1 and 9.2.2.

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

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

(d) Confidential Items – to be considered (“Behind Closed Doors”).

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

ITEMS APPROVED “EN BLOC”:

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

Moved Cr McGrath, Seconded Cr Harley

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

Items 9.1.4, 9.1.8, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2 and 9.5.3.

CARRIED UNANIMOUSLY (9-0)

9.2.4 Hyde Park Lakes Restoration Project – Final Progress Report

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER TO ALLOW FOR FURTHER INFORMATION TO BE INCLUDED.

9.1.1 No. 29 (Lot 47; D/P 1962) Scarborough Beach Road, North Perth – Proposed Partial Demolition of Existing Service Station and Construction of Two-Storey Mixed Use Development Comprising Eating House with Incidental Vintage Car Storage and Display Area, Two (2) Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	14 June 2013
Precinct:	Smith's Lake; P6	File Ref:	PRO5238; 5.2013.47.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Application Report 003 – Performance Submission Table		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Urban and Rural Perspectives on behalf of the owner, 356 Pty Ltd ATF 365A Trust, for Proposed Partial Demolition of Existing Service Station and Construction of Two-Storey Mixed Use Development Comprising Eating House with Incidental Vintage Car Storage and Display Area, Two (2) Multiple Dwellings and Associated Car Parking at No. 29 (Lot 47; D/P 1962) Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 13 February 2013, for the following reasons:

1. Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, with regards to the following Clauses:
 - 1.1 Clause 7.1.1 “Building Size” relating to the plot ratio;
 - 1.2 Clause 7.1.5 “Open Space” relating to amount of open space provided on-site; and
 - 1.3 Clause 7.3.3 “On-Site Parking Provision” relating to the provisions of visitor bays;
2. Non-compliance with the Acceptable Development and Performance Criteria provisions of the City’s Policy No 3.2.1 relating to Residential Design Elements, with regard to the following Clauses:
 - 2.1 SADC 10 (a) and SPC 10 “Dual Street Frontages and Corner Sites” relating to the setback of the dwellings from Hardy Street;
3. Non-compliance with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface with regard to the provision of landscaping;

4. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the City's Policy No 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, with regard to the following Clauses:**
 - 4.1 **Clause 4.2 "Landscaping" relating to the provision of landscaping on-site; and**
 - 4.2 **Clause 5.1 "Energy Efficient Design" relating to maximising northern light and cross ventilation;**
5. **The proposed development does not comply with the following objectives of the City's Policy No. 3.7.1 relating to Parking and Access:**
 - 5.1 **To facilitate the development of adequate parking facilities and safe, convenient and efficient access for pedestrians, cyclists and motorists; and**
 - 5.2 **To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand;**
6. **The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:**
 - 6.1 **To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;**
 - 6.2 **To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-**
 - 6.2.1 **Recognises the individual character and needs of localities within the Scheme zone area; and**
 - 6.3 **To co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –**
 - 6.3.1 **Makes optimum use of the City's growing infrastructure and resources;**
 - 6.3.2 **Promotes an energy efficient environment; and**
 - 6.3.3 **Respects the natural environment; and**
7. **The partial demolition of existing service station and construction of two-storey mixed use development comprising eating house with incidental vintage car storage and display area, two (2) multiple dwellings and associated car parking would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Pintabona

That the item be DEFERRED at the request of the Applicant, in order to submit a revised proposal that will address the City's concerns.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal relates to a 'SA' use and two (2) objections were received.

The application is for the proposed partial demolition of existing service station and construction of two-storey mixed use development comprising eating house with incidental vintage car storage and display area, two (2) multiple dwellings and associated car parking at No. 29 Scarborough Beach Road, North Perth.

BACKGROUND:

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

The subject site is currently listed on the City's Non-Conforming Use Register. Non-Conforming Use No. 23 outlines that the subject site has a current non-conforming use type of service station. The existing building sits over the majority of the site, with an open concrete area of approximately 140 square metres of the rear of the building.

The application is for the proposed partial demolition of existing service station and construction of two-storey mixed use development comprising eating house with incidental vintage car storage and display area, two (2) multiple dwellings and associated car parking at No. 29 Scarborough Beach Road, North Perth, which comprises the following:

1. The future subdivision of the site comprises two lots, with proposed lot one comprising 394.8 square metres and proposed lot two comprising 267.7 square metres;
2. The partial demolition of the existing service station, whereby the retained portion is located on proposed lot 1, fronting Scarborough Beach Road and Hardy Street;
3. The construction of an eating house and vintage car storage area on proposed lot 1. The eating house comprises a public floor area of 110.7 square metres and vintage car storage and display area comprises a gross floor area of 154 square metres; and
4. The construction of two (2) two bedroom multiple dwellings on proposed lot 2, fronting Hardy Street. The multiple dwellings each comprise an area of 146.33 square metres plot ratio.

Landowner:	356 Pty Ltd ATF 365A Trust
Applicant:	Urban and Rural Perspectives
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Service Station
Use Class:	Eating House and Multiple Dwelling
Use Classification:	"SA" and "P"
Lot Area:	594 square metres
Right of Way:	South-eastern side, 3 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			✓
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Secondary Street Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space			✓
Bicycles			✓
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		
Landscaping			✓
Energy Efficient Design			✓

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

Issue/Design Element:	Density/Plot Ratio
Requirement:	Residential Design Codes Clause 7.1.1 A1 Plot ratio: 0.7 (187.39 square metres)
Applicants Proposal:	Plot ratio: 1.09 (292.65 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:	<p>"1. The proposed development provides for the effective use of all available space and the creation of adequate internal and external living areas which will benefit future occupants.</p> <p>2. The proposed development complies with the 'acceptable development provisions' of Element 7.4.1 of the R-Codes (i.e. 'Visual privacy') and will not result in any adverse impacts on the existing dwellings on any adjoining properties.</p> <p>3. The proposed development complies with the 'acceptable development provisions' of Element 7.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.</p>

Issue/Design Element:	Density/Plot Ratio
	<p>4. <i>The proposed development complies with the 'acceptable development provisions' of Element 7.1.2 of the R-Codes (i.e. 'Building height').</i></p>
	<p>5. <i>The proposed development will not have any adverse impacts on the local streetscape in terms of its bulk and scale.</i></p> <p>6. <i>The proposed development is consistent in terms of its design, bulk and scale with other similar residential developments approved by the City in the immediate locality.</i></p> <p>7. <i>The proposed plot ratio variation (i.e. 0.15 or 40m²) is considered minor in the context of the overall redevelopment of Lot 47 which provides for the restoration and preservation of an iconic building in the North Perth locality which will be of significant benefit in terms of appearance and use and will commemorate the past achievements of Mr Rino Orifici in servicing the local community.</i></p> <p>8. <i>The proposed development will add to the diversity of housing stock and help satisfy the increased demand for affordable, modern and high quality housing in the North Perth locality and the Perth Metropolitan Region generally.</i></p> <p>9. <i>The proposed development will make a positive and worthwhile contribution to the local streetscape in terms of its visual appearance and improved levels of passive surveillance.</i></p> <p><i>Having regard for all of the above it is contended that the proposed plot ratio variation for the new multiple dwelling development on the rear portion of Lot 47 satisfies the 'performance criteria' of Element 7.1.1 of the R-Codes, will not compromise the objectives of the City's Policy No. 3.1.6 – 'Smith's Lake Precinct' and may therefore be supported and approved by the City."</i></p>
<p>Officer technical comment:</p>	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions in this instance as the development of the building is not at a bulk or scale that is consistent with the existing or desired built form of the locality.</p> <p>As the proposed plot ratio is 105.26 square metres greater than the Acceptable Development provisions, with the subject site adjoining a residential area and the extent of open space does not comply with the Acceptable Development or Performance Criteria provisions of Clause 7.1.5 "Open Space" of the R-Codes, the bulk is considered to have an undue impact on the amenity of the adjoining property and the streetscape.</p>

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	Flat roof and 7 degree roof pitch proposed.
Performance Criteria:	Residential Design Elements BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposed flat roof and 7 degree roof pitch comply with the Performance Criteria in this instance, as they do not unduly increase the bulk of the building, with the roof pitch being in keeping with the contemporary design of the proposal.</p> <p>As the overall building height complies with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, it considered that the proposal will not have an undue impact on the existing and desired future streetscape.</p> <p>It is also noted that the overshadowing complies with the Acceptable Development provisions of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 89 square metres (17.32 per cent), whereas 179.9 square metres (35 per cent) is permitted.</p>

Issue/Design Element:	Secondary Street Setback
Requirement:	Residential Design Elements SADC 10 (a) <u>Ground Floor</u> 2.5 metres <u>Balconies</u> 3 metres
Applicants Proposal:	<u>Ground Floor</u> 1.25 metres <u>Balconies</u> Nil – 3.021 metres
Performance Criteria:	Residential Design Elements SPC 10 Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.

Issue/Design Element:	Secondary Street Setback
<p>Applicant justification summary:</p>	<p><i>"1. The proposed variation to the ground floor setback to the front boundary (i.e. between 654mm & 959mm) is considered minor.</i></p> <p><i>2. The proposed development has been designed with a variable setback along its Hardy Street frontage to help provide an interesting and articulated front facade.</i></p> <p><i>3. The proposed development has been designed to make a positive contribution to the local streetscape and an 'active frontage' to Hardy Street.</i></p> <p><i>4. The proposed development will not have an adverse impact on the Hardy Street streetscape in terms of its overall bulk and scale and is generally consistent with other similar residential developments approved by the City in the immediate locality.</i></p> <p><i>5. The proposed variation to the ground floor setback to the front boundary will not have any adverse impacts on the amenity of any adjoining properties along Hardy Street.</i></p> <p><i>6. The proposed variation to the ground floor setback to the front boundary will not have an adverse impact on any major openings to habitable rooms or any outdoor living areas associated with any existing dwellings on the adjoining properties.</i></p> <p><i>7. The proposed variation to the upper floor balcony setback to the front boundary will significantly improve current levels of passive surveillance over Hardy Street.</i></p> <p><i>8. The proposed development is attached to the existing commercial building on Lot 47 which has a nil setback along its Hardy Street frontage (see Appendix 3 – Plan 1). The design of the new dwellings has been formulated to provide a seamless addition to the commercial building on Lot 47 and to tie in with the existing single detached dwelling on the adjoining Lot 46 by 'stepping' the setback accordingly.</i></p> <p><i>9. The minimum front setback for that portion of the upper floor balcony abutting the adjoining Lot 46 complies with the 'acceptable development criteria' of the City's Policy No. 3.2.1 (i.e. 3 metres).</i></p> <p><i>10. Hardy Street contains an eclectic mix of residential development comprising varying front setbacks ranging from nil to 5 metres. Furthermore numerous properties along the street contain front and secondary street fencing of varying heights and materials (see Appendix 2, Plan 3 – Aerial Site Plan & Appendix 3 - Plates 2 to 4). Given the diversity of the current built form along Hardy Street it is contended that the proposed variations to the ground and upper floor setbacks to the front boundary on Lot 47 will not set an undesirable precedent for future development along Hardy Street or compromise the local streetscape character.</i></p>

Issue/Design Element:	Secondary Street Setback
	<p><i>11. Sufficient space is available within the front setback area on the ground floor to accommodate gardens and landscaping, all of which will be designed and constructed to ensure that the development is visually attractive and makes a positive contribution to the local streetscape.</i></p> <p><i>Having regard for all of the above it is contended that the proposed variations to the ground and upper floor setbacks to the front boundary for the proposed development satisfy the 'performance criteria' of SADC 10 of the City's Residential Design Elements Policy and may therefore be supported and approved by the City."</i></p>
Officer technical comment:	<p>The proposed dwellings do not comply with the Acceptable Development or Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements as they do not present an attractive or interactive elevation to Hardy Road.</p> <p>The proposed 1.25 metre setback to the ground floor does not provide for sufficient landscaping, as the front setback is predominantly hard surface; resulting in an adverse impact on the streetscape. The proposed reduced setback brings the bulk of the building close to the street, which result in an undue impact on the amenity of the locality.</p> <p>Balconies have been provided to the upper floor which aids in increasing the interaction between the dwellings and the streetscape; however this further reduces the setback of the dwellings to the primary street resulting in a greater building bulk on the Hardy Street, without providing sufficient articulation to the dwellings.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.1 Ground Floor Southern wall: 1.5 metres</p>
Applicants Proposal:	<p>Ground Floor Southern wall: 1.2 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 and P4.2 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and • Assist with the protection of privacy between adjoining properties.

Issue/Design Element:	Building Setbacks
	<p>In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> • Side boundary setbacks to a retail/commercial component of a development are in accordance with the existing street context, subject to relevant local planning scheme provisions. • Retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.
<p>Applicant justification summary:</p>	<p><i>“1. The proposed development complies with the ‘acceptable development provisions’ of Element 7.4.2 of the R-Codes (i.e. ‘Solar access for adjoining sites’) as it does not detrimentally impact access to light and ventilation to the existing dwellings on any adjoining properties.</i></p> <p><i>2. The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas which will benefit future occupants.</i></p> <p><i>3. That portion of the proposed development to be built up to the ‘western rear’ lot boundary will provide improved privacy to indoor habitable spaces and enhance the overall amenity for future occupants. Furthermore, the proposed development complies in all respects with the ‘acceptable development provisions’ of Element 7.4.1 of the R-Codes (i.e. ‘Visual Privacy’).</i></p> <p><i>4. That portion of the proposed development to be built up to the ‘western rear’ lot boundary will not have any adverse visual impacts in terms of its bulk and scale.</i></p> <p><i>5. That portion of the proposed development to be built up to the ‘western rear’ lot boundary is consistent in terms of its design, bulk and scale with other similar residential developments recently approved by the City in the immediate locality.</i></p> <p><i>6. That portion of the proposed development to be built up to the ‘western rear’ lot boundary abuts a shed and the extensive rear yard area of the existing single detached dwelling on the adjoining Lot 48 Scarborough Beach Road. As such it is contended that it will not have any adverse impacts on any major openings to habitable rooms or outdoor living areas associated with the existing dwelling on the adjoining Lot 48.</i></p> <p><i>7. The height and length of wall for that portion of the development proposed to be built up to the ‘western rear’ lot boundary complies with the ‘acceptable development provisions’ of Element 7.4.1 of the R-Codes (i.e. ‘Visual Privacy’).</i></p> <p><i>Having regard for all of the above it is contended that that portion of the development proposed to be built up to the ‘western rear’ lot boundary satisfies the ‘performance criteria’ of Element 7.1.4 of the R-Codes and may therefore be supported and approved by the City.”</i></p>

Issue/Design Element:	Building Setbacks
Officer technical comment:	<p>The proposed setback to the ground floor southern wall complies with the Performance Criteria as it provides for adequate daylight, direct sun and ventilation to both the subject site and the adjoining property, with it also having minimal impact on the building bulk to the adjoining property.</p> <p>The overshadowing of the development complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 89 square metres (17.32 per cent), whereas 179.9 square metres (35 per cent) is permitted.</p> <p>Further to the above, it is also noted that the proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 “Visual Privacy” A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining southern property.</p>

Issue/Design Element:	Open Space
Requirement:	<p>Residential Design Codes Clause 7.1.5 A5 45 per cent (120.47 square metres)</p>
Applicants Proposal:	<p>23.21 per cent (62.12 square metres)</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.5 P5 Open space respects existing or preferred neighbourhood character and responds to the features of the site.</p>
Applicant justification summary:	<p><i>“1. The outdoor living areas provided for the proposed development comply with the ‘acceptable development provisions’ of Element 7.3.1 of the R-Codes (i.e. minimum area of 10m²). The proposed outdoor living area appurtenant to each dwelling comprises a total area of approximately 27m² and 40m².</i></p> <p><i>2. The new dwellings are provided with a drying court area separate to the outdoor living area. The separation of these areas will improve the amenity and functionality of each dwelling and minimises any potential constraints to the future use of the dedicated outdoor living areas.</i></p> <p><i>3. The outdoor living areas appurtenant to each dwelling are functional, adaptable and provide an attractive/usable area for future occupants.</i></p> <p><i>4. The proposed development is located within 400 metres of Charles Veryard Reserve which is capable of supplementing the day-to-day recreational needs of its future occupants.</i></p>

Issue/Design Element:	Open Space
	<p>5. <i>The development proposes the construction of a visually permeable front boundary fence that provides an 'open' aspect to Hardy Street which is considered highly beneficial in terms of creating a sense of space and providing opportunity for visual surveillance and general interaction between the public and private realms.</i></p> <p>6. <i>The new dwellings will not have a detrimental impact on the local streetscape or the amenity of any adjoining properties in terms of their bulk and scale.</i></p> <p>7. <i>The proposed development is consistent in terms of its design, bulk and scale with other similar residential developments approved by the City in the immediate locality.</i></p> <p><i>Having regard for all of the above it is contended that the proposed reduction in the total amount of open space provided appurtenant to each dwelling satisfies the 'performance criteria' of Element 7.1.5 of the R-Codes and may therefore be supported and approved by the City."</i></p>
Officer technical comment:	<p>The proposed development does not comply with the Acceptable Development or Performance Criteria provisions in this instance for the reasons outlined below.</p> <p>The proposed amount of open space is not considered to complement the building as the building footprint occupies the majority of the site area, with the areas of open space being predominantly non-permeable surfaces. The proposed amount of open space does not allow for an attractive streetscape due to the reduced ground and upper floor street setbacks and the extensive amount of hardstand within the setback area.</p> <p>With regards to the type of dwellings and the density of the site, it is considered that the open space proposed does not suit the future needs of residents. The proposed dwellings are too large for the site areas, with alternative dwelling types being more suited to lots of this size.</p>

Issue/Design Element:	Access & Parking
Requirement:	<p>Residential Design Elements SADC 15 Subject to the minimum width of 3 metres, the total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of the lot or 6 metres, whichever is the lesser.</p>
Applicants Proposal:	<p>Driveways are 5.7 <u>6.97</u> metres in aggregate, occupying 30 <u>36.68</u> per cent of the frontage..</p>
Performance Criteria:	<p>Residential Design Elements SPC 15 Minimise the number and widths of vehicular access points to frontage streets.</p>

Issue/Design Element:	Access & Parking
	<p>Crossovers are to be located to minimize 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>
<p>Applicant justification summary:</p>	<p><i>“1. The proposed variation to the number of crossovers servicing the proposed development along the land’s Hardy Street frontage is considered minor and therefore unlikely to have a detrimental impact on the amenity of the local streetscape or any adjoining properties.</i></p> <p><i>2. The proposed crossovers for the development will enable the operators of any given vehicle to gain clear visual sightlines to and from the street and are therefore unlikely to have any detrimental impacts upon traffic safety.</i></p> <p><i>3. The verge area adjoining Lot 47, which comprises a width of six (6) metres, will be comprehensively landscaped and maintained to help soften any potential negative visual impact that the proposed crossovers may have on the local streetscape.</i></p> <p><i>4. The verge area abutting Lot 47 is poorly maintained and often used for vehicle access and parking purposes. Development of the land as proposed will result in significant improvements to the verge area and the Hardy Street streetscape generally.</i></p> <p><i>5. The proposed crossovers have been designed to ensure safe and convenient vehicle access and parking on Lot 47.</i></p> <p><i>6. The proposed crossovers will not result in or require the removal of any existing trees within the verge area adjoining Lot 47.</i></p> <p><i>7. The design, width and scale of the proposed crossovers are consistent with crossovers associated with other similar residential developments approved by the City in the immediate locality.</i></p> <p><i>8. The design of the proposed crossovers is akin to a grouped dwelling development in that one crossover is permitted to service each individual dwelling.</i></p> <p><i>Having regard for all of the above it is contended that the access points (i.e. crossovers) for the proposed development satisfy the ‘performance criteria’ of Element 7.3.5 of the R-Codes and may therefore be supported and approved by the City.”</i></p>

Issue/Design Element:	Access & Parking
Officer technical comment:	<p>The proposed driveway widths comply with the Performance Criteria in this instance for the reasons outlined below.</p> <p>The proposal comprises single width crossovers and driveways, therefore minimising the number and widths of vehicle access points from Hardy Street.</p> <p>Further to the above, the crossover and driveway widths provide for vehicle access to operate effectively, whilst maximising the number of kerbside parking spaces.</p>

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

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 4.2 A2 A minimum of 30 percent (80.31 square metres) of the total site area is to be provided as landscaping.</p> <p>A minimum of 5 percent (13.39 square metres) of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings.</p> <p>Non-Residential/Residential Development Interface Policy No. 3.4.3 Clause 8 Ten percent of the site area for non-residential development adjacent to residential areas is to be landscaped, where possible this is to include front setback areas.</p>
Applicants Proposal:	<p>5.91 percent (15.81 square metres) of the total site area is provided as landscaping.</p> <p>No soft landscaping provided within the outdoor living areas.</p> <p>No landscaping proposed for the non-residential component.</p>
Performance Criteria:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 4.2 P2</p> <ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. • Assists in increasing tree and vegetation coverage.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions in this instance for the reasons outlined below.</p> <p>The amount of landscaping provided on-site does not contribute to the amenity of the locality, nor does it provide a landscaped setting for the building or a sense of open space between buildings.</p>

Issue/Design Element:	Landscaping
	<p>As the site comprises predominantly hard surface, the development does not assist in increasing tree and vegetation coverage.</p> <p>Further to the above, it is noted that the proposal does not comply with the Acceptable Development or Performance Criteria provisions of Clause 7.1.5 "Open Space" of the R-Codes.</p> <p>The development application comprises landscaping of the verge; however it is noted that this does not form part of the on-site landscaping calculation.</p>

Issue/Design Element:	Energy Efficient Design
Requirement:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 5.1.2 and 5.2.2</p> <p>Multiple Dwelling developments are required to be designed so that the dwellings within the development maximize northern sunlight to living areas and provide natural daylight to all dwellings.</p> <p>Multiple Dwelling developments are required to be designed so that the dwellings within the development maximize cross ventilation and provide natural ventilation to all dwellings.</p>
Applicants Proposal:	<p>Dwellings do not maximise northern light.</p> <p>Cross ventilation is not maximised.</p>
Performance Criteria:	Not Applicable.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposal does not comply with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones as the orientation of the dwellings does not maximise northern light or cross ventilation.</p>

Residential Car Parking	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling Nil • Medium (75 square metres – 110 square metres) 1 space per dwelling Nil • Large (>110 square metres) 1.25 spaces per dwelling 2 dwellings = 2.5 car bays <p>Total car bays required = 3 car bays</p>	= 4 car bays
Visitors car parking requirement	Proposed
<ul style="list-style-type: none"> • Visitors 0.25 spaces per dwelling 2 dwellings = 0.5 car bays <p>Total car bays required = 1 car bay</p>	= Nil

Non-Residential Car Parking	
Car parking requirement (nearest whole number) • Restaurant 1 space per 4.5 square metres of public area Public Floor Area: 110.7 square metres = 24.6 car bays	= 25 car bays
Total car bays required = 24.6 car bays	
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.80 (development is mixed use)	(0.68) = 17 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	17 car bays

Car Parking	
Residential (including visitors): 4 car bays Non-Residential: 17 car bays	
Total car bays required = 21 car bays	= 21 car bays
Minus the car parking provided on-site	4 car bays
Resultant shortfall	18 car bays

The following justification has been provided in relation to the car parking by the applicant:

- *“The private storage and display of vintage motor vehicles in the restored automotive repair workshop is considered to be incidental to the proposed café use as it serves as a viewing area akin to a museum and will not be accessible to café patrons or the general public. As such it is contended that this portion of the proposed development and use of the land does not generate the need to provide any additional on-site parking.*
- *Having regard for the above calculations it is clear that an on-site parking shortfall of seven (7) bays would prevail if the City were to grant planning approval for the proposed development and use of Lot 47.*
- *In determining the suitability of the proposed on-site parking variation in the context of the City’s ‘Parking and Access Policy’ the following justifications are submitted for the City’s consideration:*
 - i) *A key objective of the City’s ‘Parking and Access Policy’ is to facilitate the development of adequate parking facilities and safe, convenient and efficient access for pedestrians, cyclists and motorists. It is contended that the proposed development will have a sufficient number of parking bays both on and off-site to adequately service the parking demand likely to be generated by the proposed uses on Lot 47 in a manner consistent with the City’s policy objective;*
 - ii) *The proposed café is located within a predominantly residential area and is aimed primarily at catering for the local community in the immediate locality. Given this ‘localised’ catchment area it is reasonable to expect that many customers will in fact walk or cycle to the premises thereby alleviating some of the demand for the parking bays proposed to be provided on or immediately adjacent to Lot 47;*
 - iii) *The proposed cafe is small in scale and unlikely to generate a significant level of demand for on-site parking;*
 - iv) *The proposed seven (7) bay on-site parking shortfall is considered unlikely to have a detrimental impact upon the current amenity, character, functionality and safety of the immediate locality;*

- v) *Lot 47 is located within 100 metre of the 'Charles Street Commercial Precinct' which comprises various land uses (i.e. shops, offices etc.) and a substantial car parking facility. Given that the proposed café's peak operating period will be during evenings and the majority of existing commercial uses in the 'Charles Street Commercial Precinct' operate during normal business hours, it is reasonable to conclude that the existing parking facilities in the immediate locality are capable of being shared and will not therefore giving rise to any significant parking shortfalls and associated conflicts during peak operating periods;*
- vi) *The provision of seven (7) parking bays within the Hardy Street verge area as proposed will allow for the preservation of the majority portion of the existing building on Lot 47 which is considered to be of some cultural heritage significance despite not being formally classified as such;*
- vii) *The payment of a cash-in-lieu contribution for the seven (7) bay on-site parking shortfall is considered unnecessary in this particular instance given that Lot 47 has good accessibility to public transport (i.e. buses), is located in close proximity to the 'Charles Street Commercial Precinct' and the expectation that many customers will in fact walk or cycle to the premises . The requirement to pay a cash-in-lieu contribution for the on-site parking shortfall will also prove to be a significant financial disincentive for the landowner to proceed with the proposed development and use of the land; and*
- viii) *The proposed on-site parking shortfall is consistent with other similar commercial and mixed use developments approved by the City in the immediate locality and will not therefore set an undesirable precedent."*

Residential Car Parking

The residential component of the development is required to provide three (3) car bays for residents and one (1) car bay for visitors, in accordance with the Acceptable Development provisions of Clause 7.3.3 "On-Site parking provision" of the R-Codes.

The Performance Criteria of Clause 7.3.3 P3.1 and P3.2 states:

"Adequate car and bicycle parking provided on-site in accordance with projected need related to:

- *The type, number and size of dwellings;*
- *The availability of on-street and other offsite parking; and*
- *The location of the proposed development in relation to public transport and other facilities.*

In mixed use development, in addition to the above:

- *Parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking."*

The proposal is not considered to comply in this instance with the Performance Criteria, as there is not the availability of on-street parking within the immediate locality. Further to this, there is no on-site car parking provided for the proposed eating house, which will result in a greater demand for vehicles to park along Hardy Street.

Commercial Car Parking

It is noted that the proposal comprises the construction of seven (7) car bays located within the verge; however as these are not located on-site they cannot be included in the car parking calculation and are unable to be supported.

In accordance with the City's Policy No. 3.7.1 relating to Parking and Access, the proposed shortfall of 17 car bays is not considered supportable in this instance.

It is considered that the proposed 17 car parking shortfall to the commercial component replaces the developer's responsibility to provide car parking as there is currently no on-site car parking provided. 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 no car parking bays it is not 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:

- ii) *If the total requirement (after adjustment factors have been taken into account) is between 11 - 40 bays, a minimum of 15 per cent of the required bays is to be provided.*

As the commercial component of the development requires 17 car bays, Clause 22 ii) of the City's Policy No. 3.7.1 is applicable. In accordance with Clause 22 ii) a minimum of 3 car bays are to be provided on-site for the commercial component for cash-in-lieu to be considered. As the development comprises no on-site car parking for the commercial component with the shortfall being 17 car bays (being 100 percent of the required bays); the proposed variation is not considered to be supportable in this instance.

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.
<u>Required</u> Residents: 0.67 spaces = 1 space Visitors: 0.2 spaces = 1 space

Non-Residential Bicycle Parking
Restaurant (110.7 square metres): <ul style="list-style-type: none">• 1 space per 100 square metres public area (class 1 or 2) = 1.107 spaces• 2 spaces plus 1 space per 100 square metres of public area (class 3) = 3.107 spaces
<u>Required</u> Class 1 or 2: 1.107 spaces = 1 space Class 3: 3.107 spaces = 3 spaces

Bicycle Parking
Residential (including visitors): 2 spaces Non-Residential (class 1 or 2 and class 3): 4 spaces
<u>Total Spaces Required</u> 6 spaces
<u>Total Spaces Provided</u> 4 spaces

Bicycle parking for the multiple dwellings is required 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 eating house being required to be provided in accordance with 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:	10 April 2013 to 30 April 2013
Comments Received:	Two (2) objections and one (1) neither support or object

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> It is greatly concerning that there are no on-site car bays proposed. This will block up the road (as people will park on Scarborough Beach Road) and make it difficult for residents to see traffic when reversing on to Scarborough Beach Road. It will also result in congestion on Scarborough Beach Road if the left lane is used for parking. It is a concern that there are not enough parking bays proposed. Customers will park on the street, which will be hazardous and disruptive to residents who live on Scarborough Beach Road, and the side streets. Given this will be a mixed use with coffee shop it will need some parking bays – dangerous to park on Scarborough Beach Road and hard to see to back out of driveways etc. Requires additional parking – Parking on Scarborough Beach Road is dangerous and difficult for residents to see to back out. 	<p>Supported. The proposed on-site car parking does not comply with the Acceptable Development or Performance Criteria provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes or the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Contaminated Site</p> <ul style="list-style-type: none"> How will the owner address the contaminated site classification in relation to an eating house/residential premise? The site is contaminated with a restricted use, which allows industrial/commercial usages only. 	<p>Supported. The subject site is classified as a 'contaminated – restricted use' by the Department of Environment and Conservation. It is noted that matters relating to contamination are dealt with by the Department of Environment and Conservation and it is the owner's responsibility to remediate any site.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Landscaping</p> <ul style="list-style-type: none"> • Some landscaping to the front setback should be provided. • At least 10 percent should be landscaped to 'fit in' with the residential buildings that surround this building. 	<p>Supported. The extent of on-site landscaping does not comply with the Acceptable Development or Performance Criteria provisions of Clause 4.2 "Landscaping" of the City's Policy No 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones or the Clause 8 "Open Space and Landscaping" of the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: 21 November 2012

Summary of Design Advisory Committee Comments:

Residential Component

1. *Reduce the impact of the residential garage doors by introducing tandem parking or a single garage door and carport. The carport could be designed to operate as an external verandah space.*
2. *Re-plan the residential ground level to enable one bedroom to have direct street contact.*
3. *Step the Unit 1 upper level balcony to improve the sightline to the adjacent single storey house.*
4. *Consider re-locating the entries to the middle adjacent to each other.*
5. *Improve the cross ventilation to the apartments.*
6. *Provide operable clear glass windows above 1.6m for bedrooms and translucent glass below this level where overlooking requirements prevail. Bedrooms and Study require an outlook.*
7. *Introduce north light in to the apartment with clerestory lights or similar.*

Commercial Component

1. *The Design Advisory Committee does not support a drive through coffee shop facility, as this will NOT improve the amenity of the area.*
2. *The Design Advisory Committee considers the introduction of a café facility to be beneficial to surrounding residents. If the proposal exhibits 'exemplary design' the Design Advisory Committee will recommend a concession in parking requirements with the introduction of perpendicular verge parking. This will be subject to the applicant delivering a unique design that is well crafted and carefully detailed, capitalising on the potential to share the space with antique cars.*
3. *The vintage car display requires increased integration and exposure to the café and street. The roller doors should be glazed to enable 24hr viewing and the cafe has potential to extend in to the vehicle space.*
4. *The front garden requires careful landscaping with an increase in soft landscaping and less hard vehicle paving.*

The applicant has addressed to some extent the content of the Design Advisory Committee requests, however they have not achieved the intent articulated particularly in relation to reduce the bulk, increase light and ventilation, increase landscaping and create design excellence.

With regards to the commercial component, it is noted that there is no landscaping provided on-site therefore there is no increase in soft landscaping proposed as requested by the Design Advisory Committee.

LEGAL/POLICY:

The following legislation and policies apply to the proposed partial demolition of existing service station and construction of two-storey mixed use development comprising eating house with incidental vintage car storage and display area, two (2) multiple dwellings and associated car parking at No. 29 Scarborough Beach Road, North Perth:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2010;
- Smith's Lake Precinct Policy No. 3.1.6;
- Residential Design Elements Policy No. 3.2.1;
- Non-Residential/Residential Development interface Policy No. 3.4.3;
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8;
- 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*.

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Consulting Rooms Policy No. 3.5.22 and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources.*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
	The design of the building does not provide for adequate light and ventilation. The development also 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 eating house 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:

Technical Services

The City's Technical Services have advised of the following issues:

1. Parking within the verge area is to be deleted;
2. Visual truncations must be provided to both sides of the crossovers;
3. The Verge is to be re-instated and landscaped, including tree planting;
4. A 1.5 metre concrete footpath is to be constructed in accordance with the City's specifications, for the full length of the Hardy Street boundary;
5. Comment from Environmental Protection Authority is required prior to storm water requirements being finalized;
6. A 3 metre by 3 metre truncation is required at the intersection of Hardy Street and Scarborough Beach Road; and
7. Details of expected waste generation and management proposal is required to be submitted.

Health Services

The subject site has been classified as 'contaminated – restricted use' by the Department of Environment and Conservation. The land use of the site is restricted to commercial and industrial use. The site should not be developed for a more sensitive use such as recreational open space, residential use or childcare centres without further contamination assessment and/or remediation.

Due to the presence of hydrocarbons in soils, the Department of Environment and Conservation recommends that a site-specific health and safety plan be developed to address any health risks for workers using the underground servicing pit.

It is noted that matters relating to contamination are dealt with by the Department of Environment and Conservation and it is the owner's responsibility to remediate any site. In the instance a development approval is granted on the subject site, it the owners responsibility to ensure the relevant approval is sought from the Department of Environment and Conservation.

Planning Services

Plot ratio and the street setbacks contribute to the bulk and scale of the development; whereby the proposal is considered to have an undue impact on the amenity of the locality in this instance as the proposal does not comply with the Acceptable Development of Performance Criteria provisions of Clause 7.1.1 "Building Size" of the R-Codes or the Acceptable Development of Performance Criteria provisions of Clause ASADC 10 or SPC 10 "Dual Street Frontages and Corner Sites" of the City's Policy No. 3.2.1 relating to Residential Design Elements. This results in the proposal having a significant lack of open space on-site, where the proposal does not comply with the Acceptable Development of Performance Criteria provisions of Clause 7.1.5 "Open Space" of the R-Codes. It is considered that the proposed dwellings are too large for the site areas, with alternative dwelling types being more suited to lots of this size. The proposed amount of open space is not considered to complement the building as the building footprint occupies the majority of the site area, nor does not allow for an attractive streetscape therefore resulting in an undue impact on the amenity of the locality.

The amount of landscaping provided on-site does not comply with the Acceptable Development or Performance Criteria provisions of Clause 4.2 "Landscaping" of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones and Clause 8 "Open Space and Landscaping" of the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface. In light of this, the proposed landscaping does not contribute to the amenity of the locality, nor does it provide a landscaped setting for the building or a sense of open space between buildings. As the site comprises predominantly hard surface, the development does not assist in increasing tree and vegetation coverage, therefore resulting in an undue impact on the amenity of the locality.

The proposed car parking does not comply with the Acceptable Development or Performance Criteria provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes or City's Policy No. 3.7.1 relating to Parking and Access, therefore resulting in an undue impact on the amenity of the locality.

CONCLUSION:

In light of the above, it is considered that the proposed partial demolition of existing service station and construction of two-storey mixed use development comprising eating house with incidental vintage car storage and display area, two (2) multiple dwellings and associated car parking would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

Due to the application's significant departure from the City's Town Planning Scheme No. 1, the City's policy No. 3.2.1 relating to Residential Design Elements, Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, Policy No. 3.7.1 relating to Parking and Access and the R-Codes, it is recommended that the application be refused for the reasons outlined above.

9.1.9 Nos. 159-161 (Lot 337; D/P; 2355) Walcott Street, Mount Lawley- Proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) & Eating House.

Ward:	South	Date:	18 June 2013
Precinct:	Norfolk; P10	File Ref:	PRO0193; 5.2012.317.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Justification from Applicant 003 – Management Plan (Small Bar)		
Tabled Items:	Nil		
Reporting Officer:	A. Dyson, Planning Officer (Statutory)		
Responsible Officer:	C. Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mr P Fogliani on behalf of the owner Fogliani Nominees for proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use), & Eating House at Nos. 159-161 (Lot 337; D/P: 2355) Walcott Street, Mount Lawley, and as shown on amended plans stamp-dated 24 January 2012, subject to the following conditions:

1. Building

- 1.1 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 Walcott and Burt Street(s); and
- 1.2 the windows, doors and adjacent floor area facing Walcott and Burt Street(s) shall maintain an active and interactive frontage to this street with clear glazing provided;

2. Operating Hours

- 2.1 the hours of operation of the Small Bar shall be limited to:

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

- 2.2 the hours of operation of the Small bar where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	11:00am to 10.00pm
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

- 2.3 the hours of operation of the rear courtyard of the Small Bar shall be as follows

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 8.00 pm
Friday and Saturday	7:00am to 10.00pm
Sunday	7:00am to 8:00pm

3. **Signage**

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 Permit application, being submitted to and approved by the City prior to the erection of the signage;

4. **Use of the Premises**

- 4.1 The maximum patronage for the Small Bar shall be Sixty-Five(65) persons; and
- 4.2 Packaged liquor is not to be sold at the premises;
- 4.3 Any proposed increase to the number of patrons of the proposed Small Bar or the use of the Eating House Tenancy will require a further development application;
5. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;
6. The existing awning is to remain on the existing building as per the Norfolk Precinct Policy requirements;
7. Within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner or the applicant on behalf of the owner shall comply with the following requirements:
- 7.1 pay a cash-in-lieu contribution of \$3,500 for the equivalent value of 1.00 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR
- 7.2 lodge an appropriate assurance bond/bank guarantee of a value of \$3,500 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 7.2.1 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
- 7.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or
- 7.2.3 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; and

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

8.1 **Refuse Management Plan**

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

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

8.2 **Acoustic Report**

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

8.3 **Bicycle Bays**

One (1) Class 2 (internal) bicycle bay for the staff of the Eating House component shall be provided. Bicycle bays for employees must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

8.4 **Vegetation Screening**

Vegetation screening shall be provided along the western boundary of the property abutting the western residential property to act as a buffer for sound and visual amenity;

9. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**

9.1 **Management Plan**

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained.

9.2 **Transport Statement**

A Transport statement in accordance with the WAPC Transport Guidelines 2006 to be provided, if more than one-hundred (100) persons for both the Small-Bar and Eating House uses are proposed; and

9.3 Car Parking Area

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.

ADVICE NOTE:

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

PROCEDURAL MOTION:

Moved Cr Pintabona, Seconded Cr Harley

That the item be DEFERRED at the request of the Applicant in order to conduct further community consultation with the local residents.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The application is referred to a meeting of Council as more than five (5) objections were received and the application is for a Small Bar which is an Unlisted or "SA" use which cannot be dealt with under delegated authority.

BACKGROUND:

History:

Date	Comment
25 March 2013	The City approved an application for a Change of Use from Shop to Shop and Educational Establishment

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Fogliani Nominees
Applicant:	Mr P Fogliani
Zoning:	Local Centre
Existing Land Use:	Shop & Educational Establishment
Use Class:	Small Bar
Use Classification:	'SA'
Lot Area:	999 square metres
Right of Way:	Not Applicable

The proposal is for a Change of Use from Shop and Educational Establishment to Small Bar and Eating House in the existing two tenancies with the following characteristics:

- Small Bar – Eight Six (86) persons proposed;
- Proposed Hours of Operation – 8am – 12am – Monday to Sunday;
- Establishment of a Eating House tenancy in the southern most tenancy;
- Removal of the existing awning as part of a refurbishment of the building;

ASSESSMENT:

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

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

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

Applicant Proposal – Car Parking Bays	Proposed
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Proposed Small Bar (Unit 2) - (1 car bay per 4.5 persons) (86 persons proposed) – 19.11 car bays • Proposed Eating House (Unit 1) – 1 bay per 4.5 square metres public floor area) – 25 square metres – 5.55 car bays Total car bays required = 19.11 car bays + 5.55 car bays = 24.66 car bays = 25.00 car bays	25.00 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) 	(0.85)
Minus the car parking provided on-site	21.25 car bays
Minus the previously approved on-site car parking shortfall	16.00 car bays
Minus the previously approved on-site car parking shortfall	Nil
Resultant Shortfall	5.125 car bays

Officer Recommendation - Car Parking Bays	Proposed
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Proposed Small Bar (Unit 2) - (1 car bay per 4.5 persons) (65 persons recommended) – 14.44 car bays • Proposed Eating House (Unit 1) – 1 bay per 4.5 square metres public floor area) – 25 square metres – 5.55 car bays Total car bays required = 14.44 car bays + 5.55 car bays = 19.99 car bays = 20.00 car bays	20.00 car bays

Officer Recommendation - Car Parking Bays	Proposed
Adjustment factors • 0.85 (within 400 metres of a bus stop)	(0.85) 17.00 car bays
Minus the car parking provided on-site	16.00 car bays
Minus the previously approved on-site car parking shortfall	Nil
Resultant Shortfall	1.0 car bays (62 patrons for the Small Bar provides for less than 0.5 shortfall in car parking on site and therefore compliant car parking)

Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
Proposed Small Bar – Nil required (Class 1 & 2/3)	
Proposed Eating House – One (1) bicycle per 100 square metres (25m ²) – 1.0 Class 2	Nil
Two (2) bicycle bays plus 1 per 100m ² – 3.0 Class 3	Class 2- 1.00 bicycle spaces Class 3 – 3.00 spaces
Minus the bicycle bays provided on-site	Class 2 – Nil Class 3 – Five (5) Bike Racks (U Rails)
Resultant Shortfall/Surplus	Class 2- 1.00 bicycle spaces Class 3 – 3.00 spaces

The proposed parking provisions for a small bar establishment under the City's Parking and Access Policy require that one (1) car parking space per 4.5 persons of the maximum number of persons approved for the site. The proposed parking provisions for a small bar establishment under the City's Parking and Access Policy require one (1) space per 4.5 persons of the maximum number of persons approved for the site. Based on this requirement, along with the Eating House component, the total car parking bay shortfall is 5.125 car bays.

In the event a shortfall in car parking was to be supported, a cash in lieu payment may be considered. The cash in lieu payment required would be \$3,500 per bay based on the 2012/2013 fees; \$17937.50 in this instance.

Whilst the applicant has proposed eighty-six (86) persons for the small bar component of the tenancy, it is considered that the proposed use, located within a predominately residential area should be compliant with the parking provisions of the City's Policy 3.7.1 relating to Parking and Access. In addition to the sixteen (16) car parking bays provided on site (inclusive of one (1) disabled bay, it is also noted there is street car parking provided along Burt Street for one (1) hour car parking is provided for approximately three (3) to four (4) cars. Therefore on the basis of these numbers of car parking bays, it is considered appropriate to limit the number of patrons to the small bar to sixty-five (65) persons. This provides for a one (1) car parking bay shortfall, which could be accommodated through a cash-in-lieu payment and given the provision of street car parking bays, adequate provision of car parking.

The City's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays, to provide and/or upgrade parking in other car parking areas. The policy stipulates that:

“Cash-in-lieu provisions are only to be permitted in localities where the City already provides off-street public car parking which has spare capacity, or the City is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate) in the near future, within 400 metres of the subject development;”

Whilst taking this provision of the Policy into account, the premises are not located close by any existing public car parks and therefore must where possible provide sufficient car parking on site. The site has a substantial rear area to the site where sixteen car parking bays have been proposed including one (1) disabled bay.

Clause 22 (ii) of the City's Parking and Access Policy, states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

“If the total 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.”

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	22 April 2013 – 13 May 2013
Comments Received:	Twenty- Four (24) comments received with twenty-one (21) objections received (1 Late Objection)

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Awning</u></p> <p>Any removal of the awning from the front of the building would impact the existing streetscape.</p>	<p>Supported. In accordance with the Norfolk Precinct requirements, the existing awning is required to remain to provide pedestrians and clientele of the proposed establishment weather protection.</p>
<p>Issue: <u>Use</u></p> <p>There is a substantial amount of bars and restaurants along Beaufort Street and Fitzgerald Street and therefore there is little need for any more in the area.</p>	<p>Noted. The proposed use of the premises as a Small Bar is to be considered by the City on its merits. In terms of there being a number of similar uses across the City, the City assesses each application on its merits.</p>
<p>Issue: <u>Anti Social Behaviour</u></p> <p>Strong concern regarding the impact of an establishment selling alcohol. In addition the impact of noise generated from this and associated anti-social behaviour such as littering, vandalism and increase in the amount of non legal substances. Anti-social behaviour is already experienced in persons walking home from Beaufort Street.</p>	<p>Noted. However it is considered the service of alcohol is to be provided under the Liquor Licensing Act under responsible service provisions. It is noted the use is no different to a standard restaurant use which wishes to serve alcohol also. Any noise generated by the premise would have to be within the Environmental (Noise) Regulations 1997 and noted in a required Acoustic Report approved by the City prior to the issue of a Building/Occupancy Permit.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Concern regarding rubbish disposal in the mornings given the associated noise from it.</p>	<p>Any rubbish removal on site is to be conducted appropriately with the bins for the tenancies located close by the rear of the premises as noted on the site plan and in accordance with a submitted Refuse Management Plan.</p>
<p><u>Issue: Parking and Traffic</u></p> <p>Concern in relation to the increased volume of traffic to the area and it being funnelled through Burt Street.</p> <p>Concerns regarding the shortfall in parking given that customers will likely seek to park in adjacent quiet streets and residential area.</p> <p>Note that the adjoining tenancy at No. 157 Walcott Street should have a barrier as overflow parking should not be able to go through to Walcott Street as it would create a traffic hazard.</p> <p>Note there is no reference to future car parking for the retail tenancy.</p>	<p>Noted. It is considered the zoning of the property as a Local Centre according to the City's Town Planning Scheme will provide a useful service to the local community. Any parking that is generated by the use of the premises is to be catered for in the existing car park to the rear of the premises. Under the existing layout of the lot, any access to the existing car parking area is to be off Burt Street and also due to the fact Walcott Street is considered as an ORR (Other Regional Road) under the Metropolitan Region Scheme and requires any access for vehicles to either be in forward gear or access off adjacent side streets. Also to reduce the potential for queuing of vehicles along Walcott Street.</p> <p>Noted. Given the premises location in a Local Centre Zone abutting a Residential Area and the need to limit its impact to the surrounding area, it is recommended that near compliance be sought in the provision of car parking bays for the Small Bar and Eating House use. It is therefore recommended the Small Bar be limited to sixty-five (65) patrons with a shortfall over the site of one (1) car parking bay.</p> <p>Noted. The proposed car parking bays shown in the site plan denote car parking bays to be located along the southern boundary of the car park, thereby eliminating access for clients to access No. 157 Walcott Street property.</p> <p>Noted. The proposed car parking area is to cater for both commercial uses.</p>
<p><u>Issue: Hours of Operation</u></p> <p>Request confirmation of opening times and closing times.</p>	<p>Noted. Although the applicant has proposed hours of operation of between 7am – 12 midnight, seven (7) days per week this is subject to Council approval and discretion. As noted in the recommended conditions of approval, From Sunday to Thursday the recommended hours of operation are 7am – 10pm with Friday and Saturday's from 7am to 12pm to reflect the location of the property and the residential amenity.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Concern regarding the operating hours, specifically, what the times will be given their likely impact on the community.</p> <p>Closing times should be earlier in the evening given it is a mainly residential area.</p>	<p>See Above.</p> <p>See Above.</p>
<p>Issue: <u>Norfolk Precinct</u></p> <p>Note that the proposed development is located in the Norfolk Precinct and should only serve day to day convenience items within the area.</p>	<p>Noted. It is considered the proposed use, will provide a service to the surrounding residential community by providing a location which will allow the local residents an opportunity to access quality restaurant activity within a short catchment area.</p>
<p>Issue: <u>Residential Amenity</u></p> <p>Note the area is predominately a family focused residential area and the impact of a small bar will be significant on a day to day basis.</p>	<p>Noted. However the operation of the premises will function as a restaurant type use in many ways and any service of liquor must be done so in a responsible way under a Liquor Licence and has proposed limited hours.</p>
<p>Issue: <u>Provision of Bicycles</u></p> <p>Note bicycle spaces should be provided on site for the reduction of the use of bicycles to the site.</p>	<p>Noted. Class 3 or external bike racks are provided along the northern edge of the car park for use by both clientele and staff. Internal spaces for bicycles are required to be provided for staff.</p>
<p>Issue: <u>Noise</u></p> <p>Concern regarding the elevated courtyard area and the ability for noise to amplify to the adjoining residential area.</p> <p>A buffer area should be created to the rear of the site, particularly with the anticipated impact of noise and light, in the form of vegetation screening and a physical barrier.</p>	<p>Noted. The applicant is required to provide, prior to the submission of a Building/Occupancy Permit, an Acoustic Report which details measures for compliance with the Environmental (Noise) Regulations (1997). This is to ensure the applicant is providing measures that will reduce the level of sound emitted from the use of the premises. In addition as part of the conditions of approval it is recommended on Sunday to Thursday evenings</p> <p>Noted. As part of the conditions of approval the applicant is required to provide vegetation screening along the western boundary to provide, where possible maximum amelioration of noise and sound impacts to the adjoining residential properties.</p>
<p>Issue: <u>Future Use of Proposed Eating House Tenancy</u></p> <p>Concern that the adjoining retail tenancy is merely for future expansion of the small bar.</p> <p>Any future option for the retail tenancy to sell</p>	<p>Noted. The subject application has proposed the use of the premises as a Small Bar and Eating House uses. Any amendment would require further deliberation by the City and receipt of a further Planning Application.</p> <p>Noted. As noted above any use of the</p>

Summary of Comments Received:	Officers Technical Comment:
liquor shall be removed.	proposed Eating House for an extension of Small Bar will be subject to a further application. Any application for a liquor licence for the use of the Eating House is subject to application to the Department of Racing, Gaming and Liquor.
<p>Issue: <u>Street Trees</u></p> <p>Street trees should be maintained as they are in excellent condition.</p>	<p>Noted. Street trees are required to remain as noted as per the advice note. The applicant has also noted they are to remain.</p>
<p><u>Department of Planning</u></p> <p>Lot 337 abuts Walcott Street, an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS) currently reserved as Category 2 ORR. The site is affected by a 2.5 metres ORR reservation for Walcott Street, which includes a truncation as per Land Requirement Plan 1.3154;</p> <p>It is noted the proposed development does not intend to alter the existing access arrangements from Walcott Street as the existing crossover will be utilised for vehicular access. This is in accordance with the Commission's Regional Road (Vehicular Access) Policy D.C 5.1, which seeks to minimise the number of new crossovers onto regional roads;</p> <p>Under WAPC'S Transport Guidelines for Developments (2006) an entertainment venue in excess of 100 persons is considered as possessing a 'moderate' impact which requires that a transport statement be prepared. It is unclear what the capacity of the future small bar and eating house will be, however if the venue will accommodate more than 100 persons, it is recommended in order to address future traffic and parking issues in detail.</p> <p>No objection to the proposal on regional transport planning grounds subject to the above recommendations including the proposal meeting the City's requirements for car parking.</p>	<p>Noted. Transport Statement to be required in compliance with WAPC Transport Guidelines 2006, if more than one hundred (100) persons are permitted for the site.</p> <p>The current recommended numbers for the small bar is sixty-five (65) persons and the eating house is 25m², therefore it should be under one-hundred (100) persons for the site.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed change of use from Office to Small Bar/Cafe

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10;
- Sound Attenuation Policy No. 3.5.21; 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
Nil	

SOCIAL	
Issue	Comment
The proposed small bar and eating house will provide a place for persons to meet and socialise in a inner city area which promotes surveillance and ambience to an area.	

ECONOMIC	
Issue	Comment
The renovation of the premises will provide opportunities for employment whilst the operation of the premises will provide employment opportunities also.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Planning

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

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

Hours of Operation

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

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

The applicant has requested the operation times for the proposed Small Bar are 7am in the morning to 12am at night, seven (7) days per week.

The proposed hours are considered to raise two issues relating to the hours of and the sale of alcohol times.

The first issue relates to the general operation in regards to the impact on amenity between 10pm to 12pm. It is considered the continued operation of the Small Bar in the evening will impact on the amenity of the area in terms of noise and traffic (clientele leaving the premises). It is therefore recommended the premises operate post 10pm on Friday and Saturday evenings in coordination with most commercial uses across the City.

The second issue relates to service of alcohol. Whilst the proposal has not stipulated the time to serve alcohol within all of the proposed hours from 7:00am in the morning to 12 midnight, any earlier than 11am is not supported as it is assessed to have a high potential to affect the amenity of the local area given it is located in close proximity to residential dwellings above the premises and surrounding. It is proposed that the business be allowed to operate from 7:00am but alcohol not be allowed to be served until 11:00am. This allows for alcohol to be served with food and lunch times to maintain the early morning amenity for residents in the area. In regards to closing times it is recommended that the closing times Sunday to Thursday are to be 10pm which is earlier than the proposed 12:00 midnight to reflect the location of the proposal in close proximity residential uses above and nearby.

The recommended operating hours are:

Monday to Thursday	7:00am to 10:00pm;
Friday and Saturday	7:00am to 12:00 midnight; and
Sunday	7:00am to 10:00pm

With the further proposed control of alcohol only being able to be served from 11:00am to 10.00pm from Sunday to Thursday and 11.00am to 12.00 midnight from Friday to Saturday.

The impact of noise on residential amenity is also important, therefore with the proposed rear outdoor courtyard it is recommended the following hours are to be applied.

Monday to Thursday	7:00am to 8:00pm;
Friday and Saturday	7:00am to 10.00pm; and
Sunday	7:00am to 8:00pm

The third issue is the patron numbers and the impact on parking, whereby the applicant has proposed eighty-six (86) persons, in line with the Small Bar licence requirements. However given the parking shortfall that would result with the stated persons of over five (5) car parking bays, the recommended number of persons is sixty-five (65) persons, to allow for a maximum shortfall of one (1) car parking bay which could be accommodated by the street car parking bays along Burt Street.

Norfolk Precinct

The Norfolk Precinct (P13) recommends a range of uses be provided which serve the convenience needs of the local residents. Careful control and layout of the premises is recommended within these areas and their design and layout to minimise the impact on any adjacent residential uses or land.

Adequate car parking is to be available to ensure that unreasonable vehicular traffic does not encroach onto residential streets.

The proposed use is considered to be a use that whilst not providing for the day to day conveniences of the residents will provide a serviceable node which will provide a local establishment for residents to travel a short distance to whilst providing a quality service.

Conclusion

It is considered that the proposal is in keeping with the type of development encouraged by the Norfolk Precinct Policy and will provide a useful service within close proximity for the residents without the need to travel to the main activity centres such as Walcott/Beaufort Street.

The hours of operation proposed by the applicant have been considered and proposed to be limited to reduce the conflict between the commercial and residential uses. Therefore it is recommended that the proposed hours of operation for the Small Bar be limited to 7am to 10pm on Sunday to Thursday with 7am to 12pm on Friday and Saturday evenings. It is further recommended that the hours alcohol can be served and the external rear courtyard can operate be reduced further to limit any impact.

The recommended permitted number of persons for the small bar, being sixty-five (65) persons, allowing for near compliance with the City's Parking and Access Policy with a proposed shortfall of one (1) car parking bay and a reduction in the impact on Burt Street and the adjoining residential properties.

In light of the above, together with a consideration of the number of objections received for the proposed development being twenty-one (21), the proposal for a Small Bar and Eating House, is supported subject to specific conditions relating to the hours of operation and patronage numbers.

9.1.4 Amendment No. 90 to Planning and Building Policy Manual– Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1

Ward:	North	Date:	14 June 2013
Precinct:	Mount Hawthorn (P1)	File Ref:	PLA0031
Attachments:	001 – Policy 3.1.1 Mount Hawthorn Precinct 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the Final Amended Policy No. 3.1.1 relating to the Mount Hawthorn Precinct- Scheme Map 1 as shown in Appendix 9.1.4;
2. **AUTHORISES** the Chief Executive Officer to advertise the Final Amended Policy No. 3.1.1 relating to the Mount Hawthorn Precinct- Scheme Map 1 as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1; and
3. **REPORTS** the parking and traffic issues within the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, to the Integrated Transport Advisory Group for investigation to determine appropriate recommendations to address the concerns raised by the community.

COUNCIL DECISION ITEM 9.1.4

Moved Cr McGrath, 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 outcomes of the formal advertising period and requests the Council to adopt Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1.

BACKGROUND:

Date	Comment
1 July 2007	The area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway was transferred to the City of Vincent from the City of Stirling as part of a local government boundary change.
24 April 2012	The Council at its Ordinary Meeting, resolved to initiate a Scheme Amendment No. 32 which made a number of modifications to the City’s Scheme including amending Scheme Map 1 – Mount Hawthorn to include the area ceded from City of Stirling into the City’s Town Planning Scheme No. 1.
12 June 2012	Advertisement of Scheme Amendment No. 32 commenced.

Date	Comment
12 September 2012	Public Meeting relating to Scheme Amendment No. 32 was held.
28 September 2012	Advisement of Scheme Amendment No. 32 closed.
23 October 2012	The Council at its Ordinary Meeting initiated Policy Amendment No. 90, in accordance with Clause 47 of the City's Town Planning Scheme No. 1.
13 November 2012	The 28 day consultation period commenced.
10 December 2012	The 28 day consultation period closed.
29 April 2013	Scheme Amendment No. 32 was forwarded to the Western Australian Planning Commission for final approval including the modifications requested by the Minister.
11 June 2013	Scheme Amendment No. 32 is published in the Government Gazette.

DETAILS:

On 1 July 2007, the City of Vincent obtained the area formerly known as Glendalough, bounded by Scarborough Beach Road to the north, Brady Street on the east (including the properties on the east side of Brady Street), Powis Street on the south and the Mitchell Freeway on the west, from the City of Stirling. The City amended the Town Planning Scheme No.1 to include this area within the City's Scheme through Scheme Amendment No. 32 which was gazetted on 11 June 2013. To ensure that there are development provisions in place for this area following finalisation of Scheme Amendment No. 32, the City has amended Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1.

Consultation was undertaken in accordance with Clause 47 of the Town Planning Scheme No.1. Following the consultation the following amendments have been proposed to the Draft Amended Policy.

1. Building Heights

To provide more clarity on the allowable heights within the precinct, the wording has been modified to read as the 'prescribed heights'. This also provides a clearer framework of what the base height is and what additional heights can be considered in accordance with the City's Policy 3.5.11 relating to Exercise of Discretion for Development Variations.

2. Setbacks

The City is currently in the process of rescinding a number of policies that have provisions for commercial developments, to be consolidated into the one Policy. Therefore reference to the City's Policy relating to Non-Residential/Residential Development Interface has been removed and replaced with reference to the City's Policy No. 3.5.12 relating to Commercial and Mixed Use Development.

3. Design Guidelines in the R-AC2 Zone

Modifications were required by the Minister for Planning to Scheme Amendment No. 32, prior to finalisation of the amendment. The provision for requiring 'Design Guidelines' was requested to be amended and replaced with requirements for 'Local Development Plans'.

It was noted in one of the submissions that in an R-AC2 zone, Design Guidelines are mandatory, where as the clauses in the Town Planning Scheme provided some level of discretion. This mandatory requirement has been removed from the Policy and the sentence now refers to 'Local Development Plans' and that these may be required in this zone. This is consistent with the provisions proposed as part of Scheme Amendment No. 32. The purpose of the Local Development Plan allows the ability to include alternative development requirements specific to that site. The 3000m2 site area requirement is proposed to be removed from the Scheme following the Minister for Planning's request for modifications to Scheme Amendment No. 32 as some areas require more detailed planning, regardless of the site area. All the necessary provisions will be outlined in the new Clauses 22A and 55 of the Town Planning Scheme No. 1 proposed under Scheme Amendment No. 32.

4. Noise Considerations adjacent to the Mitchell Freeway

It was noted in one of the submissions that due to the proximity of the Freeway to some of the lots, there may be adverse impacts on the developments caused by the noise of the freeway. As a result it was recommended that the lots adjacent to the freeway should be subject to a noise assessment as defined by the State Planning Policy 5.4 Road and Rail Transport Noise and Freight Consideration in Land Use Planning. A reference was included in Clause 6 of the Draft Amended Policy to make reference to this document, so that noise considerations could form part of a planning process and that applicants are aware of the noise impacts of the freeway.

5. Planning Control Area 104

A reference to Planning Control Area 104 has now been included, which affects the lots along Scarborough Beach Road between the Mitchell Freeway and Main Street. Planning Control Area 104 is to allow for future reservation of the road to be classified as Other Regional Road. The Department of Planning website states that '*The declaration remains in effect for a period of five years from the date of publication of this notice in the Government Gazette or until revoked by the WAPC with approval by the Minister, whichever is the sooner.*'

6. Administrative Amendments

Minor administrative changes were made to the Policy.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The Draft Amended Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1, was 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, letters to the affected owner(s) and occupier(s) determined by the City's officers, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of 10 submissions were received during the consultation period with a breakdown of the submissions below.

Community Submissions

Position	Number Received	Percentage
Support	2	33.33%
Support (but has some concerns)	1	16.66%
Object	3	50%
Total	6	100%

Government/Stakeholder Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
No Objection	4	100%
Total	4	100%

A summary of the key comments raised are outlined below. A detailed summary of all submissions received is shown in Appendix 9.1.4.

Summary of Comments Received:	Officers Comment:
Issue: A number of issues relating to parking and traffic were raised during the consultation. There was concern from the community that many commuters using the train station park in the streets and that additional housing will result in more cars.	<p>Officer Response: There are few parking restrictions within this area and the restrictions that exist mostly relate to restrictions for parking on the verge.</p> <p>Issues relating to on street car parking and traffic movement will be reported to the City's Integrated Transport Advisory Group for further consideration.</p>
Issue: Some concerns were raised in relation to the impact on the amenity include privacy, northern light, breezeway capacity and antisocial behaviour.	<p>Officer Comment: The R Codes and the City's Policies aim to address a number of matters relating to amenity including overlooking and overshadowing. The City's Policies aim to ensure that new development is mindful of the existing character of an area and the impact it may have on the amenity of surrounding properties.</p> <p>The City's Safer Vincent Team may be able to provide some assistance on matters relating to antisocial behaviour, however in most instances antisocial behaviour is managed by the Police.</p>

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Scheme Amendment No. 32.

RISK MANAGEMENT IMPLICATIONS:

Medium: The Mount Hawthorn (former Glendalough) area although ceded to the City of Vincent still applies the City of Stirling District Scheme No.2. This scheme is no longer in effect in the City of Stirling and the City has been using this outdated scheme since 2007. Scheme Amendment No. 32 allows for an up to date Scheme and therefore Policy No. 3.1.1 needs to be respectively updated to ensure that there are development provisions in place when the area is transferred. Policy No. 3.1.1 allows for associated Policy provisions, relating to the Mount Hawthorn Precinct - Scheme Map 1.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL	
Issue	Comment
The amendments to Policy No. 3.1.1 relating to the Mount Hawthorn Precinct - Scheme Map 1, serve to promote and adhere to the City's commitment to environmentally sustainable outcomes being achieved through the encouragement of high quality environmental design. In addition the Policy states the retention of healthy, mature trees is a priority, importance of landscaping and that public places such as parks, reserves and streets are to be further enhanced and maintained so that they contribute to the pleasant and attractive environment of the precinct.	

SOCIAL	
Issue	Comment
The amendments to Policy No. 3.1.1 relating to the Mount Hawthorn Precinct - Scheme Map 1, promote mixed use developments and encourage the integration of workplace, retail and place of residence. The character and scale of non-residential buildings must also be compatible with adjacent residential development and, where applicable, comply with the City's Policy relating to commercial development.	

ECONOMIC	
Issue	Comment
The amendments to Policy No. 3.1.1 relating to the Mount Hawthorn Precinct - Scheme Map 1, will contribute to the economic vibrancy around Glendalough train station through a mix uses and provide increase employment opportunities to the greater surrounding area of Mount Hawthorn.	

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendments and Policies'

Budget Amount: \$80,000
Spent to Date: \$ 6,701
Balance: \$73,299

COMMENTS:

The majority of the changes made to the Policy following the consultation were considered to be minor. Where slightly more significant changes were made, such as those relating to the Design Guidelines in the R-AC2 zone, the Policy was amended to better align with the changes to the Town Planning Scheme No.1 as part of Scheme Amendment No. 32.

Policy No. 3.1.1 relating to the Mount Hawthorn Precinct - Scheme Map 1 will ensure that there are development guidelines in place for the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway following the completion of Scheme Amendment No. 32.

In light of the above and the comments received during the community consultation period, it is recommended that the Council adopts the final amended Policy No. 3.1.1 relating to Mount Hawthorn in accordance with Clause 47 of the City's Town Planning Scheme No. 1.

9.1.8 Scheme Amendment No. 35 to Town Planning Scheme No.1 – Proposed Rezoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from ‘Residential R60’ to ‘Commercial’

Ward:	North Ward	Date:	14 June 2013
Precinct:	Leederville (P3);	File Ref:	PLA0245; PRO0637
Attachments:	001 – Scheme Amendment Report 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RESOLVES** pursuant to Town Planning Regulations 17, 18 and 25:
 - 1.1 to **RECEIVE** the 9 submissions in relation to Amendment No. 35 to the City of Vincent Town Planning Scheme No. 1, as summarised in Appendix 9.1.8; and
 - 1.2 that Amendment No. 35 to the City of Vincent Town Planning Scheme No. 1, **BE ADOPTED FOR FINAL APPROVAL** for the purpose of amending Scheme Map 3 relating to the Leederville Precinct to rezone No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from ‘Residential R60’ to ‘Commercial’;
2. **AUTHORISES** the Mayor Hon. Alannah MacTiernan and the Chief Executive Officer to execute and affix the City of Vincent common seal to Amendment No. 35 to the City of Vincent Town Planning Scheme No. 1 Amendment documents reflecting the Council’s endorsement of final approval;
3. **FORWARDS** the relevant executed documents to the Western Australian Planning Commission and **REQUESTS** the Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 35, to the City of Vincent Town Planning Scheme No. 1; and
4. **ADVISES** the Environmental Protection Authority and those who made submissions of the Council decision.

COUNCIL DECISION ITEM 9.1.8

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the 21 day public consultation period relating to Scheme Amendment No. 35 and request the Council to endorse the amendment for final approval.

BACKGROUND:

Scheme Amendment No. 35 has originated from a request from the owner of the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn, as a result of a recent revelation by the owner that the zoning of the property under the City's Town Planning Scheme No. 1 (Residential R60) differed to that in the City of Perth City Planning Scheme (Commercial) which preceded the City of Vincent Town Planning Scheme No. 1. The latter of which was gazetted on 4 December 1998. Initially the owner was advised by the City's Administration that this anomaly could be addressed as part of the review of the City's Town Planning Scheme No. 1, however given the prolonged time frame associated with the review of the City's Scheme, the City's Administration has since reviewed this original advice and agreed to proceed with this minor Scheme Amendment separately.

History:

Date	Comment
21 September 1984	Approval of No. 101 (Lot 16) and No.103 Scarborough Beach Road, Mount Hawthorn (Lot 17) to be rezoned from Zone 16 (Group Practices) to Zone 7A (Offices, Show Rooms and Warehouses) under City of Perth By-Law No. 64.
20 December 1985	City of Perth City Planning Scheme gazetted, showing No. 101 (Lot 16) and No. 103 (Lot 17) Scarborough Beach Road, Mount Hawthorn as zoned 'Commercial C1'.
24 August 1993	Planning Approval issued to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn for Alterations and Additions to Existing Office pursuant to the City of Perth City Planning Scheme.
6 August 1996	Planning Approval issued to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn for Five Bay Car Port Addition to Existing Office pursuant to the City of Perth City Planning Scheme.
4 December 1998	City of Vincent Town Planning Scheme gazetted, showing No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn as being zoned 'Residential R60' and the adjacent property at No. 103 (Lot 170) Scarborough Beach Road, Mount Hawthorn to remain zoned 'Commercial'.
6 July 2010	Planning Approval issued for Signage Additions to Existing Office Building pursuant to the City of Vincent Town Planning Scheme No.1. This Approval resulted in drawing attention to the owner that the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn, was in fact zoned 'Residential R60' under the City's Town Planning Scheme No.1 and not 'Commercial', as it was under the City of Perth City Planning Scheme.
4 November 2011	The owner of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn submits information detailing evidence that the subject property was zoned 'Commercial' under the City of Perth City Planning Scheme prior to the gazettal of the City's Town Planning Scheme No.1 in 1998, which resulted in the property being zoned as 'Residential R60'.
25 November 2011	The City advises the owner of receipt of the documentation received on 4 November 2011 and recommends that the preferred way forward to progress this matter is that the re-zoning of the subject property back to 'Commercial' be considered as part of the review of the City's Town Planning Scheme No.1. The City also advises that the current Residential R60 zoning on the property does not affect the approved use of 'office' on the site.
20 December 2011	The Council approves the City's Draft Town Planning Scheme No.2 to be forwarded to the Western Australian Planning Commission to seek consent to advertise. The City currently awaits this consent, anticipated to be conditionally granted by mid 2013.

Date	Comment
3 January 2013	The City received an email from the owner of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn formally requesting the City initiate a Scheme Amendment to the City's Town Planning Scheme No.1, to change the zoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial'.
4 January 2013	The City responds to the owner of the subject property in a letter dated 4 January 2013 supporting the consideration of initiating a Scheme Amendment to change the zoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial' and that the fees be waived.

Previous Reports to Council:

This matter was previously reported to the Council on 12 March 2013.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 12 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 formal advertising period endorsed at the Ordinary Meeting of Council on 12 March 2013 there were no further changes to Scheme Amendment No. 35 required.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: Scheme Amendment No. 35 was advertised for a reduced period, approved by the WAPC on 10 April 2013, of 21 days in accordance with Regulation 25 of the Town Planning Regulations 1967. The advertising period commenced 7 May 2013 and closed 28 May 2013.

Consultation Type: One 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, letters to the affected owners and occupiers, Western Australian Planning Commission, and other appropriate government and non-government agencies.

Government Authority Submissions

Position	Number Received	Percentage
Support	1	12.5%
Object	-	-
Not Stated	7	87.5%
Total	8	100%

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	1	11.1%
Object	1	11.1%
Not Stated	7	77.7%
Total	9	100%

All eight government authority submissions provided no comment in relation to Scheme Amendment No. 35.

The submission made in opposition to Scheme Amendment No. 35 did not regard the rezoning, rather the general parking requirements for land zoned commercial.

Submission	Officer Comment
Parking requirements for land zoned commercial are inadequate.	Parking requirements are set out in Policy No. 3.7.1 relating to Parking and Access. Policy No. 3.7.1 has recently been advertised to the community and will be considered again by the Council in the coming months.

LEGAL/POLICY:

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

The Minister for Planning is the determining authority on Scheme Amendments.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City is following due process to address concerns from the owner about the process in which the subject property was rezoned from 'Commercial' to 'Residential R60' during the gazettal of the City's Town Planning Scheme No.1.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Nil.	

ECONOMIC	
Issue	Comment
The proposed Commercial zoning allows for a broader range of uses to be permitted on the site to contribute to the economic sustainability of Scarborough Beach Road, which has been identified as an Activity Corridor by the State Government, through the strategic planning document - <i>Scarborough Beach Road Activity Corridor Framework – A Land Use and Transport Vision</i> .	

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$80,000
Spent to Date: \$ 7,085
Balance: \$72,915

COMMENTS & CONCLUSION:

Given the circumstances surrounding this situation evidenced by the documentation submitted to the City by the owner and research undertaken by the City's Officers revealing that the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn was zoned 'Commercial' under the City of Perth City Planning Scheme and re-zoned to Residential R60 under the City of Vincent Town Planning Scheme No.1, the City's Officers consider that the Scheme Amendment for this property is warranted.

Coupled with the uncertainty as to the timing of the gazettal of the City's Town Planning Scheme No. 2 it is considered appropriate that the Council, having reviewed the submissions received from the formal advertising period, adopt for final approval Scheme Amendment No. 35 to the City of Vincent Town Planning Scheme No. 1.

9.2.5 Request for Tender for a Review of Waste Management Practices in the City of Vincent – Invitation to Submit a Tender – Progress Report No. 4

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	ENS0083
Attachments:			
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services C Wilson, Manager Asset and Design M Rutherford, Waste Management Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

**Chief Executive Officer John Giorgi has declared an Impartiality interest in Item 9.2.5
Director Technical Services has declared an Impartiality Interest in Item 9.2.5.**

OFFICER RECOMMENDATION:

That the Council;

- AWARDS** the Tender for the 'Review Waste Management Practices in the City of Vincent' to BCH (Hyder) Engineering Consultants P/L at a cost of \$54,930 (including GST);
- FUNDS** the project from the Strategic Waste Management Reserve; and
- NOTES** the timeline outlined in the report.

COUNCIL DECISION ITEM 9.2.5

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval of the tender to Review Waste Management Practices in the City of Vincent.

BACKGROUND:

Ordinary Meeting of Council 14 May 2013:

The Council considered progress report No 3 where the following decision was made:

"That the Council;

- INVITES* the following companies be invited to submit a 'Request for Tender' (RFT) for a Review of Waste Management Practices in the City of Vincent:

No:	Company	Address
1.1	A. Prince Consulting Pty Ltd (APC)	TH4/28 West Street North Sydney
1.2	BCH Engineering Consultants Pty Ltd (Hyder)	Suite 1, Level 2 675 Murray Street, West Perth WA
1.3	Bowman & Associates Pty Ltd	Suite 8, 640 Beeliar Drive, Success, Western Australia
1.4	EC Sustainable Environment Consultants	Suites 701-703, 107 Walker Street, North Sydney
1.5	Environmental and Licensing Professionals Pty Ltd (ELP)	Edward Street, Queensland
1.6	GHD Pty Ltd	239 Adelaide Terrace, Perth
1.7	SLR Global Environmental Solutions	2 Lincoln Street, Lane cove NSW
1.8	Talis Consultants	Level 1, 330 Churchill Avenue, Subiaco WA

2. *APPROVES the Request for Tender (RFT) to include the following;*
 - 2.1 *The detailed specifications of the goods and services required shall be as specified in Appendix 9.2.4 (attachment 001);*
 - 2.2 *The Criteria for deciding which tender may be accepted to be in accordance with Appendix 9.2.4 (attachment 002);*
3. *APPROVES BY AN ABSOLUTE MAJORITY to reallocate appropriate funds to enable the consultancy to be carried out from a funding source to be determined by the Chief Executive Officer and reported to the Council for final approval; and*
4. *NOTES that a further report will be submitted to the Council in June 2013 once the Request for Tender has closed."*

DETAILS:

Request for Tender (RFT):

In accordance with Clause 1 of the Council's decision on 14 May 2013, eight (8) companies were invited to submit a RFT for the Review Waste Management Practices in the City of Vincent and by the closing date on 5 June 2013, seven (7) submissions were received. One (1) submission was received after the closing date and was not considered further.

Details of the submissions received are as follows:

Company	Tendered Cost (including GST)
Talis Consultants	\$67,807.50
BCH Engineering Consultants Pty Ltd (Hyder)	\$54,930
GHD Pty Ltd	\$48,880
SLR Global Environmental Solutions	\$45,985
Environmental and Licensing Professionals Pty Ltd (ELP)	\$195,197
Bowman & Associates Pty Ltd	\$41,280
A. Prince Consulting Pty Ltd (APC)	\$51,464

Late Submission

One (1) late RFT Submission was received via the post on the 6 June 2013 after the closing time and date. In accordance with the Local Government (Functions in General) Regulation 1996, this RFT submission was rejected and not considered further.

Tender Evaluation:

The submissions received were evaluated in accordance with the following criteria:

Criteria	Weighting
<p>A: Financial Offer/Fee Proposal Contract is offered as a lump sum fee basis. Represents best value for money</p>	30%
<p>B: Relevant Experience Describe your experience in completing similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it: <i>"Relevant Experience"</i>:</p> <ul style="list-style-type: none"> - Experience expertise and project team - Experience in completing similar requirements - Provide details of similar work. - Demonstrate sound judgement and discretion. - Demonstrate competency and proven track record of achieving outcomes. 	25%
<p>C: Key Personnel Skills and Experience Respondents must address and submit the following information: Key Personnel Skills and Experience:</p> <ul style="list-style-type: none"> - Their role in the performance of the Contract. - Curriculum vitae. - Membership to any professional or business associations. - Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement. - Any additional information. - Supply any other relevant details in an attachment and label it: <i>"Key Personnel Skills and Experience"</i>. 	20%
<p>E: Demonstrated Understanding Respondents shall detail the process they intend to use to achieve the Requirements of the Specification. Areas to be covered include:</p> <ul style="list-style-type: none"> - A project schedule/timeline (where applicable); - The process for the delivery of the Service - Demonstrated understanding of the Scope of Work. - Supply details and provide an outline of your proposed methodology in an attachment labelled: <i>"Demonstrated Understanding"</i>. 	20%
<p>D: Respondent's Resources Respondents should:</p> <ul style="list-style-type: none"> - demonstrate their ability to supply and sustain the project - Respondents should provide a current commitment schedule and label it: <i>"Respondent's Resources"</i>. 	5%
TOTAL	100%

Evaluation Panel

The evaluation of the EOI's was carried out by a Panel comprising:

- Director Technical Services;
- Director Corporate Services;
- Manager Asset and Design Services; and
- Waste Management Officer.

Assessment:

<p>BCH (Hyder) Engineering Consultants P/L</p> <p>Suite 1, Level 2 675 Murray Street, West Perth WA</p>	<p>Financial Offer/Fee proposal: (27.9/30)</p> <p>Relevant Experience: (22.3/25)</p> <p>A New South Wales based company established in 2003 with experience in preparation of waste strategies and numerous other waste related projects/studies for both local and state government.</p> <p>Experience in developing and analysing local government waste collection, treatment and disposal system options. <i>(Based in NSW).</i></p> <p>List of some projects include:</p> <ul style="list-style-type: none"> • <i>ACT Study of Recycling in High Density Dwellings;</i> • <i>City of Sydney Interim Waste Strategy;</i> • <i>Waste Management in Southern Sydney Region – Strategic Advisory & Procurement;</i> • <i>Waste Infrastructure and Procurement Services Options Assessment;</i> • <i>Food & Garden Organics Best Practice Collection Manual;</i> • <i>Investigation into Potential Waste Management Infrastructure Scenarios;</i> • <i>Business Plan for Recycled Organics;</i> • <i>Central Coast Regional Waste Strategy;</i> • <i>Waste Management Strategy 2012-2022;</i> • <i>Strategic Waste Action Plan;</i> • <i>Economic Assessment of Waste Disposal Options;</i> • <i>Role & Performance of Australian Local Government in Waste & Recycling;</i> • <i>Triple Bottom Line Assessment of Waste Management Scenarios;</i> • <i>Material Recovery Facility (MRF) Options Analysis;</i> • <i>Noosa Resource Recovery Centre Expansion;</i> • <i>Assessing the Future Development of the Shepparton Transfer Station; and</i> • <i>Queensland Waste Infrastructure Study and Grant Program Design Advice – Paper, Card and Organics.</i> <p>Three (3) referees provided.</p> <p>Key Personnel Skills and Experience: (18.5/20)</p> <p>Eight (8) key personal qualified and experienced to undertake the role. Extensive summary of qualifications, industry memberships and experience provided for each. Organisation also employs an extensive number of expert waste, environment and engineering staff.</p> <p>Demonstrated Understanding: (18.5/20)</p> <p>Clear understanding of City's requirement.</p> <p>Respondent's Resources: (5.0/5)</p> <p>Provided a commitments schedule as requested. Provided a detailed project implementation schedule.</p>	<p style="text-align: right;"><u>92.2</u></p>
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<p>Bowman & Associates P/L</p> <p>Suite 8, 640 Beeliar Drive, Success, Western Australia</p>	<p>Financial Offer/Fee proposal: (30/30)</p> <p>Relevant Experience: (19.8/25)</p> <p>A Western Australia company established in 2005 providing consultancy services to the Waste Management Industry. A medium size company specialising in Waste Management.</p> <p>Has demonstrated experience in undertaking similar projects with a number of waste management reviews undertaken for Western Australian Councils. <i>(Based in WA)</i></p> <p>List of projects include:</p> <ul style="list-style-type: none">• <i>Waste Management Review – City of Busselton;</i>• <i>Waste Management Review – City of Melville;</i>• <i>Waste Management Review – Shire of Augusta-Margaret River;</i>• <i>High Rise Development Waste Management Plans – Australand;</i>• <i>Strategic Waste Management Plan – WMRC; and</i>• <i>Waste Disposal Options Study – City of Nedlands.</i> <p>Three (3) referees provided.</p> <p>Key Personnel Skills and Experience: (18.8/20)</p> <p>Three (3) key personal qualified and experienced to undertake the role and will be involved in the project. Directors of the company will be personally involved with this consultancy.</p> <p>Has demonstrated experience in undertaking similar type projects around Australia for local government.</p> <p>Demonstrated Understanding: (17.8/20)</p> <p>Very clear understanding of City's requirement.</p> <p>Respondent's Resources: (4.8/5)</p> <p>Commitment schedule provided as requested however demonstrating there are adequate resources to undertake the project.</p> <p>Comprehensive Grant Chart submitted demonstrating project timeline.</p>	<p><u>91.2</u></p>
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<p>Talis Consultants</p> <p>Level 1, 330 Churchill Avenue, Subiaco WA</p>	<p>Financial Offer/Fee proposal: (25.8/30)</p> <p>Relevant Experience: (22.0/25)</p> <p>Personnel have demonstrated experience in undertaking similar projects for a number of local governments in both Australia and the UK. <i>(Based in WA).</i></p> <p>Strong local government focus providing specialist services in Asset Management, Waste Management and Spatial Intelligence. Extensive knowledge of local government processes.</p> <p>List of projects include:</p> <ul style="list-style-type: none">• <i>Pilbara and Broome Waste Data Study;</i>• <i>Review of Kerbside Collection Systems;</i>• <i>Review of Collier Park Waste Transfer Station & Bulk Verge Services;</i>• <i>Verge side Waste Collection Tender Process;</i>• <i>Waste Management Plan;</i>• <i>Kerbside Recycling Collection & Material Processing Facility Project;</i>• <i>Commercial & Industrial Waste Audit;</i>• <i>Resource Recovery Facility Project (2011-Present);</i>• <i>Strategic Waste Management Options Assessment (2013-Present);</i>• <i>Campus Waste Audit – Edith Cowan University; and</i>• <i>Strategic Waste Management Plan & Regional Investment Plan.</i> <p>Three (3) referees provided.</p> <p>Key Personnel Skills and Experience: (18.3/20)</p> <p>Six (6) key personal qualified and experienced to undertake the role. Project to be led by Project Director and Manager with extensive local experience in delivery of waste management projects within WA.</p> <p>Demonstrated Understanding: (18.5/20)</p> <p>Clear understanding of City's requirements.</p> <p>Respondent's Resources: (4.8/5)</p> <p>Provided a commitments schedule as requested. Provided a detailed project implementation schedule.</p>	<p style="text-align: right;"><u>89.4</u></p>
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<p>SLR Global Environmental Solutions</p> <p>2 Lincoln Street, Lane Cove NSW</p>	<p>Financial Offer/Fee proposal: (29.1/30)</p> <p>Relevant Experience: (20.8/25)</p> <p>SLR is one of the world's leading specialist environmental consultancies. Based in New South Wales, they have offices in Africa, Australasia, Europe and North America. SLR specialises in energy, waste management, mining and minerals, infrastructure planning and development.</p> <p>Has demonstrated experience in undertaking a number of waste related and similar projects.</p> <p>Provided a clear and comprehensive process for delivery of the service (methodology).</p> <p>List of projects include:</p> <ul style="list-style-type: none">• <i>Green Square Development – City of Sydney;</i>• <i>Automatic Waste Collection Feasibility Study;</i>• <i>Waste Strategy and Assets Review;</i>• <i>Calder Regional Waste Management Group – Organics Waste Strategy;</i>• <i>Waste Collection & Storage Feasibility Study; and</i>• <i>Kings Cross Redevelopment – London, UK.</i> <p>Three (3) referees provided.</p> <p>Key Personnel Skills and Experience: (17.3/20)</p> <p>Four (4) key personnel who have extensive experience and knowledge of the waste industry both nationally and internationally will be involved in the project.</p> <p>Demonstrated Understanding: (15.6/20)</p> <p>Provided a clear understanding of City's requirement by specifying specific tasks and identification of strategies and actions to achieve the tasks.</p> <p>Respondent's Resources: (3.5/5)</p> <p>Provided a detailed project implementation schedule. Some commitments indicated but no comprehensive schedule provided.</p>	<p>86.3</p>
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<p>GHD P/L</p> <p>239 Adelaide Terrace, Perth</p>	<p>Financial Offer/Fee proposal: (28.8/30)</p> <p>Relevant Experience: (21.5/25)</p> <p>GHD is one of the world's leading engineering, architecture and environmental consulting firms with established specialist waste management teams in Australia. Has demonstrated experience in undertaking a number of waste related and similar projects. Has provided a detailed proposed methodology to undertake the project. <i>(Based in WA)</i></p> <p>List of projects include:</p> <ul style="list-style-type: none"> • <i>Waste Management Strategy;</i> • <i>Resource Recovery Strategy;</i> • <i>Resource Recovery Contracts and Waste Strategy Secondment;</i> • <i>Stirling City Centre Utilities Infrastructure Strategy;</i> • <i>Waste Management Strategy;</i> • <i>2008-2013 Waste Management Strategy;</i> • <i>Review of Waste Management Strategy;</i> • <i>Domestic Contract and Cost Audit;</i> • <i>Strategic Waste Assessment; and</i> • <i>Review of Internal Waste Systems.</i> <p>Key Personnel Skills and Experience: (18.0/20)</p> <p>Four (4) key personnel who have extensive experience and knowledge of the waste industry both nationally and internationally will be involved in the project.</p> <p>Demonstrated Understanding: (13.0/20)</p> <p>Provided a clear understanding of City's requirement by specifying specific tasks and identification of strategies and actions to achieve the tasks.</p> <p>Respondent's Resources: (3.8/5)</p> <p>Provided a commitments schedule as requested. Provided a detailed project implementation schedule.</p>	<p style="text-align: center;"><u>85.1</u></p>
<p>APC Environmental Management</p> <p>TH4/28 West Street North Sydney</p>	<p>Financial Offer/Fee proposal: (28.3/30)</p> <p>Relevant Experience: (20.0/20)</p> <p>A multi-disciplinary company with demonstrated experience in waste auditing and preparation of waste strategies. Experience in local, state and federal levels of government as well as internationally in Europe and Asia. <i>(Based in NSW)</i></p> <p>List of projects include:</p> <ul style="list-style-type: none"> • <i>Auburn City Council – Operational Review;</i> • <i>Singleton Council – Development of 20 Year Waste Strategy;</i> • <i>Hawkesbury City Council – Waste Management Disposal Options Feasibility Study; and</i> • <i>Northern Tasmania Regional Waste & Cradle Coast Regional Waste Management.</i> <p>Three (3) referees provided.</p> <p>Key Personnel Skills and Experience: (16.3/20)</p> <p>Key personal qualified and experienced to undertake the role, with a summary of experience, knowledge and skill set of seven (7) team members included in application.</p>	<p style="text-align: center;"><u>84.1</u></p>

	<p>Demonstrated Understanding: (16.0/20) Clear understanding of City's requirements</p> <p>Respondent's Resources: (3.5/5) Provided a commitments schedule as requested.</p>	
<p>Environ. & Licensing Prof. P/L (ELP)</p> <p>Edward Street, Queensland</p>	<p>Financial Offer/Fee proposal: (6.3/30)</p> <p>Relevant Experience: (18.3/25)</p> <p>Has demonstrated experience in undertaking numerous waste related and similar projects for local government and state government (<i>Based in Queensland</i>).</p> <p>Have offices in all States in Mainland Australia, as well as Indonesia.</p> <p>Four (4) referees submitted (<i>all Eastern States</i>).</p> <p>In addition to waste expertise the company also provides the following services: Environmental Services; Sustainability Services; Contaminated Site Services; Asbestos and Hazardous Risk Management; Training Services; and Risk Management.</p> <p>List of projects include:</p> <ul style="list-style-type: none"> • <i>Perth Airport redevelopment;</i> • <i>Perth Metropolitan Region Corridor Review Study;</i> • <i>Technical Tender Review and Logistical Advice;</i> • <i>Organics Collection Options Paper and Cost Estimates;</i> • <i>Preparation of a two bin versus three bin Waste Management System Costing Model;</i> • <i>Recyclables Collection and Processing Procurement;</i> • <i>Logistics and Procurement of Waste, Recyclables and Garden Waste Collection and Recyclables Processing Services;</i> • <i>Logistics and Procurement of Regional Waste and Recyclables Collection Service and Other Related Services;</i> • <i>Preparation of Logistics and Cost Estimates;</i> • <i>Economic and Spatial Analysis of Waste;</i> • <i>Assessment of Regional Landfill Options – Central Queensland;</i> • <i>Central Landfill – Beaudesert Shire Council; and</i> • <i>Waste Auditing – Beaudesert Shire Council.</i> <p>Key Personnel Skills and Experience: (15.0/20)</p> <p>A core team of waste management professionals located in Brisbane with 400 Greencap staff in Australia with over 50 staff present in Western Australia. Senior staff who are well qualified and experienced are to undertake the review.</p> <p>Demonstrated Understanding: (17.5/20) Very clear understanding of the City's requirement.</p> <p>Respondent's Resources: (3.8/5)</p> <p>Adequate resources to undertake the project demonstrated. Detailed project implementation schedule provided however no current commitment schedule provided as requested.</p>	<p>60.9</p>

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

Indicative Timeline:

The following Implementation Timetable was included in the EOI:

Invitation to submit EOI	20 March 2013 (completed)
Closing date for submissions	3 April 2013 (completed)
Assessment of submissions received	April 2013 (completed)
Indicative Future Request for Tender (RFT) Timeline	
Invitation to submit RFT	May 2013 (completed)
Closing date for RFT	May/June 2013 (completed)
Award Contract	June 2013
Preliminary work completed	September 2013
FINAL REPORT/Presentation to COUNCIL	October/November 2013

CONSULTATION/ADVERTISING:

The RFT process is prescribed by the Local Government (Functions and General) Regulations 1996 and this required the RFT to be advertised for a minimum of fourteen (14) days.

LEGAL/POLICY:

Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR) and the Health Act 1911.

The tender requirements are prescribed by the Local Government (Functions and General) Regulations 1996.

RISK MANAGEMENT IMPLICATIONS:

High: The Tender process must be strictly in accordance with the Local Government (Functions and General) Regulations 1996.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The proposal is to provide a more sustainable service which will take into account and try to address the many issues associated with waste generation/collection/disposal.

FINANCIAL/BUDGET IMPLICATIONS:

At its Ordinary Meeting held on 14 May 2013 the Council approved by an absolute majority to reallocate appropriate funds to enable the consultancy to be carried out from a funding source to be determined by the Chief Executive Officer.

It is proposed that the consultancy be funded from the Strategic Waste Management reserve.

COMMENTS:

A total of seven (7) RFT's were received at the closing time and date for the Review of Waste Management Practices in the City of Vincent. These were assessed in accordance with the Local Government (Functions and General) Regulations 1996 and the EOI Selection Criteria.

All submissions were very comprehensive addressed the Selection Criteria while some submissions, while not fully addressing the Selection Criteria, demonstrated that the company had the relevant experience and resources to undertake the requested tasks.

It is therefore recommended that BCH (Hyder) Engineering Consultants P/L be awarded the tender, for \$54,930 (including GST) as detailed in the Officer Recommendation.

9.3.1 Investment Report as at 31 May 2013

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 May 2013 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in money market for various terms. Details are attached in Appendix 9.3.1.

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

DETAILS:

Total Investments for the period ended 31 May 2013 were \$11,021,305 compared with \$13,011,000 at 30 April 2013. At 31 May 2012, \$22,711,000 was invested.

Investment comparison table:

	2011-2012	2012-2013
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000
October	\$21,511,000	\$26,711,000
November	\$21,011,000	\$24,711,000
December	\$18,011,000	\$20,711,000
January	\$25,011,000	\$20,711,000
February	\$23,811,000	\$18,711,000
March	\$27,111,000	\$17,111,000
April	\$24,511,000	\$13,011,000
May	\$22,711,000	\$11,021,305

Total accrued interest earned on Investments as at 31 May 2013:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$565,000	\$361,607	61.92
Reserve	\$535,000	\$520,000	\$591,270	110.52

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

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

The funds invested have decreased from previous period due to payment to creditors.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 – 31 May 2013

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 May – 31 May 2013 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

Paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

COUNCIL DECISION ITEM 9.3.2

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 May – 31 May 2013.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	74151 - 74406	\$261,366.97
Transfer of Creditors by EFT Batch	1532, 1533, 1535 – 1537, 1540, 1541	\$3,572,146.75
Transfer of PAYG Tax by EFT	May 2013	\$301,405.03
Transfer of GST by EFT	May 2013	
Transfer of Child Support by EFT	May 2013	\$1,179.84
Transfer of Superannuation by EFT:		
• City of Perth	May 2013	\$29,302.89
• Local Government	May 2013	\$106,094.16
Total		\$4,010,128.67
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,515.76
Lease Fees		\$6,285.48
Corporate MasterCards		\$22,776.50
Loan Repayment		\$194,101.70
Rejection fees		\$62.50
Total Bank Charges & Other Direct Debits		\$231,741.94
Less GST effect on Advance Account		0.00
Total Payments		\$4,503,237.58

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.3 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 19

Ward:	South	Date:	14 June 2013
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	-		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 19, as at 25 June 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

COUNCIL DECISION ITEM 9.3.3

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

Progress Reports

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

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

"That the Council;

2. **APPROVES:**

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

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

DETAILS:

1. CONTRACT DOCUMENTATION

1.1 **Tender**

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

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

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

1.2 **Contracts**

Construction contract signed on 7 October 2011.

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

Geothermal contract signed on 6 September 2011.

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

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line;
- Existing pool dive board modifications;
- Rubber floor tiles in gym;
- Removal of trees; (as recommended by the Builder)
- Additional 150mm Stormwater drain;
- Remove and dispose of existing footing;
- Mechanical dilapidation works in plant room;
- Removal of existing render in female change rooms;
- Additional floor waste to change room;
- Replaced 3 way valve to mechanical plant;
- Replaced main entry roof and box gutter;
- Earthing to leisure pool;
- Asbestos pipe investigation and removal;
- Landscaping to raised grassed area;
- Spa upgrade works;
- Tiling to front face of outdoor pool seating;
- Hot water supply to ground floor;
- Remove timber props from void; and
- Additional demolition work for fire services.

Geothermal

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

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Removal of water tank screens	\$10,000	-	\$10,000
Removal water tanks	\$160,000	-	\$160,000
Removal of screens to mechanical system	\$3,000	-	\$3,000
Concrete seats	\$4,000	-	\$4,000
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$57,288)	\$27,712
Western Power charges	\$5,000	(\$1,363)	\$3,636
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage – additional Crèche	\$8,000	(\$5,240)	\$2,760
Rubber floor tiles to gym	\$10,000	(\$11,349)	(\$1,349)
Entry Turn styles and gates	\$90,000	(\$91,067)	(\$1,067)
Pool furniture for 50m pool	\$50,000	(\$40,065)	\$9,934
Landscaping to raised grassed area	\$5,000	(\$1,640)	\$3,360
Dive pool furniture	-	\$20,000	\$20,000
Illuminated sign & electrical works	\$15,000	(\$11,031)	\$3,969
Window treatments to office	\$6,000	(\$4,299)	\$1,700
Photovoltaic cells	\$200,000	(\$5,510)	\$194,490
Indoor pool features	\$65,000	(\$65,000)	-
Total	\$954,000	(\$458,665)	\$495,332

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Painting to Outdoor Pool Area	\$7,760
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Spa upgrade works	\$153,500
Tiling to front face of outdoor pool seating	\$11,550
Additional Conduits & Electrical supply to gym	\$30,538
Sauna & Steam room works	\$16,082
ECO showers	\$4,921
Temporary data connection to Swim School	\$1,232
New handrails to indoor pool upper concourse & corner stairs to outdoor concourse	\$7,400
Strip & repaint handrails to external stairs (2 sets)	\$2,288
Stair treads to existing seating	\$5,511
Block outs to umbrella footings	\$1,188
Additional tiling to tiered seating	\$3,388
Relocation of bike racks	\$880
Rear Access Modifications	\$776
Rectification to existing roof due to storm damage	\$916
Additional opaque film	\$578
Removal of carpet to gym for additional rubber tiling	\$935
Swipe card access to Entry and Reception/Office doors	\$6,848
Change cubicles to spa area	\$4,394
Dryline existing blockwork wall – near services cupboards	\$1,227
New aerobics stage	\$4,191
Additional support column to spa	\$2,126
Removal of louvre blades	\$3,327
Underlay to aerobics rooms	\$9,185
Total	\$373,410

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Sewer relief valve to Lower level	\$1,427
Relocation of 300mm stormwater drainage pipe	\$3,434
New water supply to slides	\$7,549
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,845
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$501
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,019
Balance tank inspection and rectification works	\$136,482
Replaced 3 way valve to mechanical plant	\$2,739
Replaced main entry roof and box gutter	\$6,338
Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,820
Hot water supply to ground floor	\$8,527
Remove timber props from void	\$5,500
Additional demolition work for fire services	\$2,967
Additional stormwater manhole	\$7,397
Removal & reinstatement of existing screed to walkway, crèche & staffrooms	\$6,507
Remove redundant manholes for geothermal pipework	\$5,403
Rectification of pre-existing faults to the pool DB	\$1,188
Repairs to carpark lights	\$6,484
Relocate hot water circulating pump to upper plant room	\$3,982
Protection of existing pool DB	\$1,740
RPZ backflow prevention device to cold water supply	\$3,388
Replace existing pool MSSB	\$2,750
Replace lighting tower base as per Structural Engineers requirements	\$1,018
A196 concourse paving grotto slab works	\$12,931
Demolish and reinstate new block work wall and rail	\$12,970
Changeroom wall supports	\$4,586
Cement render to service corridor	\$1,804
Rafter Strengthening to existing roof	\$5,024
Total	\$343,815

Standard Variations

Various – extensive list of small items	\$57,414
Total	\$57,414

Summary of Variations

Total Variation Savings	(\$495,332)
Total Variation Additions	\$774,639
Total Variation	\$279,307

Geothermal

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

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

1.6 **Insurance**

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

2. GEOHERMAL WORKS

2.1 **Groundworks** - Completed.

2.2 **Bores** - Completed.

2.3 **Commissioning** – In progress. A review of the heating system by the Consultant has been requested as full heating capacity for pools has not yet been achieved.

2.4 **Pipe works** - Completed.

3. BUILDING WORKS/EXISTING BUILDING

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

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

The City's Technical Service outside workforce commenced Car park work's on 25 February 2013. The lower section is complete except for the removal of a Western Power pole and work has now commenced on the upper section.

- 3.3 **Earthworks** - Completed.
- 3.4 **Structural and Civil Engineering** - Completed.
- 3.5 **Hydraulic services** - Completed.
- 3.6 **Electrical Services** - Completed.
- 3.7 **Mechanical services** - Commissioned
- 3.8 **Environmental services** - Completed.

3.9 **Interior finishing**

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

4. BUILDING WORKS-NEW

- 4.1 **Temporary works** - Completed.

4.2 **Earthworks/Demolition**

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

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

- 4.4 **Hydraulic services** - Completed.

- 4.5 **Electrical Services** - Completed.

- 4.6 **Mechanical Services** - Commissioning completed. Minor adjustments to airflow and temperature control still being undertaken.

4.7 **Environmental Services**

Meters installed and system fully operational.

Greensense energy monitoring dashboard setup and real time monitoring of electricity generation is now available.

- 4.8 **Building External and Internal Colour Finishes** - Completed.

- 4.9 **Kitchen/Cafe areas** - Completed.

- 5.0 **New Entry/Foyer** - Completed.

Retail fit out is to be completed by July 2013.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

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

5.2 **Dive Pool - Completed.**

5.3 **New Learn to swim pool – Completed.**

5.4 **Indoor pool/Leisure area**

Defects list still being worked through with builder by the Architect.

5.5 **Plant Room**

Removal of smaller boiler in progress. Main boiler to remain.

5.6 **Spa, Steam Room and Sauna - Completed**

5.7 **Pool Concourse**

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

6. INDICATIVE TIMELINE

6.1 **Progress**

The project is now complete apart from minor commissioning and defect rectification.

Car park and landscaping works will continue for at least six (6) more weeks.

7. COMMUNICATION PLAN

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

8. MEMBERSHIP

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

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

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

New prices in accordance with the Fees and Charges 2012/13 commenced on Saturday 23 March 2013 to coincide with the opening of the new areas of the facility.

A further revised fee structure will be implemented early in the new financial year to incorporate pool only memberships and pensioner, student and ratepayer discounts.

The current number of members is 2778 as at 10 June 2013, this has increased from 2446 as at 29 April 2013.

9. EMPLOYEE MATTERS

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

Additional staff will be progressively recruited, as required.

10. HISTORY AND ANNIVERSARY BOOK

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

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

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

11. OTHER COUNCIL APPROVED ITEMS

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

"That the Council;

1. *RECEIVES Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;*
 - 2.2 *Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified professionals to provide information of rental valuations and leasing options;*
 - 2.3 *Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;*
 - 2.4 *Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and*
3. *NOTES that a further report will be submitted to the Council no later than October 2012."*

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

12. MARKET BRANDING

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

13. LEASING OF SPACE

Tender documentation prepared and will be advertised in late June 2013.

14. CELEBRATION OF OPENING

Completed.

15. PERCENT FOR ART

The artwork for the facility is now being focused on locations closer to the main entry and an Art Consultant is being engaged to carry out this project.

16. CENTRE AND CARPARK LANDSCAPE PLAN

Car park work is now well underway with the lower section nearing completion.

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

“That the Council;

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

(e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

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

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

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

Building Construction Tender Progress Claim Payments – Perkins Builders

Eighteen (18) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012
No. 8	11/06/2012	\$1,207,966.69	\$1,207,966.69	09/07/2012
No. 9	13/07/2012	\$991,244.57	\$991,244.57	08/08/2012
No. 10	09/08/2012	\$803,418.12	\$803,418.12	14/09/2012
No. 11	12/09/2012	\$913,043.61	\$913,043.61	09/10/2012
No. 12	08/10/2012	\$549,297.17	\$549,297.17	02/11/2012
No. 13	09/11/2012	\$864,651.44	\$864,651.44	29/11/2012
No. 14	14/12/2012	\$904,339.85	\$904,339.85	31/12/2012
No. 15	11/01/2013	\$1,084,589.59	\$1,084,589.59	12/02/2013
No. 16	13/02/2013	\$738,002.93	\$738,002.93	06/03/2013
No. 17	22/03/2013	\$469,772.74	\$469,772.74	16/04/2013
No. 18	19/04/2013	\$254,435.74	\$254,435.74	29/05/2013

Total Paid **\$12,704,331.91**

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

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

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

Total Paid \$3,222,960.69

Fire Detection and Water Tanks Tender Progress Claim Payments

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

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				

Total Paid Nil.

CSRFF Funding

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

All funds under the CRSFF funding have been received.

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

Total Received \$2,500,000.00

COMMENTS:

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

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

Membership numbers have increased by close to three hundred (300) again this month. Interest in the facility is at an all time high with the opening of new gym and fitness facilities and to ensure continued interest and satisfaction a number of new classes including yoga have recently been added to the group fitness schedule.

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

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

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

9.4.1 Cultural Development Seeding Grant – Perth Blues Club

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	FIN0155
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the application from The Perth Blues Club for a Cultural Development Seeding Grant of \$600 to run a NAIDOC Week event, to be held at the Charles Hotel, North Perth.

COUNCIL DECISION ITEM 9.4.1

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To seek approval for one (1) Cultural Development Seeding Grant (CDSG) application.

BACKGROUND:

Grants of up to \$1,000 are available for cultural activities or performances that help people feel that they belong to the community of Vincent. Projects must reflect some aspect of the City's culture, ethnicity, history and/or contemporary identity.

The Perth Blues Club (PBC) submitted a CDSG application to the City in June 2013 seeking financial support for an upcoming community event to support and celebrate NAIDOC Week 2013.

PBC submitted an application for a CDSG to hold a similar event for NAIDOC Week in 2012 and, on this occasion, the City funded \$1,000 to their event.

DETAILS:

The Perth Blues Club have been based at Charles Hotel, North Perth for over twenty (20) years.

The Club plan to hold an event on Tuesday, 9 July 2013, from 8pm to 11:45pm as part of NAIDOC Week 2013 celebrations. The event will provide artists with important live music performance experience and promotion. Specifically, a positive message in support of NAIDOC Week will be on display with local Indigenous artists being given the opportunity to perform to the community.

The evening will culminate with artists returning to the stage for an ensemble improvised jam session, which is always a crowd pleaser on Club theme nights. The artists benefit from further exposure to the local community, both as indigenous members of the community and as musicians.

Perth Blues Club estimate costs of \$2,700 to run the event and with an estimated \$1,500 income from the sale of tickets, it is recommended for the City to sponsor 50% of the remaining \$1,200 costs.

As a condition of funding, the City requests twenty (20) tickets be provided to the City for use in a social media competition to promote NAIDOC Week and its meaning.

Overall, the event aims to increase the insight and awareness of the cultural and musical activity within the City's multicultural community.

CONSULTATION/ADVERTISING:

The event will have a range of advertising initiatives, including printed media, social media and word of mouth. It will be requested that the City of Vincent logo is placed on all material in recognition of the City's support along with prominent display of signage at the event and verbal acknowledgement on the day.

City of Vincent social media will be utilised to promote the event through a competition aiming to increase the knowledge of the meaning of NAIDOC Week, with the ten (10) double passes being awarded as prizes; these passes will provided to the City as a condition of funding.

LEGAL/POLICY:

The application meets the requirements for a CDSG. City funding will go directly towards costs of supporting the project.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective three (3) states:

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing.*

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following Draft Budget item for 2013/2014:

Budget Amount:	\$ 6,000
Spent to Date:	\$ <u>0</u>
Balance:	\$ 6,000

COMMENTS:

The application submitted by the Perth Blues Club demonstrates a willingness to engage and build cultural and social diversity in the local community. Funding through the Cultural Development Seeding Grants will enable the provision of the community events that will bring together a broad range of the community. The applicant has indicated that they will be providing an inclusive event that will have a diverse appeal to the residents and visitors to the City of Vincent.

9.4.2 Reconciliation Place Project – Progress Report No. 4

Ward:	South	Date:	14 June 2013
Precinct:	Banks (P15)	File Ref:	CMS0120
Attachments:	001 – Brief - Enhancing Banks Reserve as a Place of Reconciliation		
Tabled Items:	Nil		
Reporting Officers:	B Grandoni, 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. 4 for the Reconciliation Place Project; and**
2. **APPROVES the recommended initiatives set out by the Vincent Reconciliation Group (VRG) as follows;**
 - 2.1 **Construction of proposed art and design features within the natural and landscaped areas of Banks Reserve;**
 - 2.2 **The VRG to contract Artsource to manage the proposed art and design works; and**
 - 2.3 **Participation in the Walters Brook’s rehabilitation works.**

COUNCIL DECISION ITEM 9.4.2

Moved Cr McGrath, 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 a further progress report to the Council on the Reconciliation Place Project and present the recommendations of the Vincent Reconciliation Group (VRG).

BACKGROUND:

- | | |
|---------------|---|
| May 2007 | The VRG commenced a process to develop a new reconciliation-themed project in the City of Vincent. VRG members formulated the idea of a Reconciliation Place Project, identified a preferred location for the reconciliation place, conducted initial consultations with stakeholders and were successful in securing seed funding of \$8,800 to scope the project. |
| 9 June 2009 | The City approved the proposal from the VRG to create a ‘Reconciliation Place’ within Vincent; and support for using the land on Banks Reserve for creating the Reconciliation Place. \$15,000 was also added to the Draft Budget for Stage One of the project. |
| November 2009 | The VRG, in consultation with the City, contracted Anne Goodall and Tim Muirhead to coordinate the development of the proposed Reconciliation Place project. The report for Stage One, ‘Enhancing Banks Reserve as a Place of Reconciliation’ was submitted with an emphasis on community art and place design. |
| 22 June 2010 | The VRG Progress Report No. 1 was submitted to Council with an update on the Stage One project. |

8 February 2011 Progress Report No. 2 submitted to Council and included the Consultant's Report and was advertised for twenty one (21) days, in accordance with the City's Community Consultation Policy No. 2.1.5.

13 September 2011 Progress Report No. 3 submitted to Council, which approved the installation of signage at Banks Reserve and community launch and the addition of artwork in the amphitheatre at Banks Reserve. \$10,000 was also approved to assist with the costs of the community launch and interpretative signage.

On 27 May 2012, the Vincent Reconciliation Group (VRG) in partnership with the City of Vincent successfully delivered a formal launch event marking Banks Reserve as 'A Place of Reconciliation.' A sign outlining in words the significance of Banks Reserve for Noongar history and culture was erected near the walk trail.

It was unveiled during the celebration by the Deputy Mayor Warren McGrath and Noongar Elder Doolan Leisha-Eatts. Those who attended the event were also given the opportunity to write in the 'A Place of Reconciliation - Banks Reserve Community Story Book' and treated to a special concert conducted by George Walley and Madjital Moorna.

To date, members of the VRG have formed an Interim Steering Committee overseeing project development; however, overtime membership will be broadened to include representatives from the following organisations/groups:

- Vincent Reconciliation Group;
- City of Vincent;
- Ruah Community Services;
- Doolan-Leisha Eatts (Noongar elder) and Walter Eatts (Aboriginal elder);
- Creating Communities;
- Yorgum; and
- Other organisations/groups involved in the process who are interested in being on the Steering Committee.

Ideas for the design of the place including the community artwork have been included in the Brief as shown in Appendix 9.4.2.

DETAILS:

Since the launch event, the VRG has continued to pursue the progression of other Stage 1 key initiatives, these being:

- Development of proposed art and design features within the natural and landscaped areas of Banks Reserve (for example, amphitheatre artwork, interpretive signage trail, labyrinth etc); and
- Participation in Walters Brook's rehabilitation works.

Both these initiatives aim to create spaces in Banks Reserve that will engage the broader community in understanding the meaning and importance of reconciliation.

Construction of Proposed Art and Design

The VRG has fundraised just over \$3,000 to contract the organisation Artsource to provide expertise in the delivery of the proposed community art and design features of the Reconciliation Place Project. The funds were used to research grant and funding possibilities for the intended projects.

In early February 2013, VRG formally contracted Artsource to help VRG apply for grant money from one funding source. If funding is successfully obtained, it will be used to cover the majority of costs associated with the proposed community artworks.

As part of the grant application process, it is expected Artsource will develop a sound project plan for how to construct the proposed community artworks (including any consultation required with the City of Vincent, Banks Reserve Precinct Group, etc.), as well as develop an appropriate budget that takes into account the costs for expected artist/s fees and materials.

Furthermore, if funding is obtained, the VRG plans to contract Artsource to undertake the project management of delivering the community artworks on behalf of VRG. As VRG is not an incorporated organisation, VRG has confirmed that Ruah Community Services is happy to auspice any grant money obtained for the project.

VRG is aiming to commence the construction of community artworks at Banks Reserve at the beginning of 2014. Overall, the Group has requested Artsource to complete and submit a grant application that, if successful, will provide funding in a timely manner to allow for the commencement of works at this time.

Participation in Walters Brook's Rehabilitation Works:

In regards to the Walters Brook rehabilitation works, VRG appreciated the opportunity to provide feedback on the rehabilitation works plan drafted by Golder Associates. VRG advised that the plan should include at least one opportunity for community to engage in the rehabilitation process; for example, a community tree-planting day.

In lieu of this, VRG has maintained ongoing contact with the City's Parks and Environment team and it is VRG's understanding that once initial site works have been completed, there should be an opportunity to deliver a tree-planting (or similar) activity. The most recent correspondence with City of Vincent's Parks and Environment team indicated that the Walters Brook rehabilitation site works should be completed within the next two (2) months.

In November 2009, the VRG, in consultation with the City, contracted Anne Goodall and Tim Muirhead to coordinate the development of the proposed Reconciliation Place project. The report for Stage One, 'Enhancing Banks Reserve as a Place of Reconciliation' was submitted with an emphasis on community art and place design.

The consultants organised a number of discussions with the precinct group to provide information on the project and collect views from the residents in the vicinity as follows;

The vision is to further develop Banks Reserve as a place of reconciliation for the City of Vincent community. It is proposed that this will be achieved through a range of low impact, yet highly engaging features – community artwork, natural landscaping, images and signs – that will promote awareness, reflection, healing, respect, relationship and reconciliation between Aboriginal and non-Aboriginal people. The VRG envisages the area to be done in a way that encourages community gatherings to practice art, story-telling, education, performance events and environmental rehabilitation.

Further progression of these recommendations will be presented to Council for final approval prior to any artist being selected to proceed with the works.

CONSULTATION/ADVERTISING:

The VRG sought preliminary advice from the Swan River Trust and Department of Indigenous Affairs in relation to development approvals processes relevant to the proposed site.

The community engagement process that has been adopted by the VRG is according to the following principles:

- Ensure Aboriginal stories and voices are heard throughout the project;
- Draw everyone - Aboriginal and non-Aboriginal - to a feeling of 'belonging' and 'ownership' in the place;
- Build relations between:
 - Aboriginal and non-Aboriginal people and groups; and
 - 'pro-reconciliation' communities and other local communities;
- Engage interest amongst local residents and others, not just address fears and concerns;
- Work with local communities - never against them; and
- Create processes in which conflicting opinions and/or attitudes can be addressed respectfully.

The VRG have also been in active consultation with a number of community groups in the area in the initial consultation phase, including the South West Aboriginal Land and Sea Council, Ruah Community Services, Leederville HQ, Aranmore Catholic College, North Perth Primary School, Claise Brook Catchment Group and the Redemptorist Monastery Social Justice Group. These groups all indicated that they are in support of the program and would like to be involved in the project in the future.

The Walters Brook plans have gone through extensive consultation with the Banks Precinct Group, Vincent Reconciliation Group, Water Corporation and the Swan River Trust.

LEGAL/POLICY:

The location that has been suggested by the VRG will require approval from a number of different bodies.

Banks Reserve is zoned 'Parks and Recreation' under the Metropolitan Regional Scheme and therefore, any proposed development of the site will need to be referred to the Western Australian Planning Commission for determination. The site is currently under the care and control of the Western Australian Planning Commission.

Banks Reserve forms part of an Aboriginal Registered Site and so any proposed development of the site will require a Section 18 Approval under the Aboriginal Heritage Act 1972. A Section 18 Approval was sort by the City of Vincent and may be extended to include the proposed area.

The Swan River Trust will also need to be approached in regards to this project as Banks Reserve is located within the Swan River Trust Development Zone.

RISK MANAGEMENT IMPLICATIONS:

Low: The status of this project as it stands has minimal risk implications.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, the following Objectives state:

"Natural and Built Environment

1.1.3 *Enhance and maintain the character and heritage of the City of Vincent.*

1.1.5 *Enhance and maintain parks, landscaping and community facilities.*

Community Development and Wellbeing

3.1.1 *Celebrate and acknowledge the City's cultural and social diversity.*

3.1.2 *Provide and develop a range of community programs and community safety initiatives.*

3.1.3 *Determine the requirements of the Community and focus on needs, value, engagement and involvement."*

SUSTAINABILITY IMPLICATIONS:

This project would serve as a positive initiative for stakeholders to engage the community to be involved with maintaining the area as a sacred place and disseminate the message and significance of reconciliation to surrounding community areas. This project will also encompass sustainability principles in developing future concepts for the Reserve.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$10,000
Spent to Date:	<u>\$ 600</u>
Balance:	\$ 9,400

There was no major expenditure under the NAIDOC/Reconciliation Week, year to date. The remaining funds will be spent for the 2013 NAIDOC week event at Weld Square on Sunday, 14 July 2013.

COMMENTS:

As the VRG is volunteer driven, these projects will likely be a slow process to implement. Another progress report to Council will be developed if the public art funding is successful, which will outline the further actions.

The project's vision is to make Banks Reserve an identifiable place for reflection and belonging; a place of healing, respect and relationship: ultimately, a place of reconciliation. It has been designed to be a genuine community development initiative that engages the Vincent community in creating a vision for and developing a new community place.

9.5.3 Information Bulletin

Ward:	-	Date:	14 June 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 14 June 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.3

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 14 June 2013 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	WALGA Minutes of Special Meeting of State Council held on Thursday 30 May 2013	1

9.1.2 Nos. 442-446 (Lot 751; D/P: 92894) Beaufort Street, Highgate – Proposed Increase in Patronage and Operating Hours to Existing Outdoor Amphitheatre (Bamboo)

Ward:	South	Date:	14 June 2013
Precinct:	Forrest, P14	File Ref:	PRO0775; 5.2013.66.1
Attachments:	001 – Property Information Report 002 - Applicant Justification and Comment		
Tabled Items:	Nil		
Reporting Officer:	A. Dyson, Planning Officer (Statutory)		
Responsible Officer:	C. Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by A Freeman on behalf of the owner Mirauo Nominees Pty Ltd for Proposed Increase in Operating Hours to Existing Outdoor Amphitheatre, at Nos. 442-446 (Lot 751; D/P: 92894) Beaufort Street, Highgate, subject to the following conditions:

1. The premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is where the public may view a theatrical production. The venue shall not operate independently of a performance;
2. No amplification or emission of sound, including the use of a public address system shall occur within, or from, the amphitheatre, unless compliance with the 'assigned levels' of the Environmental Protection (Noise) Regulations 1997 is achieved;
3. The amphitheatre shall operate with a maximum of 153 persons;
4. The amphitheatre hours of operation shall be as follows:
 - 4.1 Sunday, Monday, Tuesday, Wednesday and Thursday until 10pm;
 - 4.2 Friday and Saturday until 12 midnight with all outdoor activities to cease prior to 1am, for a period of 12 months at which time the applicant may reapply for a continuation;
5. The applicant shall comply with the Health (Public Building) Regulations 1992 at all times and shall submit an application for a 'Certificate of Approval' and obtain approval from the City's Health Services prior to the area being used;
6. A detailed Management Plan for the outdoor amphitheatre shall be submitted to and approved by the City within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:
 - 6.1 Operational Management - to ensure the premises is closed in accordance with condition 4.1 and 4.2 above;
 - 6.2 Noise Management - to control noise breakout from the premises. The applicant must establish a formal procedure for monitoring and managing noise levels;

Moved Cr Carey, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Carey, Seconded Cr Topelberg

“That Clause 4 be amended and Clause 7 be deleted and the remaining Clauses be renumbered as follows:

4. The amphitheatre hours of operation shall be as follows:
 - 4.1 Sunday, Monday, Tuesday, Wednesday and Thursday until 10pm;
 - 4.2 Friday and Saturday until 12 midnight with all outdoor activities to cease prior to 1am, ~~for a period of 12 months at which time the applicant may reapply for a continuation;~~
 - 4.3 In accordance with the Noise Impact Assessment report prepared by Lloyd George Acoustics in January 2009 the following are to be implemented:
 - 4.3.1 Extend the perimeter wall to bamBoo Amphitheatre on the south-eastern side with a solid barrier to eliminate line of sight from the third floor apartment balcony;
 - 4.3.2 Upgrade the rear access gate to the bamboo Amphitheatre, which currently comprises timber slats with gaps, so that it provides a solid barrier to noise;
 - 4.3.3 Establish a formal procedure for monitoring and managing noise levels during live band performances in the bamboo Amphitheatre, including setting appropriate limits at the mixing desk;
 - 4.3.4 Maintain a strict curfew of 10.00pm for live music performances;
 - 4.3.5 Carefully select the bands and style of music to be played in the bamboo Amphitheatre to avoid annoyance to neighbours. Low-key performances such as blues, jazz, soul, and orchestral music should be favoured over rock and pop acts;
 - 4.3.6 Engage, consult and inform apartment residents. Let them know when live music events are on and when they will finish. Understand any concerns and ensure that somebody is available to receive any complaints;
 - 4.3.7 Investigate opportunities to apply acoustic absorption to the rear wall of the bamboo Amphitheatre, which is currently a hard, concrete, sound reflective surface and submit a written report and implement solutions approved by City’s Health Services.”
7. ~~An Acoustic Report in accordance with the City’s Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted within 28 days of the issue of the subject Approval to Commence Development. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;~~

Debate ensued.

Cr Wilcox departed the Chamber at 7.23pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 7.25pm.

Debate ensued.

Cr Maier advised The Mover, Cr Carey that *he* wished to *change his* amendment and *reword it as follows* and the Mover and the Seconder agreed.

“4.3 In accordance with the Noise Impact Assessment report prepared by Lloyd George Acoustics in January 2009 the following are to be implemented in the next three (3) months.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (8-1)

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

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Harley

“That an Advice Note be inserted to read as follows:

1. Notes that occasional events maybe approved under Delegated Authority which will allow closing time instead of later than those prescribed in Condition 4.1.”

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

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 A Freeman on behalf of the owner Miraldo Nominees Pty Ltd for Proposed Increase in Operating Hours to Existing Outdoor Amphitheatre, at Nos. 442-446 (Lot 751; D/P: 92894) Beaufort Street, Highgate, subject to the following conditions:

1. The premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is where the public may view a theatrical production. The venue shall not operate independently of a performance;
2. No amplification or emission of sound, including the use of a public address system shall occur within, or from, the amphitheatre, unless compliance with the 'assigned levels' of the Environmental Protection (Noise) Regulations 1997 is achieved;

- 3. The amphitheatre shall operate with a maximum of 153 persons;**
- 4. The amphitheatre hours of operation shall be as follows:**
 - 4.1 Sunday, Monday, Tuesday, Wednesday and Thursday until 10pm;**
 - 4.2 Friday and Saturday until 12 midnight with all outdoor activities to cease prior to 1am;**
 - 4.3 In accordance with the Noise Impact Assessment report prepared by Lloyd George Acoustics in January 2009 the following are to be implemented in the next three (3) months:**
 - 4.3.1 Extend the perimeter wall to bamboo Amphitheatre on the south-eastern side with a solid barrier to eliminate line of sight from the third floor apartment balcony;**
 - 4.3.2 Upgrade the rear access gate to the bamboo Amphitheatre, which currently comprises timber slats with gaps, so that it provides a solid barrier to noise;**
 - 4.3.3 Establish a formal procedure for monitoring and managing noise levels during live band performances in the bamboo Amphitheatre, including setting appropriate limits at the mixing desk;**
 - 4.3.4 Maintain a strict curfew of 10.00pm for live music performances;**
 - 4.3.5 Carefully select the bands and style of music to be played in the bamboo Amphitheatre to avoid annoyance to neighbours. Low-key performances such as blues, jazz, soul, and orchestral music should be favoured over rock and pop acts;**
 - 4.3.6 Engage, consult and inform apartment residents. Let them know when live music events are on and when they will finish. Understand any concerns and ensure that somebody is available to receive any complaints;**
 - 4.3.7 Investigate opportunities to apply acoustic absorption to the rear wall of the bamboo Amphitheatre, which is currently a hard, concrete, sound reflective surface and submit a written report and implement solutions approved by City's Health Services; and**
- 5. The applicant shall comply with the Health (Public Building) Regulations 1992 at all times and shall submit an application for a 'Certificate of Approval' and obtain approval from the City's Health Services prior to the area being used;**
- 6. A detailed Management Plan for the outdoor amphitheatre shall be submitted to and approved by the City within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:**
 - 6.1 Operational Management - to ensure the premises is closed in accordance with condition 4.1 and 4.2 above;**
 - 6.2 Noise Management - to control noise breakout from the premises. The applicant must establish a formal procedure for monitoring and managing noise levels;**

- 6.3 **Crowd/Patron Management - to control patron behaviour within the premises and minimise any potential impact on the surrounding locality from patrons arriving at and leaving the premises, and queuing and smoking outside the premises;**
- 6.4 **Security Management - outlining measures to prevent crime and ensure patron and public safety including proposed security lighting, video surveillance and security personnel;**
- 6.5 **Communications Strategy - outlining a complaint handling system which provides:**
 - 6.5.1 **A telephone number and email address to log complaints and enquiries;**
 - 6.5.2 **A procedure how complaints will be handled and associated timeframes for responding to such complaints;**
 - 6.5.3 **A record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the City of Vincent for its information; and**
 - 6.5.4 **A register of events will be submitted to the City indicating the expected capacity of the event;**
- 7. **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 and approved prior to the erection of the signage; and**
- 8. **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; and**
- 9. **Sound emitted from the Existing outdoor amphitheatre shall be in compliance with the Environmental Protection (Noise) Regulations 1997 (the Regulations) at all times. Should breaches of the Regulations be established enforcement action will be taken.**

ADVICE NOTE:

- 1. **Notes that occasional events maybe approved under Delegated Authority which will allow closing time instead of later than those prescribed in Condition 4.1.**
-

PURPOSE OF REPORT:

The report is referred to a meeting of Council as previous applications were referred to Council and this application is for reconsideration for the approval of the hours of operation and increase in patronage.

BACKGROUND:

History:

Date	Comment
25 November 1996	<p>The Council at its Ordinary Meeting conditionally approved an application for proposed eating house (café) with a basement cellar/store, shops, offices, 3 residential studio apartments, an amphitheatre/stage and workshop at the subject property.</p> <p>In relation to the amphitheatre, it is noted that the approval was only for 60 seats and that the applicant at the time, made the following statements, copied verbatim from the Council Minutes:</p> <p><i>"(ii) entertainment/theatre (60 seats). This amphitheatre is for theatre not for loud music. It is intended that a theatre company be formed (a repertory company) that will perform the Classics as well as new local, interstate and international productions. This is consistent with the nature of Beaufort Street as there are the Effie Crump and Civic Theatres continuing to do well. With the addition of the courtyard amphitheatre and commitment to a quality product, it is believed by the applicant, that the profile of the street can only be improved..."</i></p>
23 June 1997	<p>The Council at its Ordinary Meeting conditionally approved an amended application for eating house (café) with a basement cellar/store, shops, offices, 3 residential studio apartments, an amphitheatre/stage and workshop at the subject property.</p> <p>The amendments included a 1.5 metre building setback from the Beaufort Street boundary in accordance with the road widening reservation affecting the properties (and the resultant deletion of 3 car parking bays) and redistribution and additions to the floor areas, including a basement cellar/store (115 square metres).</p>
13 January 1999	<p>The City issued a Section 40 (Planning) certificate for the 'Eating House' (café) and Amphitheatre/stage.</p>
3 May 2000	<p>The City issued a Maximum Accommodation Certificate under the Health Act 1911 and Health (Public Buildings) Regulations 1992 with the following maximum patron numbers:</p> <p>The Café – 50 persons; and The Amphitheatre – 150 persons.</p>
6 November 2001	<p>The Council at its Ordinary Meeting conditionally approved an application for change of use from eating house to tavern and associated alterations and additions.</p>
31 May 2002	<p>The City issued a Maximum Accommodation Certificate under the Health Act 1911 and Health (Public Buildings) Regulations 1992 with the following maximum patron numbers:</p> <p>Tavern/Bar (former Café) – 180 persons; and The Amphitheatre – 220 persons.</p>
29 October 2008	<p>The City received an email from the applicant requesting a Section 40 certificate for the amphitheatre space. As a result of this email, it was apparent that the amphitheatre was not operating in accordance with the original planning application, in terms of maximum patron numbers.</p>
22 January 2009	<p>The City advised the applicant in writing that any increase in the number of occupants for the amphitheatre (from the original 60 persons) will require a Planning Application to be submitted to and approved by the City.</p>

Date	Comment
19 March 2009	The applicant submitted a planning application seeking an increase in the maximum number of patrons for the amphitheatre from 60 persons to 220 persons.
14 July 2009	The Council considered the planning application seeking an increase in the maximum number of patrons at its Ordinary Meeting and resolved as follows: <i>"That the item be DEFERRED at the request of the applicant."</i>
28 July 2009	The Council considered a Further Report on the planning application seeking an increase in the maximum number of patrons at its Ordinary Meeting and resolved to approve the application subject to conditions including the following: (iii) <i>the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be 150 persons;</i> (iv) <i>the amphitheatre shall cease all performances prior to 10pm with all activities ceasing at, or before 11pm each evening;</i>
15 December 2009	The Council at its Ordinary Meeting resolved to not support the proposed reconsideration of the condition relating to the operating hours of the amphitheatre.
25 October 2011	The Council at its Ordinary Meeting resolved to support the proposed increase in operating hours of the amphitheatre for a period of twelve months to 12am on Friday and Saturday evenings.

Previous Reports to Council:

The proposal was presented to the Council at its Ordinary Meeting held on 25 October 2011, whereby is resolved to conditionally approved the development application.

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 25 October 2011 relating to this report are available on the City's website at the following link:
<http://www.vincent.wa.gov.au/files/2dad3b1-4357-433b-84f7-9f8100bbe6c4/20111025.pdf>.

DETAILS:

Landowner:	Miraudo Nominees Pty Ltd
Applicant:	A Freeman
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Outdoor Amphitheatre
Use Class:	Outdoor Amphitheatre
Use Classification:	"SA"
Lot Area:	2151 square metres
Access to Right of Way	Not Applicable

The proposal involves two parts, being the hours of operation and patronage numbers which is summarised below:

Planning Element	Previous Application Approved on 15/12/09	Previously Approved 25/10/11	Current Approved Hours of Operation and No's	Proposed Application	Officer's Recommendation
Hours of Operation	The amphitheatre re hours of operation: Monday to Sunday - the amphitheatre shall cease all performances prior to 10pm;	The amphitheatre hours of operation; Sunday-Thursday until 10pm. Friday and Saturday until 12 midnight (12 months approval from 25/10/11 until 25/10/12). All outdoor activities had to cease prior to 1am.	The amphitheatre hours of operation; Monday to Sunday - the amphitheatre shall cease all performances prior to 10pm;	The amphitheatre hours of operation; Monday to Sunday until 12am.	The amphitheatre hours of operation; Sunday-Thursday until 10pm Friday and Saturday until 12 midnight (12 months approval and all activities have to cease prior to 1am.
Patronage	150 patrons	150 patrons	150 patrons	153 patrons	153 patrons

The applicant notes that the space is utilised intermittently throughout the year and any particular events which require additional numbers are brought to the attention of the City's Health Services and Chief Executive Officer, to monitor patronage numbers.

ASSESSMENT:

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

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

Proposed Car Parking	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 193 square metres = 12.87 car bays • Office – 1 bay per 50 square metres of gross floor area Gross Floor Area = 321 square metres = 6.42 car bays • Tavern = 1 bay per 4.5 persons approved for the site Number of Persons approved = 180 persons = 40 car bays • Amphitheatre = 1 bay per 6 seats provided Number of seats = 153 = 25.5 car bays • Warehouse and Cellar/Store – 3 bays for the first 200 square metres of gross floor area and 1 bay per 100 square metres of gross floor area thereafter Gross Floor Area = 256 square metres = 3.56 car bays <p>Total car bays required = 88.35 car bays</p>	= 88 car bays
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 	(0.7225) = 63.58 car bays
Minus the car parking provided on-site	27 car bays
<p>Minus the most recently approved on-site car parking shortfall</p> <ul style="list-style-type: none"> • 23 June 1997 – The Council at its Ordinary Meeting approved a shortfall of 7.68 car bays • 6 November 2001 – The Council at its Ordinary Meeting approved a shortfall of 18.06 car bays • 28 July 2009 – The Council at its Ordinary Meeting approved a shortfall of 10.84 car bays 	36.58 car bays
Resultant shortfall	Nil

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	16 April 2013 – 7 May 2013
Comments received:	Fourteen (14) comments were received with Eleven (11) objections received

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Noise</u></p> <p>Concerns that addition hours and patron numbers will impact on amenity of the adjoining properties given the potential for additional noise from persons leaving the venue.</p> <p>Concern the additional hours will result in excessive music and sound.</p> <p>Concern a return to additional hours and patron numbers will lead to unruly behaviour from patrons post 12pm.</p> <p>Note the high dense residential area surrounding the premises and with the amphitheatre being an open outdoor area it provides for little noise insulation to the residents.</p>	<p>Supported. It is recommended the operating hours be maintained in accordance with the Council approval at its Ordinary Meeting held on 25 October 2011, to provide the opportunity for the applicant to maintain compliance with the Environmental (Noise) Regulations and to maintain the amenity of the adjoining residents. No acoustic report was provided as per the City's Policy 3.5.21 to demonstrate there would be no unacceptable noise impacts. This is a recommended condition of approval.</p> <p>Noted. Refer above.</p> <p>Noted. Refer above.</p> <p>Noted. Given the premises' location close to the residential area it is recommended a closure of the amphitheatre past 10pm on Sunday to Thursday, be maintained.</p>
<p>Issue: <u>Hours of Operation</u></p> <p>Concerns relating to additional hours of operation during the week and its impact on the local community.</p>	<p>Supported. The request for additional hours of operation is not supported and the hours of operation approved by Council at its Ordinary Meeting held on 25 October 2011 are recommended for approval and for Friday and Saturday hours be for a period 12 months.</p>
<p>Issue: <u>Use of Premises</u></p> <p>The proposed use of the premises for seven (7) nights per week up to 12pm is unreasonable and will impact sleep of adjoining property owners.</p> <p>Note that since 2008, with greater restrictions on the venue in terms of trading hours and numbers of trading hours permitted, the premises have functioned more effectively for adjoining property owners.</p> <p>Note the current trading hours should continue as the limits to capacity and trading hours have had a positive effect to the local area.</p>	<p>Noted. The proposed hours of operation are Sunday to Thursday 10 pm and Friday and Saturday nights until 12pm as approved by Council at its Ordinary Meeting held on 25 October 2011.</p> <p>Noted. Refer above.</p> <p>Noted. Refer above.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Acoustics</u></p> <p>Note that the applicant should fulfil the acoustic absorption suggested by the Acoustic Consultant to Bamboo in raising the height of the boundary walls and supplementing the walls with sound dampening structures.</p>	<p>Noted. The City's Health Officer's have advised that the noise levels are required to be contained within the standard Environmental (Noise) Regulations 1997. This was part of the conditions of approval on the City's approval issued at the Ordinary Meeting of Council on 25 October 2011. No proposal to alter the acoustics of the area or make the suggested additions/improvements to the amphitheatre have been proposed in this application. There is also a recommended condition to prepare, have approved and implement an acoustic report.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Increase in Patronage and Operating Hours to Existing Outdoor Amphitheatre (Bamboo) at No. 442-446 Beaufort Street, Highgate:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.11;
- Sound Attenuation Policy No. 3.5.21; 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
Nil	

SOCIAL	
Issue	Comment
The existing use provides a place for persons to meet and socialise in an inner city area which promotes surveillance and ambience to an area. The risk to adjoining residences needs to be managed.	

ECONOMIC	
Issue	Comment
The premise provides opportunities for employment.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Health Services

The proposed increase in patron numbers from 150 persons to 153 persons in the existing outdoor amphitheatre is supported by the City's Health Services, in accordance with the *Health (Public Building) Regulations 1992*.

The applicant shall submit an application for a 'Certificate of Approval' and obtain approval from the City's Health Services prior to using the area for the increased patron numbers.

Health Services do not support the further proposed extension of operating hours as summarised below:

	Existing	Proposed
Outdoor Amphitheatre	Sunday – Thursday until 10pm Friday and Saturday until 12 midnight	Sunday – Saturday until 12 midnight

Due to the close proximity of the premises to surrounding residential areas, Health Services are of the opinion that the extension of hours in the outdoor amphitheatre may significantly contribute to unreasonable noise being emitted from the premises. In accordance with the *Environmental Protection (Noise) Regulations 1997* the assigned level specified in Regulation 8 decreases considerably at 10pm to a maximum level of 35dB. It is suggested that patron noise and associated noise within the Outdoor Amphitheatre (i.e. music) would not be able to comply with this level and as a result would be non-compliant with the Regulations.

It is also noted that the applicant will be required as per the recommended conditions of approval to provide an acoustic report, given that Bamboo is operating close to a residential area and on Friday and Saturday evenings is supported to remain open between 10-12 pm. This will be required to ensure the venue is operating within the necessary noise compliance.

Health Services propose that the existing operational hours for the outdoor amphitheatre be maintained.

Planning Services

The City Officers acknowledge that *Bamboo* take part in several community events and fundraisers, of which the City is supportive. On several 'one off' occasions, the City has supported an increase in the number of patrons and an increase in the closing time depending on the occasion or event. This has not attracted any complaints from the surrounding residents, given the very seldom occurrences.

Notwithstanding the above, the City Officers support the increase in patrons from 150 persons to 153 persons given compliance with the parking requirements. However, given the premises is predominantly surrounded by residential areas and, as a result, there is a strong likelihood that noise being emitted from the premises after 10.00pm will negatively impact on the amenity of the surrounding community, the proposed extension to the existing hours of operation is not supported. Friday and Saturday until 12 am is supported as it is considered this time is more acceptable to the general public for these two days and there is more activity in this area on Friday and Saturday. Therefore the recommendation is for the following:

- Sunday to Thursday to 10pm;
- Friday and Saturday until 12am for a period of 12 months with all outdoor activities to cease by 1am.

Accordingly, it is recommended that the application be supported in part; with regard to the increase in patronage, with the extension to the existing hours to be refused.

9.1.3 Nos. 3 & 4/177 (Lot 501; D/P: 68593) Stirling Street, Perth - Proposed Change of Use from Eating House and Office to Small Bar & Ancillary Coffee Shop (Unlisted Use)

Ward:	South	Date:	14 June 2013
Precinct:	Beaufort; P13	File Ref:	PRO0331; 5.2013.130.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Justification & Further Comments from Applicant		
Tabled Items:	Nil		
Reporting Officer:	A. Dyson, Planning Officer (Statutory)		
Responsible Officer:	C. Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG Town Planning, Urban Design and Heritage on behalf of the owner Sunswep Corporation Pty Ltd for proposed Change of Use from Eating House and Office to Small Bar & Ancillary Coffee Shop (Unlisted Use), at Nos. 3 & 4/177 (Lot 501; D/P: 68593) Stirling Street, Perth, and as shown on plans stamp-dated 10 April 2012, subject to the following conditions:

1. Building

- 1.1 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 Parry Street; and
- 1.2 The windows, doors and adjacent floor area facing Parry Street shall maintain an active and interactive frontage to this street with clear glazing provided;

2. Operating Hours

- 2.1 the hours of operation of the Small bar with Ancillary Coffee Shop shall be limited to:

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

- 2.2 the hours of operation of the Small bar with Ancillary Coffee Shop where alcohol can be sold and/or served shall be limited to:

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

3. **Signage**

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 Permit application, being submitted to and approved by the City prior to the erection of the signage;

4. **Use of the Premises**

4.1 The maximum patronage for the Small Bar with Ancillary Coffee Shop shall be Seventy- Five (75) persons; and

4.2 Packaged liquor is not to be sold at the premises;

5. The proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;

6. The premises are required to comply with the Australian Standard 1668.2 -2002. It is highly recommended that the applicant investigate the feasibility of providing a compliant commercial exhaust canopy within the building, prior to committing to the project and finalising the fit out of the design, as the City will not provide any dispensations in relation to compliance with AS 1668.2 -2002. The exhaust will also need to be installed so as to ensure compliance with the Environmental Protection (Noise) Regulations 1997.

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

7.1 **Amalgamation of Units**

Prior to the submission of a Building Permit, the subject units shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

7.2 **Refuse Management Plan**

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

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

7.3 Acoustic Report

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

7.4 Floor plans, cross sectional plans and specification sheets for all equipment and materials to be installed at the premises must be submitted to the City's Health Services for approval, prior to the commencement of the construction of the premises. The plans shall be developed in accordance with AS4674-2004 '*Design, construction and fit out of food premises*'.

8. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:

8.1 Management Plan

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained.

8.2 Obtain approval from the Water Corporation (WA) for the discharge of liquid trade wastes into the Minister's sewer;

Cr Carey departed the Chamber at 7.32pm.

Moved Cr Maier, Seconded Cr Topelberg

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

"That Clause 6 be amended to read as follows and an Advice Note be inserted as follows:

6. The premises are required to comply with the Australian Standard 1668.2 -2002. ~~It is highly recommended that the applicant investigate the feasibility of providing a compliant commercial exhaust canopy within the building, prior to committing to the project and finalising the fit out of the design, as the City will not provide any dispensations in relation to compliance with AS 1668.2 -2002. The exhaust will also need to be installed so as to ensure compliance with the Environmental Protection (Noise) Regulations 1997.~~

ADVICE NOTE

1. It is highly recommended that the applicant investigate the feasibility of providing a compliant commercial exhaust canopy within the building, prior to committing to the project and finalising the fit out of the design, as the City will not provide any dispensations in relation to compliance with AS 1668.2 -2002. The exhaust will also need to be installed so as to ensure compliance with the Environmental Protection (Noise) Regulations 1997."

Debate ensued.

Cr Carey returned to the Chamber at 7.34pm.

Debate ensued.

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Harley

“That Clause 2.1 and 2.2 be amended to read as follows:

2. Operating Hours

2.1 the hours of operation of the Small bar with Ancillary Coffee Shop shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm 11:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

2.2 the hours of operation of the Small bar with Ancillary Coffee Shop where alcohol can be sold and/or served shall be limited to:

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

Debate ensued.

AMENDMENT 1 PUT AND LOST (2-7)

For: Cr Buckels, Cr Harley

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

Debate ensued.

AMENDMENT 2

Moved Cr Buckels, Seconded Cr Harley

“That Clause 2.1 be amended to read as follows:

2. Operating Hours

2.1 the hours of operation of the Small bar with Ancillary Coffee Shop shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday Wednesday	7:00am to 10:00pm
Thursday	7:00am to 11:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

- 2.2 the hours of operation of the Small bar with Ancillary Coffee Shop where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday <u>Wednesday</u>	7:00am to 10:00pm
<u>Thursday</u>	<u>11:00am to 11:00pm</u>
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

AMENDMENT 2 PUT AND CARRIED (6-3)

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

Against: Cr Maier, Cr Pintabona and Cr Topelberg

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

COUNCIL DECISION ITEM 9.1.3

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, Urban Design and Heritage on behalf of the owner Sunswep Corporation Pty Ltd for proposed Change of Use from Eating House and Office to Small Bar & Ancillary Coffee Shop (Unlisted Use), at Nos. 3 & 4/177 (Lot 501; D/P: 68593) Stirling Street, Perth, and as shown on plans stamp-dated 10 April 2012, subject to the following conditions:

1. **Building**

- 1.1 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 Parry Street; and
- 1.2 The windows, doors and adjacent floor area facing Parry Street shall maintain an active and interactive frontage to this street with clear glazing provided;

2. **Operating Hours**

- 2.1 the hours of operation of the Small bar with Ancillary Coffee Shop shall be limited to:

DAY	HOURS OF OPERATION
Monday to Wednesday	7:00am to 10:00pm
Thursday	7:00am to 11:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

- 2.2 the hours of operation of the Small bar with Ancillary Coffee Shop where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Wednesday	7:00am to 10:00pm
Thursday	11:00 am to 11:00pm
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

3. **Signage**

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 Permit application, being submitted to and approved by the City prior to the erection of the signage;

4. **Use of the Premises**

4.1 The maximum patronage for the Small Bar with Ancillary Coffee Shop shall be Seventy- Five (75) persons; and

4.2 Packaged liquor is not to be sold at the premises;

5. The proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;

6. The premises are required to comply with the Australian Standard 1668.2 -2002;

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

7.1 **Amalgamation of Units**

Prior to the submission of a Building Permit, the subject units shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

7.2 **Refuse Management Plan**

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

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

7.3 **Acoustic Report**

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

- 7.4 Floor plans, cross sectional plans and specification sheets for all equipment and materials to be installed at the premises must be submitted to the City's Health Services for approval, prior to the commencement of the construction of the premises. The plans shall be developed in accordance with AS4674-2004 *'Design, construction and fit out of food premises'*.
8. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:
- 8.1 **Management Plan**
- A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained.
- 8.2 Obtain approval from the Water Corporation (WA) for the discharge of liquid trade wastes into the Minister's sewer.

ADVICE NOTE

1. It is highly recommended that the applicant investigate the feasibility of providing a compliant commercial exhaust canopy within the building, prior to committing to the project and finalising the fit out of the design, as the City will not provide any dispensations in relation to compliance with AS 1668.2 -2002. The exhaust will also need to be installed so as to ensure compliance with the Environmental Protection (Noise) Regulations 1997.

PURPOSE OF REPORT:

The application is referred to a meeting of Council as more than five (5) objections were received and the application is for a Small Bar which is an Unlisted or "SA" use which cannot be dealt with under delegated authority.

BACKGROUND:

History:

Date	Comment
9 February 2010	The Western Australian Planning Commission conditionally approved the subdivision of Nos. 208-212 Beaufort Street and Nos. 173-179 Stirling Street, Perth.
14 September 2010	The Council at its Ordinary Meeting deferred their decision with respect to an application for demolition of the existing car park and construction of a six storey building comprising forty (40) single bedroom multiple dwellings and twenty-five (25) multiple dwellings including car parking.
26 October 2010	The Council at its Ordinary Meeting conditionally approved the demolition of the existing car park and construction of a five storey mixed use development comprising thirty-seven single bedroom multiple dwellings, twenty multiple dwellings and six offices and associated car park.
14 June 2011	The Council at its Ordinary Meeting conditionally approved the application for a Change of Use of Unit 3 from Office to Eating House.

Date	Comment
22 February 2012	The City approved an application for a change of use from Office to Consulting Rooms (Unit 7)
7 September 2012	The City approved an application for a change of use from Office to Eating House (Unit 6)
23 October 2012	The City approved an application for a shade sail under delegated authority.

DETAILS:

Landowner:	Sunswept Corporation
Applicant:	TPG Town Planning, Urban Design and Heritage
Zoning:	Commercial
Existing Land Use:	Eating House/Office
Use Class:	Small Bar/Cafe
Use Classification:	'SA', "P"
Lot Area:	2284 square metres
Right of Way:	Not Applicable

The proposal is for a change of use from Eating House and Office, which were originally approved in the Multi Storey Mixed Use application for the site, to proposed Small Bar with Ancillary Coffee Shop. The applicant has noted the proposed use is to include the following:

- *A Greek Mezzes bar/café, open for breakfast in the morning and drinks and dinner in the evenings.*
- *The proposed number of persons is one hundred and twenty (120) in accordance with the Small Bar Licence provisions.*
- *The total area of the two tenancies is 165m².*
- *The proposed hours of operation are 7am in the morning to late, seven (7) days per week.*
- *The small bar requirement is that the trading hours are closed by 12am on Monday to Saturday and 10pm on Sunday Evenings.*
- *The existing layout of the individual tenancies is to be reworked to accommodate the new use and be in accordance with the toilet requirements.*
- *Included in the plan is a take away coffee/food to go window facing the street at the bar.*

ASSESSMENT:

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

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

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

Commercial Car Parking Bays	Proposed
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Proposed Small Bar (Units 3 & 4) - (1 car bay per 4.5 persons) (75 persons) – 16.67 car bays • Existing Approved Office – (Units 1, 2 and 5) - (1 bay per 50 square metres gross floor area) Gross Floor Area = 248.5 square metres – Requires 4.97 car bays • Existing Approved Eating House – (Unit 6) - (1 car bay per 4.5 square metres of public area) Public Floor Area = 15.2 square metres Requires - 3.37 car bays • Consulting Room- One (1) consulting room (Unit 7) 3.0 bays per consulting room - Requires 3.0 car bays <p>Total car bays required = 26.67 car bays + 4.97 car bays + 3.37 + 3.00 = 28.01 car bays= 28.00 car bays</p>	28.00 car bays
<p>Adjustment factors</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking in excess of 75 spaces) • 0.85 (within 800 metres of a rail station) • 0.80 (mix of uses with greater than 45 per cent of the gross floor area residential) 	(0.4913)
Minus the car parking provided on-site	13.75 car bays
Minus the car parking provided on-site	10.00 car bays (Seven (7) Commercial Tenancies)
<p>Minus the previously approved on-site car parking shortfall (OMC 14 June 2011 shortfall of 2.28 car bays was approved and cash-in-lieu has been paid) (Delegated Authority 7 September 2012 shortfall of 1.48 car bays was approved and cash-in-lieu has been paid)</p>	3.76 car bays
Resultant Surplus	0.036 car bays

Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
Proposed Small Bar – Nil required	
<p>Existing Approved Office</p> <ul style="list-style-type: none"> • 1 space per 200 square metres of public area for employees (class 1 or 2) (proposed 248.5 square metres) = 1.24 bicycle spaces = 1.0 space • 1 space per 750 square metres over 1000 square metres (class 3) = Nil <p>Existing Approved Eating House</p> <ul style="list-style-type: none"> • 1 space per 100 square metres of public area (class 1 or 2) (84 square metres) = 0.84 space= 1.00 space • 2 spaces plus 1 space per 100 square metres of public area (class 3) = 2.84= 3.00 spaces 	

Bicycle Bays	
Existing Approved Consulting Room <ul style="list-style-type: none"> • 1 space per 8 practitioners (class 1 or 2) = 0.125 = Nil • 1 space per 4 practitioners (class 3)= 0.25= Nil 	
Required= 3 Class 1 or 2 and 3 Class 3 bicycle bays- condition of planning approval.	Class 1 or 2- 2.00 spaces Class 3 – 3.00 spaces
Minus the bicycle bays provided on-site	Nil
Resultant Shortfall/Surplus	Nil Additional Required for Small Bar Use

The proposed parking provisions for a small bar establishment under the City's Parking and Access Policy require that one (1) car parking space per 4.5 persons of the maximum number of persons approved for the site. Whilst the applicant has proposed one-hundred and twenty (120) persons for the commercial component of the tenancy, it is considered that the existing development has had two previous pre-existing shortfalls for the site and any greater approved shortfall would greater impact to the surrounding area in terms of parking. It is also noted that there are only ten (10) car bays available for the seven (7) commercial uses, and a greater capacity for clientele and related staff for the small bar would create issues in an already busy area.

The applicant as noted in their attached justification has noted that the draft City of Vincent Policy relating to Parking and Access has provided for a parking requirement for the Small Bar use of 1 car bay per 7 persons, which is incorrect whilst the current advertised draft policy has 1 car bay per 5 persons.

It is considered that the premises are located in close proximity to The Stadium/Brisbane Street car parks located to the east of the subject site and to the north within a 400 metre radius. These two car parks include over seventy-five (75) paid car parking bays. The Mclver train station is also located nearby, within 800 metres of the site and it provides another transport option to potential clientele. It is noted that the small bar is located in close proximity to a number of significant mixed use commercial/residential developments recently constructed and well established which would likely be some of its intended and expected clientele. The City's car parking policy provides adjustment factors to incorporate the affect of the above public transport and public car parks which is noted as this is noted as this development has an adjustment factor of 0.4913, almost halving the parking requirement.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	7 May 2013 – 27 May 2013		
Comments Received:	Thirteen (13) comments received with six (6) objections received.		

Summary of Comments Received:	Officers Technical Comment:
Issue: <u>Noise</u> Concerns with the potential for noise from patrons seated on the street.	Noted. Any application for alfresco dining is not part of this application and is subject to further application by the applicant to the City's Ranger Services.
Issue: <u>Hours of Operation</u> Note that whilst commercial activities on the ground floor are supported if these were shops they would generally be closed by the early evening. However the presence of a small bar would impact on those that live on the upper floors during the evenings.	Noted. The proposed hours of operation are conditioned in the recommendation to be no earlier than 7am and no later than 10pm on Monday to Thursday and Sunday and until 12am on Friday and Saturday.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <u>Antisocial Behaviour</u></p> <p>Note that as the establishment is licensed, that patrons may only want to come in and drink rather than have a meal. Therefore increasing the ability for drinking to excess.</p> <p>Do not support a small bar in this area given the by products of alcohol and the disruption/anti social elements caused to residents from it.</p> <p>Note the need to support children visiting the area (McDonalds) and therefore the establishment of a liquor establishment next door would have an impact on this.</p>	<p>Noted. The applicant will be required as a condition of approval to provide a Management Plan which addresses any patrons drinking to excess.</p> <p>Noted. See Above.</p> <p>Noted. See Above.</p>
<p>Issue: <u>Parking</u></p> <p>Concern regarding parking on site and note it inadequate. Any visitor's who visit the property find it extremely difficult to park in the location.</p>	<p>Noted. A condition is recommended that the proposed permitted patronage is 75 persons to ensure compliance with the parking calculation and to reduce the parking impact from staff and patrons.</p>
<p>Issue: <u>Adequate Allocation of Bars</u></p> <p>Note there are many small bars in the area already and adequate to cater to the area.</p>	<p>Not Supported. The provision of small bar establishments across the City is not restricted by number.</p>
<p>Issue: <u>Location of Small Bar in Mixed Use Development</u></p> <p>Concern regarding a late night bar being established at the location. Bought an apartment on the proviso that a small bar is not located in the location, only office/café.</p>	<p>Noted. The City is not a party to the Management Statement between the owner's of the individual units and the proprietors of the development. The applicant has stated the management statement does include the note that any tenancy will be "<i>for the sale of coffee but may also include the sale of liquor if so permitted by the government authorities</i>". The applicant has also noted that each unit does have a notification on the Certificate of Title whereby "<i>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</i>". However any proposed use for a Small Bar will be assessed on its merits whilst still adhering to the requirements set by the Department of Liquor Racing and Gaming for the serving of alcohol.</p>

Summary of Comments Received:	Officers Technical Comment:
	In addition, to ameliorate the impact of any noise issues and to ensure noise created by the small bar is compliant the applicant, in the event of approval, will be required to submit an acoustic report denoting compliance with the noise regulations. Any measures noted in the acoustic report must be implemented by the applicant.

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:

The following legislation and policies apply to the proposed change of use from Office to Small Bar/Cafe

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Street Precinct Policy No. 3.1.13;
- Sound Attenuation Policy No. 3.5.21; 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
Nil	

SOCIAL	
Issue	Comment
The proposed small bar/café will provide a place for persons to meet and socialise in an inner city area which promotes surveillance and ambience to an area.	

ECONOMIC	
Issue	Comment
The renovation of the premises will provide opportunities for employment whilst the operation of the premises will provide employment opportunities also.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Planning

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

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

Hours of Operation

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

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

The applicant has requested the operation times are 7 am in the morning to late at night, seven days per week.

The proposed hours are considered to raise two issues relating to the hours of and the sale of alcohol times.

The first issue relates to the general operation in regards to the impact on amenity between 6:00am and 7:00am. It is considered opening at 6:00am in the morning will impact on the amenity of the area in terms of noise and traffic (deliveries). Opening at 7:00am as advised by the applicant can be considered, given the site is centrally located, adjacent to a McDonalds and other commercial premises that are open at 7:00am, and the noise regulations change at 7:00am to higher allowable noise limits.

The second issue relates to service of alcohol. Whilst the proposal has not stipulated the time to serve alcohol within all of the proposed hours from 7:00am in the morning to 12 midnight, any earlier than 11am is not supported as it is assessed to have a high potential to affect the amenity of the local area given it is located in close proximity to residential dwellings above the premises and surrounding. It is proposed that the business be allowed to operate from 7:00am but alcohol not be allowed to be served until 11:00am. This allows for alcohol to be served with food and lunch times to maintain the early morning amenity for residents in the area. In regards to closing times it is recommended that the closing times Monday to Thursday are to be 11pm which is earlier than the proposed 12:00 midnight to reflect the location of the proposal in close proximity residential uses above and nearby.

The recommended operating hours are:

Monday to Thursday	7:00am to 10:00pm;
Friday and Saturday	7:00am to 12:00 midnight; and
Sunday	7:00am to 10:00pm

With the further proposed control of alcohol only being able to be served from 11:00am to 10.00pm from Monday to Thursday, 11.00am to 12.00 midnight from Friday to Saturday, and 11.00am to 10.00pm on Sunday.

The third issue is the patron numbers and the impact on parking, whereby the applicant has proposed one hundred and twenty (120) persons, in line with the Small Bar licence requirements. However given the parking shortfall that would result with the stated persons of just under five (5) car parking bays, this is considered excessive where there are only ten (10) commercial car parking bays for the seven (7) commercial tenancies on the ground floor of the premises. Therefore a figure of a maximum of seventy-five (75) persons is recommended to achieve compliance with the car parking requirements.

Conclusion

It is considered that the proposal is in keeping with the type of development encouraged by the City's Policy No. 3.1.13 relating to the Beaufort Precinct, in that the area be "*an extension to Northbridge with shops, restaurants and other interactive uses continuing to be the predominate uses*". In addition, it is noted that the extension of the small bar proposal would provide even greater ambience and encourage more people both locally and externally as well as providing the option for other retailers in this precinct to experience additional trade from users of the Small Bar.

The recommended permitted number of persons for the small bar, being seventy-five (75), rather than the proposed one-hundred and twenty persons proposed, allows for compliance with the City's Parking and Access Policy and a less of an impact to the commercial car parking bays provided on site. It also permits future uses within the seven (7) commercial tenancies on the ground floor of the premises to be adequately catered for.

In light of the above, the proposal for a Small Bar with Ancillary Coffee Shop is supported subject to specific conditions relating to the hours of operation and patronage numbers.

9.1.5 Amendment No. 104 to Planning and Building Policies – Proposed New Policy No. 3.5.12 – Development Guidelines for Commercial and Mixed Use Development and Rescission of Policy No. 3.4.3 – Non-Residential/Residential Development Interface, No. 3.5.7 – Pedestrian Walkways, No. 3.5.8 – Canvas Awnings and No. 3.5.15 – Shop Front Facades to Non-Residential Buildings

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	PLA0250
Attachments:	001 – Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development 002 – Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface 003 – Policy No. 3.5.7 relating to Pedestrian Walkways 004 – Policy No. 3.5.8 relating to Canvas Awnings 005 – Policy No. 3.5.15 relating to Shop Fronts Facades to Non-Residential Buildings 006 – Summary of Submissions		
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 final amended Policy No. 3.5.12 – Development Guidelines for Commercial and Mixed Use Development as shown in Appendix 9.1.5 Attachment 001;
2. **RESCINDS** the following Policies as shown in Appendix 9.1.5 (Attachment 002, 003, 004 and 005 respectively):
 - 2.1 **No. 3.4.3 – Non-Residential/Residential Development Interface;**
 - 2.2 **No. 3.5.7 – Pedestrian Walkways;**
 - 2.3 **No. 3.5.8 – Canvas Awnings; and**
 - 2.4 **No. 3.5.15 – Shop Fronts Facades to Non-Residential Buildings; and**
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 **advertise** the final amended Policy No. 3.5.12 and the rescission of Policy Nos. 3.5.3, 3.5.7, 3.5.8 and 3.5.15, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and
 - 3.2 **write to the Minister for Energy; Finance; Citizenship and Multicultural Interests to highlight the issue of individual costs to developers for infill sites with the recommendation that alternate mechanisms be prepared and implemented.**

COUNCIL DECISION ITEM 9.1.5

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

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

Debate ensued.

Cr Buckels returned to the Chamber at 7.47pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.48pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

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 City's new Policy No. 3.5.12 – Development Guidelines for Commercial and Mixed Use Development, and the rescission of:

- Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface;
- Policy No. 3.5.7 relating to Pedestrian Walkways;
- Policy No. 3.5.8 relating to Canvas Awnings; and
- Policy No. 3.5.15 relating to Shop Fronts Facades to Non-Residential Buildings.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) was endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual. The proposed rescission of the abovementioned policies and the preparation of a new consolidated Policy titled Development Guidelines for Commercial and Mixed Use Development forms part of this review process to streamline the existing Policies.

History:

Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface

Date	Comment
24 May 2005	The Council at its Ordinary Meeting adopted Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface.

Policy No. 3.5.7 relating to Pedestrian Walkways

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included Policy No. 3.5.7 relating to Pedestrian Walkways.

Policy No. 3.5.8 relating to Canvas Awnings

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included Policy No. 3.5.8 relating to Canvas Awnings.

Policy No. 3.5.15 relating to Shop Front Facades to Non-Residential Building

Date	Comment
8 November 2005	The Council at its Ordinary Meeting adopted Policy No. 3.5.15 relating to Shop Front Facades to Non-Residential Building.

Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development

Date	Comment
October 2012	Copy of draft Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development circulated to the City's Design Advisory Committee and the City's Statutory Planning Services for comment.
November – December 2012	Feedback on the draft Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Development received from members of the City's Design Advisory Committee and the City's Statutory Planning Services.

Previous Reports to Council:

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

Date	Comment
26 March 2013	The Council at its Ordinary Meeting resolved to advertise Policy Amendment No. 104 relating to the adoption of a new draft Policy No. 3.5.12 – Development Guidelines for Commercial and Mixed Use Development and the rescission of Policy Nos. 3.4.3 - Non-Residential/Residential Development Interface, 3.5.7 - Pedestrian Walkways, 3.5.8 - Canvas Awnings and 3.5.15 - Shop Fronts Facades to Non-Residential Buildings.

The Minutes of Item 9.1.11 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:

In accordance with the resolution from the Ordinary Meeting of Council held 26 March 2013, the draft new Policy and rescission of Policies were advertised between 16 April 2013 and 14 May 2013.

Following the advertising period the subsequent Policy changes are proposed:

Policy Changes Proposed

Clause Amendments	Comments
<p>1.2.3 Landscaping for a minimum width of 2 metres, including deep soil planting, including a minimum of 200 100 litre trees at minimum 3 metre a maximum spacing of 5 metres across the full length of the site and/or retention of existing mature trees and vegetation has been incorporated into the rear of the proposed development as a buffer to the rear abutting property</p>	<p>The reduction in the minimum tree size has been proposed on advice from the City's Parks Services. Also a maximum spacing has been introduced for clarity.</p>
<p>2.4.3 Any proposed vehicular or pedestrian entry gates shall be <u>visually</u> truncated to a maximum of 0.65 metres for a distance of 1.2 metres from the property.</p>	<p>'visually' has been added to ensure clarity for this clause.</p>
<p><u>2.4.4 Where a development has direct vehicular access from a Primary or District Distributor road, the vehicular entry gates are to be setback so that a sufficient vehicular queuing area is provided.</u></p>	<p>If vehicular queuing is likely to occur for sites which crossover high frequency roads, space for queuing is necessary for safety and traffic flow.</p>
<p>4.2.3 Where security doors, gates and grilles are provided, a minimum of 75 percent visual permeability is required and shall be placed a minimum of 0.25m behind the main wall or window of the façade, <u>and not visible during trading hours;</u></p>	<p>Security measures may be considered necessary for some commercial uses, however these elements detract from the streetscape and can create an uninviting atmosphere at street level. Therefore when these security measures are not active, during business hours, they are to be screened from street view to ensure the area is inviting during the appropriate periods.</p>
<p><u>5.1.4 Ten percent of the site area for non-residential development, which directly abuts a residential zone (including where there is a right of way between the residential zone and the non residential zone), is to be landscaped. Landscaping is to be designed to reduce the impact on the adjoining residential area.</u></p>	<p>Landscaping adds to the streetscape and is an amenity for passive consumers of space. To reduce the impact of large commercial uses an area of landscaping is employed to offset the impact the commercial use exudes on the area.</p>
<p>5.2 All new buildings are to be designed to exhibit a high quality of environmental design to maximise passive solar heating, cooling and natural ventilation and to reduce energy consumption wherever possible, Which <u>This</u> is to be demonstrated through measures relating to building orientation, access to winter sunlight, day lighting, the thermal performance of buildings and their construction material and the use of traditional architectural climate moderation devices.</p>	<p>This amendment has been applied to improve the readability of this clause.</p>

Clause Amendments	Comments
<p>5.2.1 Climate moderation devices such as external shade structures and awnings are required to be incorporated into the building façade where the street building façade faces <u>north</u>, east or west;</p>	<p>The inclusion of <i>north</i> in this clause is to ensure appropriate climate moderation devices, such as solar pergolas, are considered for north facing facades to reduce northern sunlight in summer and allow the penetration of this northern sunlight in winter.</p>
<p>5.2.5 The maximization of cross ventilation and provision of natural sunlight is to be incorporated into Mixed Use developments.</p>	<p>The removal of <i>mixed use developments</i> in this clause is considered appropriate as the provision of ventilation and sunlight should not be restricted to mixed use developments.</p>
<p>6.1 Site services shall be easily maintained, adequate and attractive and should be incorporated into the overall design of buildings and support renewal energy initiatives. <u>Site services include but are not limited to:</u></p> <ul style="list-style-type: none"> • <u>air conditioning units</u> • <u>mechanical ventilation systems</u> • <u>satellite dishes</u> • <u>microwave antennas</u> • <u>tower masts</u> • <u>mail boxes</u> • <u>hot water systems</u> 	<p>It is necessary, for the purpose of clarity, to list site services affected by these provisions.</p>
<p>6.3.1 All dwellings within a Mixed Use Development are required to provide an adequate communal clothes drying area set aside for clothes drying, which can be an individual or communal clothes line. An adequate communal clothes drying area is defined as an area that allows a <u>required to provide the following</u> minimum length of clothes line as follows:</p>	<p>This clause has been amended to be consistent with the 2013 Residential Design Codes. The amendment also provides clarity to ensure that applicants are aware that clothes drying areas can be both individual and communal.</p>
<p>INTRODUCTION <u>Where an inconsistency exists between provisions within the City's Precinct Policies and this Policy, the provisions within Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments are to prevail.</u></p> <p>8. POLICY APPLICATION</p> <p>8.1 Relationship to Other Local Planning Policies</p> <p>8.1.1 Where an inconsistency exists between provisions within the City's Precinct Policies and this Policy, the provisions within Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments are to prevail.</p>	<p>It is considered appropriate to state this clause in the introduction of the Policy rather than on page 18, where it may no longer be relevant.</p>

Undergrounding of Power

At the Ordinary Meeting of Council held 26 March 2013 the Council resolved to further investigate the undergrounding of power, with particular regard to how this process would be resourced. In regards to this, the City's Officers provide the following information:

It would be less expensive for three properties to join together to underground power in front of their properties, as there would only have to be one design, therefore reducing overhead expenses, time and resources to complete the works. Western Power has provided the City with an indicative quote stating that undergrounding of power costs \$1,000 per linear meter, however this can vary on a case by case basis. Therefore a property with a 20 metre frontage would be required to pay an approximate amount of \$20,000.

Western Power has advised that they would not support a deferred payment system. For example, undergrounding power for a section of land on Vincent Street between Oxford Street to Loftus Street and then requiring developers to pay Western Power upon commencement of development. Further to this, it would not be feasible for the City to pay Western Power an upfront fee for the undergrounding of power for the example section of land and for each developer to then pay the City.

Following the recent gazettal of Scheme Amendment No. 32, the City can investigate the feasibility of acquiring the funds from Developers with the use of Developer Contribution Scheme, however this still may require the City to pay for the undergrounding of power up front before it recoups the costs from the developers when they commence development.

Therefore the Officer Recommendation suggests that the Chief Executive Officer write to the Minister for Energy; Finance; Citizenship and Multicultural Interests to highlight the issue of individual costs to developers for infill sites regarding the undergrounding of power with the recommendation that alternate mechanisms be prepared and implemented.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Policy Amendment No. 115 was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days, 16 April 2013 – 14 May 2013.

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

Letters were also distributed to the City's database of developers, planning consultants and architects for comment on the proposed new Policy.

Summary of Submissions

A total of nine (9) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	1	33.33%
Object	1	33.33%
Not Stated	1	33.33%
Total	3	100%

Community Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	6	100%
Total	6	100%

Total Submissions Received

Position	Number Received	Percentage
Support	1	11.11%
Object	1	11.11%
Not Stated	7	77.77%
Total	9	100%

Comments in Support of Amendment No. 104

Issue	Comment
Development of commercial buildings of 3 stories or more often leave blank walls to the detriment of the streetscape visually. These developments should be made to articulate the walls. Introduce a standard condition that blank walls 3 storeys and higher must include appropriate architectural or paint features.	Section 1.5 of the new Policy provides both Performance Criteria and Acceptable Development for 'Exposed walls visible to the street', addressing blank walls which have a detrimental impact on the streetscape. Further to this, Section 1.4 of the Policy provides Performance Criteria and Acceptable Development that prescribes that buildings are to be articulated and lists in the acceptable development section a number of methods to do this.

Comments Objecting to Amendment No. 104

Issue	Comment
It is common practice in many cities to not provide communal drying areas. These are not secure and not well maintained. Mechanical drying should be an alternative.	A drying area must be provided for residents to suitably dry their clothes. Clause 6.3.3 relating to mechanical clothes drying is not considered an acceptable alternative and cannot be considered in lieu of a clothes drying area.
With regard to building facade design, the Policy should encourage innovation whilst addressing streetscape harmony.	As part of AC1.4 the element of facades is discussed as follows: <i>Facades that respond to the building's use and site context through appropriate scale, rhythm and proportioning.</i> A well design building will respond to the context of the area with appropriate size and style.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is considered that the implementation of this proposed new Policy No. 3.5.12 will provide a more robust framework in assessing commercial and mixed use developments in the City and their impact on the surrounding context.

STRATEGIC IMPLICATIONS:

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

“Improve and Maintain the Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

The proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments provide a stronger framework to enforce the City's expectation that new commercial and mixed use developments demonstrate best practice energy efficiency design elements.

SOCIAL

The proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments provide requirements to ensure that new commercial and mixed use developments responds to the urban pedestrian context, in turn having a positive impact on the social environment.

ECONOMIC

The proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments serves to provide a framework to ensure that new commercial and mixed use developments are appropriately integrated into the City's Town Centres and commercial zones in turn contributing to the economic growth of these areas.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendments and Policies'

Budget Amount: \$80,000
Spent to Date: \$ 7,085
Balance: \$72,915

COMMENTS:

By consolidating the City's existing Policies Nos. 3.4.3, 3.5.7, 3.5.8 and 3.5.15 into the proposed draft new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments will provide an all encompassing Policy that will guide commercial and mixed use development to a standard expected by the City and the broader community.

In light of the above, it is recommended that the Council finalise the adoption of the proposed new Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Development and the rescission of Policies No. 3.4.3 relating to Non-Residential/Residential Development Interface; No. 3.5.7 relating to Pedestrian Walkways; Policy No. 3.5.8 relating to Canvas Awnings; and No. 3.5.15 relating to Shop Front Facades to Non-Residential Building in accordance with the Officer Recommendation.

9.1.7 Amendment No. 113 to Planning and Building Policies – Policy No. 3.1.9 North Perth Centre Precinct Policy – Scheme Map 9 and Progress Report No. 1 – North Perth Master Plan

Ward:	Both Wards	Date:	14 June 2013
Precinct:	North Perth Centre (P9)	File Ref:	PLA0256; PLA0229
Attachments:	001 – Draft Amended Policy 3.1.9 002 – North Perth Master Plan Implementation Plan		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9 as shown in Appendix 9.1.7, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
2. After the expiry period for submissions:
 - 2.1 **REVIEWS** the Draft Amended Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9, having regard to any submissions;
 - 2.2 **DETERMINES** the Draft Amended Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9 having regard to any submissions with or without amendments, to or not to proceed with the draft Policy;
3. **ENDORSES** the Amended North Perth Master Plan Implementation Plan as shown in Appendix 9.1.7; and
4. **NOTES** that the North Perth Master Plan Implementation Plan will be amended from time to time by the City’s Administration and will be presented as an Information Bulletin and/or a Progress Report to the Council annually.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

“That Clause 1 be amended to read as follows:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9 as shown in Appendix 9.1.7, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the following being amended as follows; and

“3.3.4 Pedestrian Access – Entrances

Pedestrian entrances to buildings are to be provided from Fitzgerald Street and to be clearly identifiable as entrances. Additional pedestrian entrances can be provided from Alma Road, View Street or Glebe Street. Where the City of Vincent considers it necessary, pedestrian access for the public is to be provided from Fitzgerald Street to car parking at the rear of properties. This access is to be adequately lit, maintained, signposted and separated from any vehicle access.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

“That Clause 1 be amended to read as follows:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9 as shown in Appendix 9.1.7, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the following being amended as follows; and

3.3.1 Provisions for District Centre Zone

The affected area’s on the east side of Fitzgerald Street, between Burt Street and Alma Road and the lots on the west side of Fitzgerald Street, between Angove Street and View Street to have a Prescribed Height to the street from two to three.

Debate ensued.

AMENDMENT 2 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. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9 as shown in Appendix 9.1.7, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the following being amended as follows;

3.3.1 Provisions for District Centre Zone

The affected areas on the east side of Fitzgerald Street, between Burt Street and Alma Road and the lots on the west side of Fitzgerald Street, between Angove Street and View Street to have a Prescribed Height to the street from two to three; and

3.3.4 Pedestrian Access – Entrances

Pedestrian entrances to buildings are to be provided from Fitzgerald Street and to be clearly identifiable as entrances. Additional pedestrian entrances can be provided from Alma Road, View Street or Glebe Street. Where the City of Vincent considers it necessary, pedestrian access for the public is to be provided from Fitzgerald Street to car parking at the rear of properties. This access is to be adequately lit, maintained, signposted and separated from any vehicle access; and

2. After the expiry period for submissions:

2.1 REVIEWS the Draft Amended Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9, having regard to any submissions;

2.2 DETERMINES the Draft Amended Policy No. 3.1.9 relating to North Perth Centre Precinct Policy – Scheme Map 9 having regard to any submissions with or without amendments, to or not to proceed with the draft Policy;

3. ENDORSES the Amended North Perth Master Plan Implementation Plan as shown in Appendix 9.1.7; and

4. NOTES that the North Perth Master Plan Implementation Plan will be amended from time to time by the City’s Administration and will be presented as an Information Bulletin and/or a Progress Report to the Council annually.

PURPOSE OF REPORT:

The purpose of this report is to amend Policy No. 3.1.9 relating to the North Perth Centre Precinct – Scheme Map 9 to incorporate the recommendations of the North Perth Master Plan. The report also provides an update on the North Perth Master Plan Implementation Plan.

BACKGROUND:

The Council at its Ordinary Meeting held on 12 February 2013 adopted the North Perth Master Plan to guide future development in the North Perth Town Centre.

History Relating to North Perth Master Plan:

Date	Comment
19 April 2011	Council approved Project Brief for the preparation of a North Perth Master Plan and authorised the Chief Executive Officer to call for quotations.
12 February 2013	The Council adopted the North Perth Master Plan. It was also recommended that a report be considered by the Council by June 2013.

The Minutes of Item 9.1.14 from the Ordinary Meeting of Council held on 12 February 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:

North Perth Master Plan Implementation Plan

Since the Council's consideration of the North Perth Master Plan at its Ordinary Meeting held on 12 February 2013, the Implementation Plan has been reviewed in light of progress with the Light Rail project and further discussion with the City's Technical Services Department.

The City is currently taking part in a MAX (Metro Area Express) Planning Framework Working Group which is being coordinated by the Department of Planning. The City sits on the Central Working Group which is made up of representatives from the Department of Planning, Department of Transport, City of Perth, City of Vincent and the Metropolitan Redevelopment Authority. The purpose of the group is to provide land use and design typology guidance along the route. Based on discussion with this group, matters such as improvements to the public realm and station design will all be considered as the whole light rail system is developed. It has not been determined how the State and Local Governments will managed these matters at this point in time.

In addition, further discussion with the City's Technical Services Department revealed that a number of streetscape upgrades were already undertaken in 2004/2005. As a result it is unlikely that certain matters will be looked at in the short term. Following more detailed planning and the implementation of the light rail system issues relating to streetscape upgrades, car parking issues and traffic will be further investigated.

As a result of these discussions, some of the timeframes for a number of the key actions have been modified as shown in Appendix 9.1.7 (Attachment 002).

North Perth Centre Precinct Policy

This Policy amendment is being initiated to incorporate the recommendations of the North Perth Master Plan. The Master Plan is a high level strategic document which provides a vision for how the North Perth Town Centre should develop into the future. As the Master Plan is high level, the recommendations have been incorporated to best align with the existing Town Planning Scheme zones and Policy. It is noted that some of the recommendations relating to greater heights as outlined in the Master Plan may better align with the Draft Town Planning Scheme No. 2, than the current zonings. As a result the heights in the street block bounded by Angove, Fitzgerald, View and Woodville Streets and the western side of Woodville Street do not completely align with the Master Plan recommendations. As part of the Scheme Review and the finalisation of the new draft Precinct Policies, these heights can be reviewed.

In addition to the consideration of the North Perth Master Plan, the City has recently prepared a Draft Policy 3.5.12 Development Guidelines for Commercial and Mixed Use Developments. This Policy contains a number of general provisions that relate to all commercial and mixed use developments. As a result many of the provisions in the North Perth Centre Precinct Policy will no longer be required unless they are specific to the area. Some of the provisions contained within the North Perth Centre Precinct Policy are considered to be standard requirements that should apply to all commercial and mixed use developments; therefore it has been recommended that they be included in Draft Policy 3.5.12 following the consultation.

The major changes to the North Perth Centre Precinct Policy are tabled below. All amendments to the Policy are shown via strikethrough and underline in Appendix 9.1.7 (Attachment 001).

Clause	Modification	Justification
N/A	Administrative changes – These include a renumbering of the Policy amending reference to the Residential Planning Codes.	The Policy was renumbered to be consistent with the numbering used in new and recently amended Planning Policies. References to the Residential Planning Codes have now been changed to the Residential Design Codes of Western Australia.
Clause 1	General – New text providing context to the centre has been included, whilst other sections have been removed.	Additional text has been incorporated based on the vision for the Town Centre outlined in the Master Plan. Some text was removed that was considered to be specific to other areas of the Policy such as parking and access.
Clause 2	Residential Zone – New text has been added to promote a diverse range of housing that is adaptable for all users. Heights for the eastern side of Woodville Street have been specified.	The Master Plan strongly encouraged housing for all users. This has been emphasised here. However it should be noted that diverse housing should not be limited to just the Residential Zone. The Master Plan recommends heights of up to five storeys for the street block bounded by Fitzgerald, View, Woodville and Angove Street and three storeys on the western side of Woodville Street. These heights are considered greater than what is generally permitted in an R40 coded area. As a result, these greater heights will not be recommended under this current zoning and Policy. Three storeys can be considered on the eastern side of Woodville due to the large lot on this side, however under the current zoning, only two storeys is considered appropriate on the western side.
Clause 3	District Centre zone provisions – All the provisions in this section were removed and replaced with new or similar provisions.	It is proposed that this entire section be deleted to make the amended Policy more legible. The majority of these provisions are now covered by Policy 3.5.12 Development Guidelines for Commercial and Mixed Use Developments, and therefore are no longer required in the Precinct Policy. Some provisions or parts of provisions have been maintained where they relate specifically to the North Perth District Centre zone.

Clause	Modification	Justification
New clause 3.1	District Centre Zone General provisions – New general provisions have been provided.	The general provisions for the District Centre have been revised to incorporate character and vision information from the Master Plan. Text from the existing District Centre introduction and the general provision under existing clause 3) iii) have also been reviewed and consolidated to provide a clear and concise vision for the District Centre zone.
New clause 3.2	District Centre Zone Land Use provisions – New clauses have been included relating to developments not being used solely for residential purposes and the need for active uses on the ground floor.	Throughout the Master Plan, the desire for an active Town Centre was strongly promoted. To capture this, new text was included in this clause based on the Master Plan recommendations.
New clause 3.3.1	District Centre Zone Provisions – A new table has been included which outlines the residential standard in mixed use developments, the plot ratio requirements, land use mix, the prescribed height and street setbacks.	<p>The Master Plan made recommendations for greater heights in the Town Centre. As a result it is essential to list development standards for these areas. Given that the requirements vary for different areas within the same zone, developing a table was considered the most clear and concise way of displaying the information.</p> <p>The R Code has been prescribed based on the recommended height in the Master Plan and the corresponding R Code in Table 4 of the Residential Design Codes. Similarly the plot ratios also correspond to those in Table 4 of the Residential Design Codes. A land use mix has been prescribed to ensure that a development is not used solely for residential purposes.</p> <p>The street setbacks have been prescribed in order to maintain the urban Town Centre atmosphere, however upper floor setbacks have also been prescribed to respect the character of the area and ensure that the developments maintain a pedestrian scale.</p>
New clause 3.3.2	District Centre Zone side setbacks – Provisions for side setbacks have been listed.	This provision allows developments to have a minimum nil side setbacks, however also takes into consideration that setbacks may be required to address matters such as light, ventilation and/or open space.
New clause 3.3.3	District Centre Zone rear setback provisions – Rear setbacks are to be provided in accordance with Policy 3.5.12 Development Guidelines for Commercial and Mixed Use Developments.	It was important to specifically state this, as specific provisions are listed for all other setbacks. It also ensures that the rear setback is not treated the same as the side setback.

Clause	Modification	Justification
New clause 3.3.4	District Centre Zone pedestrian access provisions – This text is part of clause 3) j) of the original Policy.	Not all of the original provision relating to pedestrian access have been incorporated into the Draft amended Policy as Policy 3.5.12 Development Guidelines for Commercial and Mixed Use Developments covers some of this. However the North Perth Centre Precinct specific provisions have been maintained.
New clause 3.3.5	District Centre Zone upper floor frontages provisions – A new provision has been included to provide activated frontages.	The clause 3) g) of the existing Policy relating to street front openings, states that ' <i>A minimum of 40 per cent of the wall area facing a street, for at least the first two storeys of street-front elevations, is to be devoted to glazing.</i> ' Policy 3.5.12 Development Guidelines for Commercial and Mixed Use Developments contains provisions relating to glazing of the ground floor but not the upper floors. It is important that developments in the Town Centre maintain an active frontage and surveillance to the street for all street frontages. It was not considered necessary to provide a percentage, however a provision with a similar intent was considered important to maintain street activation.
New clause 3.3.6	District Centre Zone signage provisions – This clause makes reference to the City's Policy relating to Signs and Advertising.	A similar clause was included in the existing Policy.
New clause 4.1	Commercial Zone General provisions – Context was provided for the three distinct areas of commercial zoning.	There are three separate areas of commercial zoning each with a different character and vision. New text has been included based on the Master Plan recommendations.
New clause 4.2	Commercial Zone land use provisions – New clauses have been included relating to developments not being used solely for residential purposes and the need for non-residential uses on the ground floor.	This provision clarifies the need for non-residential uses on the ground floor of a development and ensuring that a development is not used solely for residential purposes.
New clause 4.3.1	Commercial Zone provisions– A new table has been included which outlines the residential standard in mixed use developments, the plot ratio requirements, land use mix, the prescribed height and street setbacks.	As noted the commercial zone has three different character areas therefore the provisions have been divided into the separate areas. The table allows the provisions to be displayed in a clear and concise manner.

Clause	Modification	Justification
		<p>The Master Plan made recommendations on the heights, which have been listed in the table. An R Code has been prescribed based on the recommended height in the Master Plan and the corresponding R Code in Table 4 of the Residential Design Codes. Similarly the plot ratios also correspond to those in Table 4 of the Residential Design Codes. A land use mix has been prescribed to ensure that a development is not used solely for residential purposes.</p> <p>The street setbacks have been prescribed in order to maintain the urban Town Centre atmosphere, however upper floor setbacks have also been prescribed to respect the character of the area and ensure that the developments maintain a pedestrian scale.</p>
New Clause 4.3.2	Commercial Zone side setback provisions–	This provision allows developments to have a minimum nil side setbacks, however also takes into consideration that setbacks may be required to address matters such as light, ventilation and/or open space.
New Clause 4.3.3	Commercial Zone rear setback provisions–	It was important to specifically state this, as specific provisions are listed for all other setbacks. It also ensures that the rear setback is not treated the same as the side setback.
Clause 6	Traffic, Parking and Access – New text has been included to give consideration for the proposed light rail.	The Master Plan was developed with consideration of the light rail. Over the next few years, the centre may see a shift from a predominantly private vehicle use centre to public transport and other sustainable modes of transport. It was considered important to acknowledge this.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation is required in accordance with Clause 47 of the City's Town Planning Scheme No. 1 for a period of four consecutive weeks.

LEGAL/POLICY:

- Town Planning Scheme No. 1;
- Planning and Building Policy Manual.

RISK MANAGEMENT IMPLICATIONS:

Low: The Policy is being amended to align with the Strategic Planning vision for the area.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

SUSTAINABILITY IMPLICATIONS:

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

'Encourage, empower and support the City's community to live in an environmentally sustainable manner.'

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

ENVIRONMENTAL	
Issue	Comment
The North Perth Master Plan promotes sustainable development and the retention and enhancement of vegetation. This has been further promoted through the Precinct Policy.	
SOCIAL	
Issue	Comment
The Draft North Perth Precinct Policy strongly references the importance and the retention of the character and heritage buildings which were noted as being valued by the community.	
ECONOMIC	
Issue	Comment
The Draft North Perth Precinct Policy encourages a mix of uses to create a vibrant Town Centre.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount: \$80,000
Spent to Date: \$ 7,085
Balance: \$72,915

COMMENTS & CONCLUSION:

The North Perth Centre Precinct Policy has been significantly modified to take into consideration the North Perth Master Plan, adopted by the Council on 12 February 2013, and the City's proposed new Policy 3.5.12 Development Guidelines for Commercial and Mixed Use Developments.

Many of the provisions in the North Perth Centre Precinct Policy are now covered by Policy 3.5.12, therefore it is not considered necessary to repeat these provisions, unless there are specific requirements relating to the area. The most significant changes that have resulted from the North Perth Master Plan relate to the character retention, activating the Town Centre and the building heights.

The City will continue to work with the State Government agencies responsible for implementing the light rail infrastructure and associated planning. As this project develops, more detailed planning will be undertaken for the North Perth Town Centre and the remainder of the light rail route. This may result in future changes to the Town Planning Scheme, Local Planning Policies and potentially the development of a Structure Plan. In the interim, the North Perth Master Plan provides a clear vision for the Town Centre, which the City will now translate into statutory documents such as the North Perth Centre Precinct Policy. The City will continue to investigate ways to implement the North Perth Master Plan and annual updates will be provided to the Council on its implementation.

In light of the above, it is recommended that the Council adopt the Officer Recommendation.

9.2.1 Auckland/Hobart Street Reserve, North Perth – Proposed Installation of Unisex Toilet – Progress Report No. 4

Ward:	North	Date:	14 June 2013
Precinct:	North Perth (8)	File Ref:	RES0037
Attachments:	001 - Options		
Tabled Items:	Nil		
Reporting Officers:	J van den Bok, Manager Parks & Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the unisex toilet facility options available for a twelve (12) month trial at Auckland/Hobart Street Reserve as detailed in the report;
2. **APPROVES** *either* **OPTION 2** or **OPTION 3** as being the most appropriate installation;
 - 2.1 **OPTION 2: Unisex accessible toilet (Chemical/Fresh Water Flush only)** estimated to cost \$13,825; or
 - 2.2 **OPTION 3: Unisex accessible toilet (Sewer connection) – ex nib Stadium** estimated to cost \$23,275;
3. **NOTES** that an amount of \$17,000 has been included in 2012/2013 draft budget for the installation of a toilet in the park and should Option 3 be chosen, an additional \$6,275 will be required; and
4. **RECEIVES** a further report following completion of the twelve (12) month trial.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Harley

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

PROCEDURAL MOTION PUT AND CARRIED (7-2)

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

Against: Cr McGrath and Cr Topelberg

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with details of the proposed option(s) available for the toilet facility to be installed for a twelve (12) month trial at Auckland/Hobart Street Reserve and for the Council to approve of an option.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013, Progress Report No. 3 was presented where it was resolved as follows:

“That the Council;

1. *CONSIDERS the one hundred and ninety one (191) submissions received concerning the proposed installation of a unisex toilet facility and parking/traffic improvements at Auckland/Hobart Street Reserve;*
2. *APPROVES the installation of a unisex toilet in the Auckland/Hobart Street Reserve for a twelve (12) month trial;*
3. *RECEIVES a further report no later than June 2013, detailing the proposed toilet facility to be installed;*
4. *PROCEEDS with a raised walkway in front of the deli in Hobart Street and DEFERS the remaining traffic works as shown on attached plan No. 3000-CP-01 estimated to cost approximately \$75,000; and*
5. *DEFERS implementing the continuous median trial on London Street at Hobart Street, Mount Hawthorn and FURTHER CONSULTS residents regarding this proposal following the completion of the proposed traffic signal improvements at the intersection of Loftus/London/Scarborough Beach Road.”*

DETAILS:

The toilet facility options available for the twelve (12) month trial are limited based on the available budget.

Option 1 – Unisex site toilet (Sewer connection optional):

This option is typical of toilets you will find on building sites and at public events. This particular model is not accessible for wheelchairs; however, is available in the pressed steel form (as shown) or in modular plastic.

These are readily available for hire and can either be temporarily connected to the mains sewer or are available in the fresh water flush/chemical toilet types that require pumping out on a weekly basis.



Photo courtesy of Coates Hire

Cost Estimate:

Sewer Connection type:

Delivery/pickup \$40.00 each way	\$ 80
Hire charge \$28/week	\$1,456
Sewer/mains connection	\$3,000
Cleaning \$12/day	\$4,380
Miscellaneous works (concrete path/planting)	<u>\$2,000</u>
Total	\$10,916

Chemical/Fresh Water Flush type:

Delivery/pickup \$40.00 each way	\$ 80
Hire charge \$65/week + weekly pumping	\$3,380
Cleaning \$12/day	\$4,380
Miscellaneous works (concrete path/planting)	<u>\$2,000</u>
Total	\$9,840

Advantages:

- Little ground works are required;
- Can be easily removed at the end of the trial;
- Within the allowable budget allocation (including cleaning); and
- Can be connected to main sewer.

Disadvantages:

- Will require pumping out on a weekly basis (depending on option chosen);
- This toilet is not universally accessible; and
- Average appearance.

Option 2 – Unisex accessible toilet (Chemical/Fresh Water Flush only):

This option cannot be connected to the sewer and is only available as the fresh water flush/chemical toilet and therefore will require pumping out on a weekly basis.

Accessibility for disabled patrons and wheelchairs is provided and again these units are readily available for hire.



Photos courtesy of Coates Hire

Cost Estimate:

Delivery/pickup \$55.00 each way	\$ 110
Hire charge \$120/week + weekly pumping	\$6,240
Cleaning \$15/day	\$5,475
Miscellaneous works (concrete path/planting)	\$2,000
Total	\$13,825

Advantages:

- This toilet is universally accessible;
- Little ground works are required;
- Can be easily removed at the end of the trial;
- Reasonable appearance (can be screened); and
- Within the allowable budget allocation (including cleaning).

Disadvantages:

- Will require pumping out on a weekly basis.

Option 3 – Unisex accessible toilet (Sewer connection) – ex nib Stadium:

This unit is owned by the City of Vincent and was salvaged from nib Stadium where it was originally installed as a temporary unisex accessible toilet facility. This unit does require some modification prior to installation and an allowance has also been provided to re-clad the external walls and provide new flashings in a new colourbond colour/finish.



Cost Estimate:

Transport to site	\$1,650
Installation/concrete ramp	\$4,200
Re-cladding/flashings	\$2,450
Sewer/mains connection	\$3,000
Electrical connection	\$2,500
Approvals/Drafting/engineering services	\$2,000
Cleaning \$15/day	\$5,475
Miscellaneous works (concrete path/planting)	\$2,000
Total	\$23,275

Advantages:

- This toilet is universally accessible;
- Reasonable appearance (can be screened);
- City owns the toilet; and
- If it becomes permanent money is not wasted.

Disadvantages:

- Considerable ground works is required;
- More expensive to remove/make good at the end of the trial; and
- Exceeds the allowable budget allocation (including cleaning).

Officers Comments:

All of the above options have included an amount for cleaning as no allowance has been made in the 2013/2014 operating budget to provide this service. Normally, cleaning costs would be charged against the building maintenance operating budget for each respective park.

If option 3 is chosen the following information will not necessarily apply.

For Consideration:

The following options are all toilet facilities that are available and could be considered in the longer-term if the trail is deemed a success at Auckland/Hobart Street Reserve and a more permanent facility is installed in the future.

Unisex Accessible Toilet (Sewer connection) – Landmark Engineering & Design Pty Ltd:



Photo courtesy of Landmark Engineering & Design Pty Ltd

Cost Estimate: Supply & Installation - \$36,790

Unisex accessible toilet (Sewer connection) – PBL Landmark Products Ltd:



Photo courtesy of PBL Landmark Products Ltd

Cost Estimate: Supply & Installation - \$103,480

CONSULTATION/ADVERTISING:

The local community will be advised in regard to the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The toilet facility will be regularly maintained and locked by 8pm each night to reduce any potential incidences of vandalism or undesirable behaviour.

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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$17,000 has been included in the 2012/2013 budget for the installation of a unisex toilet facility at Auckland/Hobart Street Reserve.

COMMENTS:

The report discusses the toilet facility options available for a twelve (12) month trial at Auckland/Hobart Street Reserve;

It is therefore recommended that the Council chooses either Option 2 or Option 3 as being the most appropriate installation and notes that that an amount of \$17,000 has been included in 2012/2013 draft budget for the installation of a toilet in the park and should Option 3 be chosen, an additional \$6,275 will be required.

9.2.2 Forrest Park, Mount Lawley – Consultants Report on Barrier Options – Progress Report No. 5

Ward:	South	Date:	14 June 2013
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	001 – Consultant's Final Design Report		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

Mayor Hon. Alannah MacTiernan has declared a Proximity Interest in Item 9.2.2.
Chief Executive Officer John Giorgi has declared an Impartiality interest in Item 9.2.2.

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report and recommendations from Newforms Landscape Architecture Pty Ltd in relation to the Forrest Park barrier option proposals as shown in Appendix 9.2.2;
2. **APPROVES** *either* **OPTION 1** or **OPTION 2** as being the most appropriate/suitable for Forrest Park;
 - 2.1 **OPTION 1:** Partial Permanent vegetative barrier/Partial Removable Fence barrier (off the shelf bluedog pool type fence), estimated to cost \$69,700;
or
 - 2.2 **OPTION 2:** Permanent five (5) metre vegetative barrier (includes the removal of the cricket pitch), estimated to cost \$79,900*;
3. **NOTES** that an amount of \$65,000 has been listed for consideration in the 2013/2014 draft budget to implement the preferred barrier option and should option 2 be chosen, an additional \$14,900 would be required; and
4. **ADVISES** the Sporting Clubs affiliated with Forrest Park and the local community of its decision.

Mayor Hon. Alannah MacTiernan vacated the Chair at 8.05pm and assumed her position in Cr McGrath's seat.

Deputy Mayor Cr Warren McGrath assumed the Chair at 8.05pm and presided for this item.

Moved Mayor Hon. Alannah MacTiernan, **Seconded** Cr Carey

That the recommendation be adopted.

AMENDMENT 1

Moved Mayor Hon. Alannah MacTiernan, **Seconded** Cr Carey

That the Council;

1. **RECEIVES** the report and recommendations from Newforms Landscape Architecture Pty Ltd in relation to the Forrest Park barrier option proposals as shown in Appendix 9.2.2;

2. ~~APPROVES either OPTION 1 or OPTION 2 as being the most appropriate/suitable; for Forrest Park;~~
- 2.1 ~~OPTION 1: Partial Permanent vegetative barrier/Partial Removable Fence barrier (off the shelf bluedog pool type fence), estimated to cost \$69,700;~~
- Or
- 2.2 ~~OPTION 2: Permanent five (5) metre vegetative barrier (includes the removal of the cricket pitch), estimated to cost \$79,900*;~~
3. ~~NOTES that an amount of \$65,000 has been listed for consideration in the 2013/2014 draft budget to implement the preferred barrier option and should option 2 be chosen, an additional \$14,900 would be required; and~~
3. APPROVES the commencement of the partial permanent vegetative barrier to be installed in the current planting season (i.e. April – August 2013);
4. EXPLORES further fencing alternatives and have a further report to the Council by November 2013 so a removal fence can be ready to be installed at the beginning of the 2014 soccer season; and
- 4.5. ADVISES the Sporting Clubs affiliated with Forrest Park and the local community of its decision.

Debate ensued.

Cr Carey departed the Chamber at 8.21 pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.22pm.

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. RECEIVES the report and recommendations from Newforms Landscape Architecture Pty Ltd in relation to the Forrest Park barrier option proposals as shown in Appendix 9.2.2;
2. APPROVES OPTION 1 as being the most suitable;
3. APPROVES the commencement of the partial permanent vegetative barrier to be installed in the current planting season (i.e. April – August 2013);
4. EXPLORES further fencing alternatives and have a further report to the Council by November 2013 so a removal fence can be ready to be installed at the beginning of the 2014 soccer season; and
5. ADVISES the Sporting Clubs affiliated with Forrest Park and the local community of its decision.

ADDITIONAL INFORMATION:

The City's Planting season is from April – late August/early September each year, depending upon the rains.

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with the report and recommendations from Newforms Landscape Architecture following the Forrest Park community forum held on 1 May 2013 and to seek a decision in relation to the most suitable barrier option for Forrest Park.

BACKGROUND:

Ordinary Meeting held on 11 September 2012:

The Council resolved to consult with the community and sports users of Forrest Park including holding another public meeting regarding the following:

1. permanent removal of the existing southern cricket pitch;
2. installation of a permanent barrier to separate the dog exercise area from the active sports area;
3. possible reconfiguration of the existing soccer fields, the inclusion of an additional soccer field and increasing the size of the existing dog exercise area;
4. additional parks furniture including seating, picnic areas and barbeque; and
5. further investigates the creation of a dog free area in a park.

Ordinary Meeting held on 4 December 2012:

The Council resolved to consult with the community and park users on three (3) options which included:

Option 1 - a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months trial period from the beginning of April to the end of September, annually);

Option 2 - a permanent barrier comprising mature trees, garden beds; and

Option 3 - No change to Forrest Park, Mount Lawley.

Ordinary Meeting held on 12 February 2013– Progress Report No. 3:

The Council considered the submissions received during the consultation period and supported in principle the erection of a partial/full barrier in Forrest Park based on Options 1 and Option 2, as shown in Plan No. 3009-CP-01A and Plan No. 3009-CP-01B.

Ordinary Meeting held on 12 March 2013 – Progress Report No. 4:

The item was deferred and the Chief Executive Officer, in liaison with the Mayor, were authorised to engage a Landscape Consultant Architect to review and further develop the barrier options with local residents and park users (adopted in Principle by the Council) for Forrest Park.

DETAILS:

Landscape Consultant:

In accordance with the Council decision of the 12 March 2013, a 'Request for Quotation' was sent out to over twenty (20) landscape consultants, at the close of submissions only three (3) submissions had been received. Following assessment of the submissions by Council staff, Newforms Landscape Architecture were engaged to undertake the Forrest Park Barrier option project.

Forrest Park Community Forum:

A Community Forum was chaired by the City's Mayor and facilitated by the consultants on 1 May 2013 at the Forrest Park Croquet Club. In excess of 55 persons were in attendance including many children from the Perth Junior Soccer Club.

Mayor MacTiernan advised all attendees that the Council's decision was to install a barrier at Forrest Park and the purpose of the forum was to discuss the types of barrier to be installed.

Newforms Landscape Architecture then provided a brief presentation showing different perspectives of the two (2) options to be considered and outlining the various materials/ plant species and furniture that could be considered.

Representatives from the Perth Junior Soccer Club present were very vocal and expressed their disappointment at the Council's decision to install some form of barrier and segregate the park.

There was an overall preference for Option 1, the part permanent/part semi-permanent barrier option which allowed the southernmost cricket pitch to remain. There was minimal support for Option 2 (Vegetative barrier) and the view of attendees was that this option loses too much space and could then cause darker areas that may require additional lighting.

Consultants Report/ Recommendation:

Newforms Landscape Architecture have chosen to further develop what they consider were the best concept designs for Options 1 and 2 presented to the Council by the officers on 12 March 2013.

With Option 1, they consider that *Option 1B* – Partial Permanent Vegetative Barrier/Partial Removable Fence Barrier provides the best outcome and is the most effective solution to control dogs from crossing from the community recreation area into the active sports area.

With Option 2, they consider that *Option 2C* – Permanent five (5) metre Vegetative Barrier was the best alternative for this option as it allows for a broader compacted planting area. Newforms consider that the one (1) metre and three (3) metre options would not be successful, with the lack of planting density allowing dogs to easily traverse from one area to the other.

Overall, Newforms Landscape Architecture considers that *Option 1* is the more appropriate for Forrest Park. In their view the long-term cost of the five (5) metre vegetative barrier would be considerably higher and the solution would not be as effective in restricting dogs from crossing from the community recreation area into the active sports area.

Option 1 – Partial Permanent Vegetative Barrier/Partial Removable Fence Barrier:

Newforms has recommended that the partial permanent vegetative barrier outside of the cricket field be 3.5 metres wide and consist of densely planted native species including six (6) trees. Four (4) native trees have also been included in the community recreational area as suggested at the Community Forum.

They have provided a number of options for the fencing styles including estimated costs as follows:

- Artwork/Public Artwork fencing (see examples on page 15 of report)

Whilst a cost has not been provided in the report, officers have since been advised by Newforms that the cost of this type of fencing including artwork design fees would be in excess of \$75,000.

- Custom 5 – Colours Fence (see examples on page 14 of report) – \$46,800
- Off-the-shelf Pool Type Fence (see examples on page 14 of report) – \$31,200

Therefore, the total cost of the installation of the above with the partial vegetative barrier, site works, irrigation and park furniture (four (4) x park benches and three (3) x picnic tables) exclusive GST is as follows:

- Artwork/ Public Artwork Fencing:
 - Fencing \$75,000
 - Site works/Planting/Irrigation \$27,500
 - Park Furniture \$11,000
 - Total** \$113,500

- Custom Bluedog 5 – Colours Fence:
 - Fencing \$46,800
 - Site works/Planting/Irrigation \$27,500
 - Park Furniture \$11,000
 - Total** \$85,300

- Off-the-shelf Bluedog Pool Type Fence:
 - Fencing \$31,200
 - Site works/Planting/Irrigation \$27,500
 - Park Furniture \$11,000
 - Total** \$69,700

Note: An optional Electric BBQ cost (discussed at Community Forum) is provided at an additional \$15,220.

Option 2 – Permanent 5 metre Vegetative Barrier:

Newforms has proposed a five (5) metre permanent vegetative barrier to promote the segregation between the community recreational area and active sports area. The area will be densely planted with native plant species including nine (9) trees.

Three (3) native trees have also been included in the community recreational area as suggested at the Community Forum.

The estimated cost is as follows:

- Five (5) metre Vegetative Barrier
 - Site works/Planting/Irrigation \$60,400
 - Park Furniture \$11,000
 - Total** \$71,400

Note: The above cost does not include the removal of the southernmost cricket pitch which was estimated at \$8,500.

An optional Electric BBQ cost (discussed at Community Forum) is also provided at an additional \$15,220.

Officer's Comment

The estimated costs provided by Newforms Landscape Architecture are all in excess of the budget allocation.

In Option 1B of the officers' report (12 March 2013) the pool type fencing proposed was 900mm in height and only \$17,050 installed and whilst the anchoring system was different, officers were confident that this method would work. The only other difference in cost with Newforms' option was the additional small section of permanent vegetative barrier on the eastern side of the cricket field.

To implement Option 2 the total cost would actually be \$79,900 which would include the removal/reinstatement of the southernmost cricket pitch.

CONSULTATION/ADVERTISING:

All respondents, the local community and sporting clubs affiliated with this reserve will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A part-permanent physical or vegetative barrier if installed may improve the amenity/safety of all park users.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports, if the Council was to consider the segregation of the dog exercise area from the 'active' sports area by creating a vegetative barrier consisting of native plants this would ultimately result in increased biodiversity; however, would not necessarily reduce groundwater use given the design of the existing in-ground reticulation system.

FINANCIAL/BUDGET IMPLICATIONS:

No funding has been allocated within the 2012/13 budget to undertake any of the proposed works; however, an amount of \$65,000 has been listed for consideration in the draft 2013/14 budget to undertake the proposed works.

COMMENTS:

Following the Community Forum held on 1 May 2013 and receipt of the consultant's report, the Council now have to make a decision on what option is most suitable for Forrest Park and what form that will take.

9.1.6 Amendment No. 110 to Planning and Building Policies – Final Adoption of Policy No. 3.6.3 – Trees of Significance

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	PLA0252
Attachments:	001 – Final amended Policy No. 3.6.3 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.6.3 – Trees of Significance, as shown in Appendix 9.1.6 (Attachment 001); and
2. **AUTHORISES** the Chief Executive Officer to advertise the final version of Policy No. 3.6.3 – Trees of Significance in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Mayor Hon. Alannah MacTiernan assumed the Chair at 8.35pm.

Moved Cr McGrath, Seconded Cr Maier

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 version of Policy No. 3.6.3 – Trees of Significance, as shown in Appendix 9.1.6 (Attachment 001), subject to the policy being amended as follows:

1.1 A new clause 6.5(i) be inserted as follows:

“i) likely to be a remnant or regrowth local native tree.”

Debate ensued.

Cr Carey departed the Chamber at 8.35pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.37pm.

Debate ensued.

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

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.6.3 – Trees of Significance, as shown in Appendix 9.1.6 (Attachment 001), subject to the policy being amended as follows:
 - 1.1 A new clause 6.5(i) be inserted as follows:
 - i) likely to be a remnant or regrowth local native tree; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final version of Policy No. 3.6.3 – Trees of Significance in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

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. 110 relating to Policy 3.6.3 – Trees of Significance; and to present to the Council the final version of the amended policy No. 3.6.3 for final adoption.

BACKGROUND:

The Council adopted the Planning and Building Policy Manual on 27 March 2001 which included Policy No. 3.6.3 relating to Trees of Significance.

At the time of adoption of Policy No. 3.6.3 relating to the Trees of Significance Inventory, there were no provisions within the Town Planning Scheme No. 1 to protect trees identified as having significance. An amendment to the City's Town Planning Scheme No. 1 to include Clause 21, was gazetted on 24 April 2003 which offered protection to trees listed on the City's Trees of Significance Inventory.

Since its initial adoption in March 2001, Policy No. 3.6.3 relating to the Trees of Significance Inventory had not been amended to align with the provisions in Town Planning Scheme No. 1. Amendment No. 110 proposes amendments to Policy No. 3.6.3, which ensure that the policy is consistent with the provisions of Clause 21 of Town Planning Scheme No. 1.

Amendments to the policy also aim to clarify when approval is required for work associated with Trees of Significance and to provide a framework whereby trees can be nominated for inclusion on the Trees of Significance Inventory.

History:

Date	Comment
12 March 2013	The Council at its Ordinary Meeting initiated Amendment No. 110 and authorised Draft Amended policy No. 3.6.3 to be advertised.
2 April 2013	The public consultation period commenced for Amendment No. 110 relating to draft amended Policy No. 3.6.3.
30 April 2013	The public consultation period closed for Amendment No. 110 relating to draft amended Policy No. 3.6.3.

Previous Reports to Council:

This matter was previously reported to the Council on 12 March 2013.

The Minutes of Item 9.1.8 from the Ordinary Meeting of Council held on 12 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:

In accordance with the Council resolution of 12 March 2013, the draft policy was advertised for public comment between 2 April 2013 and 30 April 2013. Three (3) submissions were received; one of support from an owner of a significant tree and the remaining two from Government Authorities.

The submission of support from an owner of a tree currently listed on the Trees of Significance Inventory also included a number of comments in relation to mandatory protection of trees in the development phase. These comments are outlined in the Summary of Submission (as shown in Attachment 002).

While this submission did not result in amendments to the policy, the City's Officers have further reviewed the policy and made minor amendments to Clause 7.0 of the policy shown as strikethrough and underline in the policy, including the addition of the following Clause 7.5:

7.5 *Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arborist of approved works. The city may inspect and photograph trees before and after the approved works.'*

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy was 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, letters to Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of three (3) submissions were received during the four week consultation period as follows;

Government Authority Submissions

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

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	1	33.3%
Object	-	-
Not Stated	2	66.6%
Total	3	100%

Comments received:

Issue	Comment
Horticultural staff should also provide consultation on site and that City of Vincent manpower and equipment should be available for private tree owners.	The City's Parks Services provide advice to residents in relation to privately owned significant trees and trees generally when required. The provision of assistance does not extend to works undertaken on private property due to public liability insurance implications.

Issue	Comment
<p>The City should establish mandatory guidelines to protect trees on development sites and street trees with penalties for damage or removal.</p>	<p>At present the City's verge trees and trees listed on the Significant Tree Inventory are afforded protection during the development phase. The mandatory protection of all trees during the development phase is a matter that has been considered by the City on a number of occasions, however, has not been implemented for a number of reasons including; considerable opposition from the community, insufficient City resources to implement and monitor mandatory protection of trees and lack of State Government legislative support.</p> <p>The current review of the Trees of Significance Inventory and amendments to Policy No. 3.6.3 (Trees of Significance) aim to further facilitate the protection of trees by way of:</p> <ul style="list-style-type: none"> • Introduction of a Significant Tree Assistance Fund, • Providing a framework for Nominations for inclusion of trees onto the Significant Tree Inventory; • Development of guidance notes for the protection of trees during the development phase.

RISK MANAGEMENT IMPLICATIONS:

Medium: The review of the Significant Tree Inventory and associated policy is a specific action 3.10 in the City's Sustainable Environment Strategy 2001 – 2016 which states:

'3.10 Update and review the City's Significant Trees Inventory and Policy, and promote the protection of trees during planning and construction phases.'

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

1.1 Improve and Maintain the Environment and Infrastructure.

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL
<p>All trees, but particularly mature trees omit oxygen, provide shade, reduce the dangers of ultraviolet radiation, cool the air, insulate against cold or hot winds and reduce glare. In addition, mature trees may provide habitats for indigenous wildlife, filter atmospheric impurities, capture carbon emissions, reduce stormwater run-off, reduce erosion and contribute significantly to the general quality of urban living.</p> <p>The Policy will encourage the protection of mature tree stock within the City which will provide considerable environmental and health implications for the City's residents and broader community.</p>

SOCIAL

The policy amendments proposed aim to improve the aesthetic value of the area which both provide tangible benefits to the community by way of visual amenity.

ECONOMIC

The policy provides for the protection of significant trees and offers financial incentive to tree owners to maintain trees on their property, which will have a social and environmental benefit to the City's residents and the broader community.

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>\$ 7,085</u>
Balance:	\$72,915

COMMENTS & CONCLUSION:

It is considered that amended Policy No. 3.6.3 will align the policy with the provisions contained in Clause 21 of the City's Town Planning Scheme No. 1; provide a framework for the nomination of trees for consideration on the Trees of Significance Inventory; and provide a framework for financial assistance to property owners to maintain trees of significance within their property.

In light of this, it is recommended that the Council adopts the final draft amended Policy in accordance with the Officer Recommendation and advertise the final amended policy in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

9.1.10 No. 13 (Lot 56; D/P 6049) Anderson Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings

Ward:	North	Date:	18 June 2013
Precinct:	Mount Hawthorn (P1)	File Ref:	PRO5669; 5.2012.384.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Written Submission from Applicant		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzì, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development 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 Risbec Designs for the Proposed Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 13 (Lot: 56 D/P: 6049) Anderson Street, Mount Hawthorn, as shown on amended plans stamp-dated 28 August 2013 (Demolition), 10 May 2013 (Upper Floor/Site & Elevations), and 16 May 2013 subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 11 Anderson Street, Mount Hawthorn, and No. 22 and 24 Jugan Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

“2.1 Street Walls and Fences

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

2.2 Bicycle Bays

A total of three bicycle bays are to be provided on site, designed in accordance with AS2890.3;

2.3 Privacy Screening

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

The balcony of unit six, any point within the cone of vision less than 7.5 metres from unit two’s upper floor west facing family room window. Alternatively if unit two’s upper floor west facing family room window is screened to 1.6 metres from finished floor level this would also eliminate the privacy issue;

“2.4 Essential Facilities

~~A minimum of three (3) lineal metres of clothes line is to be provided per dwelling;~~ 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 5.2, Essential Facilities A7.3 of the City’s Development Guidelines for Multiple Dwellings in Residential Zones Policy 3.4.8.”

2.5 Construction Management Plan

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

2.6 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the City’s Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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

- A. Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving.
- B. Provision of increased soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development.
- C. A minimum of five (5) percent of the total site area, shall be provided as soft landscaping within the private outdoor living areas of the dwellings.
- D. The location and type of existing and proposed trees and plants.
- E. All vegetation including lawns.
- F. Areas to be irrigated or reticulated.
- G. Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- H. Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).
- I. Planting to the east, west, and south boundaries for all common and private outdoor living areas to include 100L trees planted at a maximum of five metre spacing’s for the full width of the boundary.

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

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

2.7 Acoustic Report

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

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

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
2. Privacy screening as required by condition 2.3 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 any major 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.
3. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
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 Anderson Street.
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.
6. Any new street/front wall, fence and gate within the Anderson 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.
7. 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.
8. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50%, with the exception of a single pier which may not exceed 355mm in width.

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

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Pintabona, Seconded Cr Harley

“That a new Clause 2.8 be inserted as follows:

2.8 Side and Rear Setbacks

All ground and upper floor side and rear boundary setbacks (with the exception of the stores) to be in full compliance with the Acceptable Development provisions of clause 6.3.1 of the Residential Design Codes 2010, relating to Buildings setback from the boundary; and”

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

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

MOTION PUT AND CARRIED (8-1)

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

COUNCIL DECISION ITEM 9.1.10

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 Risbec Designs for the Proposed Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 13 (Lot: 56 D/P: 6049) Anderson Street, Mount Hawthorn, as shown on amended plans stamp-dated 28 August 2013 (Demolition), 10 May 2013 (Upper Floor/Site & Elevations), and 16 May 2013 subject to the following conditions:

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2.1 Street Walls and Fences

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

2.2 Bicycle Bays

A total of three bicycle bays are to be provided on site, designed in accordance with AS2890.3;

2.3 Privacy Screening

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

The balcony of unit six, any point within the cone of vision less than 7.5 metres from unit two's upper floor west facing family room window. Alternatively if unit two's upper floor west facing family room window is screened to 1.6 metres from finished floor level this would also eliminate the privacy issue;

2.4 Essential Facilities

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 5.2, Essential Facilities A7.3 of the City's Development Guidelines for Multiple Dwellings in Residential Zones Policy 3.4.8.

2.5 Construction Management Plan

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

2.6 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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- B. Provision of increased soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development.
- C. A minimum of five (5) percent of the total site area, shall be provided as soft landscaping within the private outdoor living areas of the dwellings.
- D. The location and type of existing and proposed trees and plants.
- E. All vegetation including lawns.
- F. Areas to be irrigated or reticulated.
- G. Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.

- H. **Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).**
- I. **Planting to the east, west, and south boundaries for all common and private outdoor living areas to include 100L trees planted at a maximum of five metre spacing's for the full width of the boundary.**

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

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

2.7 Acoustic Report

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

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

ADVICE NOTES:

- 1. **With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.**
- 2. **Privacy screening as required by condition 2.3 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 any major 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.**
- 3. **No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.**
- 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 Anderson Street.**
- 5. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.**
- 6. **Any new street/front wall, fence and gate within the Anderson 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.**

7. **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.**
8. **Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50%, with the exception of a single pier which may not exceed 355mm in width.**

PURPOSE OF REPORT:

The application is referred to Council for determination as it cannot be determined under officer delegation.

BACKGROUND:

Nil.

DETAILS:

Landowner:	N Kostov & D Kostova
Applicant:	Risbec Designs
Zoning:	Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P" – Permitted
Lot Area:	756 square metres
Right of Way:	N/A

The multiple dwelling proposal is within an area which was, until recently under the City of Stirling District Planning Scheme No.2. However in anticipation of the recent changes was assessed under the City's requirements. It should be noted that in this particular area previous developments have not been assessed under the City's Policies and as such requirements from these policies do not necessarily reflect the existing built form.

ASSESSMENT:

Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Plot Ratio	✓		
Building Height	✓		
Street Setbacks			✓
Minor Incursions	✓		
Setback of Garages and Carports	✓		
Side and Rear Setbacks			✓
Open Space	✓		
Surveillance of the Street			✓
Street Walls and Fences			✓
Outdoor Living Area	✓		
Landscaping			✓
On-site Parking Provision			✓

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Driveways and Crossovers	✓		
Vehicular Access	✓		
Site Works	✓		
Retaining Walls	✓		
Visual Privacy			✓
Solar Access	✓		
Essential Facilities			✓
Roof Form	✓		

Detailed Assessment

Issue/Design Element:	Street Setbacks
Requirement:	<p><u>Multiple Dwelling Policy Clause 2.3</u> <u>Upper Floor</u> Unit 2</p> <ul style="list-style-type: none"> Balcony – 1.0 metre behind the ground floor setback <p>Unit 6</p> <ul style="list-style-type: none"> Upper floor 2.0 metres behind the ground floor setback at all points Balcony – 1.0 metre behind the ground floor setback
Applicants Proposal:	<p>Unit 2</p> <ul style="list-style-type: none"> 0.2 metres behind the ground floor setback <p>Unit 6</p> <ul style="list-style-type: none"> 1.1 to 3.9 metres behind the ground floor setback 0.3 metres in front of the ground floor 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; and Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	Supported – The emerging streetscape within Anderson street is that of two storey grouped dwellings, which is evident in three adjoining properties to the east, No. 7, 9, and 11 Anderson Street. Given their assessment under the City of Stirling District Planning Scheme none of these developments have demonstrated upper floor setbacks compliant to the Residential Design Elements

Issue/Design Element:	Street Setbacks
	and as such requiring full compliance would not be in keeping with the existing development character or the emerging streetscape character.
	Regardless of this, the upper floor setbacks proposed have been amended to largely comply with the City's requirements and as such this proposal is considered to provide balance of complimenting both the single and double storey dwellings in the local area. As the variations are only relating to the upper floor, primarily the balconies, there is no reduction in the sites ability to provide landscaping as a result of this variation.

Issue/Design Element:	Side and Rear Setbacks
Requirement:	<p><u>Residential Design Codes Clause 7.1.4</u> <u>Ground Floor Setbacks</u> Unit 1</p> <ul style="list-style-type: none"> • East – 1.5 metre setback <p>Unit 3</p> <ul style="list-style-type: none"> • East – 1.5 metre setback <p>Unit 5</p> <ul style="list-style-type: none"> • West – 1.5 metre setback <p><u>Upper Floor Setbacks</u> Unit 2</p> <ul style="list-style-type: none"> • East – 2.0 metre setback <p>Unit 4</p> <ul style="list-style-type: none"> • East – 1.6 metre setback <p>Unit 6</p> <ul style="list-style-type: none"> • West – 1.9 metre setback <p><u>Building on Boundary</u></p> <ul style="list-style-type: none"> • Building on the boundary to no more than one boundary
Applicants Proposal:	<p><u>Ground Floor Setbacks</u> Unit 1</p> <ul style="list-style-type: none"> • 1.0 metre <p>Unit 3</p> <ul style="list-style-type: none"> • 1.0 – 2.5 metres <p>Unit 5</p> <ul style="list-style-type: none"> • 1.0 metres <p><u>Upper Floor Setbacks</u> Unit 2</p> <ul style="list-style-type: none"> • 1.5 metres <p>Unit 4</p> <ul style="list-style-type: none"> • 1.5 metres <p>Unit 6</p> <ul style="list-style-type: none"> • 1.1 to 3.1 metres <p><u>Building on Boundary</u></p> <ul style="list-style-type: none"> • To the east and west boundary
Performance Criteria:	<p>Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;

Issue/Design Element:	Side and Rear Setbacks
	<ul style="list-style-type: none"> • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	<p>Supported - setback variations are considered minor in nature, with a maximum variation of 0.5 metres. The setbacks provided are adequate to allow for direct sunlight and ventilation to the adjoining properties, with the application fully complying to the R-Codes solar access requirements. Setbacks to the upper floor have been increased from the ground floor which reduces visual impact and allows for additional direct sunlight and ventilation to adjoining properties.</p> <p>The boundary walls are compliant in height, and have been provided with breaks along the boundary which reduces visual impact. No undue impact will result from the walls being proposed to the east and west boundaries, as both are well under two thirds the length of the boundary behind the street setback.</p>

Issue/Design Element:	Surveillance of the Street
Requirement:	<p><u>Multiple Dwelling Policy Clause 3.1</u> The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</p>
Applicants Proposal:	Visitor parking bay in front of unit five.
Performance Criteria:	<p>Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.</p> <p>Ground Floor Activation: The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.</p> <p>Streetscape Integration: Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.</p>
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	Supported – The visitor bay is not considered to significantly reduce surveillance or activation of the street as there are two outdoor living areas located within the street setback area as well as units 2 and 6 both providing large openings and balconies from the upper floor facing over the street.

Issue/Design Element:	Street Walls and Fences
Requirement:	<p><u>Residential Design Elements 3.2.1 SADC 13</u></p> <ul style="list-style-type: none"> • Solid height of front fence to be a maximum of 1.2 metres • Solid portion of wall may be extended up to

Issue/Design Element:	Street Walls and Fences
	1.8 metres in height for a maximum of 1.0 metre in length in order to incorporate a meter box, however the meter box is to be aligned perpendicular to the street front
Applicants Proposal:	<ul style="list-style-type: none"> • Letterbox height not noted • Two walls up to 2.3 metres wide, and facing the street front
Performance Criteria:	<p>Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	<p>Not Supported – The increased length of solid wall portion reduces visibility from the dwellings to the street at ground level and is not in keeping with the desired streetscape.</p> <p>Letterbox is to have a maximum solid height of 1.2 metres above adjacent footpath level, and meter boxes are to be aligned perpendicular to the street front.</p>

Issue/Design Element:	Landscaping
Requirement:	<p><u>Multiple Dwellings Policy Clause 4.2</u></p> <ul style="list-style-type: none"> • Separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas; • Minimum 30% total site area provided as landscaping
Applicants Proposal:	<ul style="list-style-type: none"> • No pedestrian paths noted • 18.9% provided
Performance Criteria:	<p>The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape. • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. Maintains a sense of open space between buildings. • Assists in increasing tree and vegetation coverage.
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	<p>No Supported – This development will be conditioned to meet the 30% landscaping requirement prior to submission of a building permit.</p> <p>Landscaping as proposed could be significantly increased through the reduction of hard paving.</p>

Issue/Design Element:	On-Site Parking Provision
Requirement:	<u>Residential Design Codes Clause 7.3.3</u> 6 residential car bays 2 visitor car bays 3 bicycle bays
Applicants Proposal:	6 residential car bays 2 visitor car bays 2 bicycle bays
Performance Criteria:	Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> the type, number and size of dwellings; the availability of on-street and other offsite parking; and the location of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	Not Supported – Applicant is to provide one additional bicycle bay on site to ensure adequate provision for bicycles.

Issue/Design Element:	Visual Privacy
Requirement:	<u>Residential Design Codes Clause 7.4.1</u> Unit 6 Balcony setback or screened any point in the cone of vision 7.5 metres from a neighbouring habitable area
Applicants Proposal:	Setback 4.0 metres from unit 2 family area
Performance Criteria:	Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	Not Supported – Currently it is considered that the balcony directly looks into the adjoining units living area. Screening either of the living room window or balcony required to meet compliance for visual privacy.

Issue/Design Element:	Essential Facilities
Requirement:	<u>Multiple Dwellings Policy Clause 5.2</u> <ul style="list-style-type: none"> 3 lineal metres of clothes line per dwelling
Applicants Proposal:	<ul style="list-style-type: none"> Only electric clothes drying facilities indicated
Performance Criteria:	Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are: <ul style="list-style-type: none"> adequate for the needs of residents; and without detriment to the amenity of the locality.
Applicant justification summary:	Refer to Attachment 002.
Officer technical comment:	Not Supported – Applicant required to provide a minimum of 3 lineal metres of clothes line per dwelling to provide a clothes drying alternative to electric facilities.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 25 May 2013 to 4 June 2013

Comments received: A total of five (5) submissions were received, consisting four (4) objections and one (1) general comment/concern.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Plot Ratio</u></p> <p>Plot ratio for R50 development is 0.6, drawings state 63.6% which is non compliant. Given the excess plot ratio approved at No. 11 Anderson Street which is well outside of acceptable development standard, this should not be used as precedent.</p>	<p>Not Supported – Land is currently zoned R60 allowing for a plot ratio of 0.7, making the proposal fully compliant.</p>
<p><u>Street Setbacks</u></p> <p>Setbacks are not in line with overall street character and will have negative visual impact. These setbacks do not meet the acceptable development standards and will dominate the street.</p> <p>The street setbacks are continually being brought forward with each new development, eventually properties will be right to the edge of the road.</p> <p>As stated by the City's Mayor the street setback is the most important feature in protecting a streets character, and must be protected</p>	<p>Not Supported - The emerging streetscape within Anderson street is that of two storey grouped dwellings is evident in the three adjoining properties to the east, No. 7, 9, and 11 Anderson Street. Given their assessment under the City of Stirling District Planning Scheme none of these developments have demonstrated upper floor setbacks compliant to the Residential Design Elements and as such requiring full compliance would not be in keeping with the existing development character.</p> <p>Regardless of this, the upper floor setbacks proposed have been amended to largely comply with the City's requirements and as such this proposal is considered to provide balance of complimenting both the single and double storey dwellings in the local area. As the variations are only relating to the upper floor, primarily the balconies, there is no reduction in the sites ability to provide landscaping as a result of this variation.</p>
<p><u>Side and Rear Boundary Setbacks</u></p> <p>The proposal fails to meet acceptable development standards at the front and sides of the lot, and indicates the developers greed has taken precedence over community benefit. Council continually permits developers to push the boundaries, making the acceptable development standard a mockery.</p>	<p>Not Supported - setback variations are minor in nature, with a maximum variation of 0.5 metres and the plot ratio is under the allowable 0.7. The setbacks provided are adequate to allow for direct sunlight and ventilation to the adjoining properties, with the application fully complying to the R-Codes solar access requirements, and increasing setbacks on the upper floors which reduces visual impact and allows for additional direct sunlight and ventilation to adjoining properties.</p> <p>The boundary walls which are compliant in height, and provided with breaks along the boundary which reduces visual impact. No undue impact will result from the walls being</p>

Summary of Comments Received:	Officers Technical Comment:
	proposed to the east and west boundaries, as both are well under two thirds the length of the boundary behind the street setback. In addition there is a condition to provide 100L trees at least every five metres from the east, west and south boundaries.
<p><u>Street Wall and Fences</u></p> <p>Fence proposed is not in keeping with the rest of the street. Large solid sections of wall are unappealing and have a negative visual impact on the streetscape, they also increase potential for vandalism and impede street surveillance.</p>	<p>Supported – The proposed front boundary fencing has been conditioned to comply with the City's requirements to ensure adequate sightlines and greater interaction between the development and the street.</p>
<p><u>Surveillance of the Street</u></p> <p>Visitor bays should be in the front so issues from street parking will not arise.</p> <p>There will be little adequate street surveillance with cars parked between the dwelling and the street impeding line of sight.</p> <p>Given the inadequacy of car bays provided for the units it is inevitable the visitor bays will be used by the residents.</p>	<p>Noted – The visitor bay is not considered to significantly reduce surveillance of the street as there are two outdoor living areas located within the street setback area as well as units 2 and 6 both providing large openings and balconies from the upper floor facing over the street.</p> <p>Having the visitor bay at the front of the property will also make it more visible for visitors, who will in turn be more likely to use the visitor bays as opposed to on-street parking.</p> <p>On-site car bays provided comply to the requirements of the R-Codes.</p>
<p><u>On-Site Parking</u></p> <p>Lack of ability to fit in adequate bicycle facilities further indicates the developer is overdeveloping the site and not including all the necessary provisions required.</p>	<p>Noted – The site is considered to have adequate space to provide the full provision of required bicycle bays, and this has been conditioned to comply in the officer recommendation.</p>
<p><u>Landscaping</u></p> <p>Almost all significant vegetation and mature trees along Anderson street are being removed with new development. This will impact fauna in the area with loss of habitat, and also reduce street appeal.</p> <p>Other developments in the area have been required to meet 30% landscaping requirement, and therefore this development should be no exception, otherwise other developments should retrospectively be able to lower their landscaping provision.</p> <p>The high percentage of hard surface in the front setback area will lead to negative visual impact and ruins the streetscape, parking and driveways are not landscaping.</p>	<p>Supported – The landscaping has been conditioned to meet the 30% requirement.</p>

Summary of Comments Received:	Officers Technical Comment:
Pedestrian Paths should be provided as required to ensure pedestrian safety on-site.	
<p><u>Privacy</u></p> <p>Developers should adhere to standards of privacy. Not possible to tell if units two and four will breach privacy requirements from plans provided.</p>	<p>Noted – Unit 2 and 4 fully comply with privacy requirements of the R-Codes, outstanding issue of privacy is conditioned to comply in the officer recommendation.</p>
<p><u>Essential Facilities</u></p> <p>No communal areas outdoor to hand wash clothing discretely. May result in residents having to hang clothes out in the open and from balconies which is a negative visual impact on the street and surrounding neighbours. Only providing electric drying options is a poor environmental and economic outcome.</p> <p>The proposed development does not have sufficient space for twelve bins, which can result in waste disposal issues. The bin store is also located close to adjoining properties. Communal bin storage areas are often considered no one's responsibility and result in issues of health, offensive smells and hygiene. Each unit should be provided with their own bin storage area.</p>	<p>Noted – The officer recommendation has conditioned that 3 lineal metres be provided per dwelling either privately or communally to allow for alternative methods of drying than electrical.</p> <p>Bin storage area requirements have been conditioned to comply with the requirements of the City's Technical Services; communal bin areas are permitted.</p>
<p><u>Development Type</u></p> <p>Looks like a cell block. Three units to a block is more acceptable as six units is excessive for the lot. Overdevelopment of the block will lead to slum like outcomes.</p>	<p>Not Supported - The proposal fully complies in terms of height, and plot ratio requirements, with Multiple Dwellings being a permitted use for the area.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

1. *Introduce Roof overhangs and other shading devices for all openings and windows. Consider the different wall and opening orientation and develop suitable shading devices e.g. Lower morning and afternoon sun for east and west orientation.*
2. *Provide a detailed courtyard plan that limits the impact of the driveway and parking paving, and includes communal areas for occupants, seats, and tree species.*
3. *Improve the courtyard and outlook for unit 3 and 4. Reducing the carbay width where possible and putting this surplus space in to the site for unit 3 and 4 may achieve this.*
4. *Re-orientate the living space of unit 3 to potentially address north and utilize natural heat gain. Item 3 noted above may assist with this re-planning.*
5. *Submit developed elevations with materials that reference the older housing types of stone, brick and render. Identify entry areas and other important areas with the use of contrasting materials.*

6. *Address the overlooking issues without the use of translucent glass.*
7. *Check the turning circles conform with the Australian Standards and the City of Vincent technical requirements.*
8. *Add eaves to overhang and sun shading to windows.*

The above recommendations by the Design Advisory Committee are considered to have been satisfactorily met with the exception of limiting the impact of the driveway and paving. The applicant has provided a landscaping plan, eaves to the dwellings for shading, and reworking the orientation of units and their outdoor living areas to increase function and useability from the original design.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The new development will result in additional built area to the site, however landscaping is proposed to be provided which will help mitigate this impact.	
SOCIAL	
Issue	Comment
A positive impact is that the dwellings will create additional housing availability within the area.	
ECONOMIC	
Issue	Comment
Nil	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The area in which this development is proposed was, until recently under the City of Stirling District Planning Scheme No. 2, and as such much of the existing and recently approved development is not in line with the City's requirements. As such items such as the street setback requirements of the Residential Design Elements have been assessed utilising performance criteria in the context of the emerging streetscape.

The requests of the Design Advisory Committee have been satisfactorily met, and the remaining outstanding issues are considered able to be met through conditions, these issues included, the street wall/fence, landscaping, bicycle bay provision, visual privacy and provision of non electrical clothes drying facilities. Given the nature of the proposal allocating a large area to the central driveway it is likely to require the incorporation landscaping into the driveway area to meet the requirement, however the condition will be left open ended and allow the applicant to seek alternative means of meeting the requirement if that is preferable.

In light of the above the proposal is considered to have minimal impact on the adjoining properties, and is in line with the emerging development type of the area. As such the application is recommended for conditional approval.

9.2.3 Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 8

Ward:	South	Date:	17 June 2013
Precinct:	Beaufort (13)	File Ref:	TES0473
Attachments:	001 – Plan No. 2740-CP-01D 002 – Concept Plan – Option 2 003 – Pan No. 3056-CP-01 004 – Plan No. 2776-CP-01B 005 – Plan No. 2621-CP-01 006 – Possible Stage 2 Plan 007 – Draft Sketch Plan		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **SUPPORTS IN PRINCIPLE**, the following actions to be undertaken in the 2013/2014 financial year;
 - 1.1 the conversion of William Street between Brisbane Street and Newcastle Street to two-way to match the existing two-way road system within the City of Perth (south of Newcastle Street) as shown on attachment 9.2.3E;
 - 1.2 the amended ‘reconfiguration’ of Brisbane Street between Beaufort Street and Stirling Street as shown on attachment 9.2.3C;
 - 1.3 the amended ‘draft’ changes to the Brisbane/Beaufort Street intersection as shown on 9.2.3F; and
 - 1.3 the conversion of Brisbane Street between William and Beaufort Street to two-way; and
2. **NOTES;**
 - 2.1 the information contained in the report regarding the progress to date with the conversion of one way roads to two-way in both the City’s of Vincent and Perth; and
 - 2.2 that while there is no specific budget allocation in the 2013/2014 budget to undertake the works, as mentioned in clause 1.1 existing funds are being carried forward (from 2012/2013) which can be used to undertake the required works, as outlined in the report; and
3. **RECEIVES** a further detailed progress report on the final designs and estimated costs to implement all of the works as outlined in Clause 1 above.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of the reintroduction of two-way traffic in the City's of Vincent and Perth streets.

BACKGROUND:

Seven (7) progress reports on the two-way streets proposal have previously been considered by the Council. The following, in chronological order, are the relevant clauses taken from the Councils decisions specific to the two-way streets proposals.

Ordinary Meeting of Council 2 December 2008:

Progress report No.2 was considered by the Council where the following decision (in part) was made.

- “(iii) AUTHORISES the Chief Executive Officer to enter into dialog with the City of Perth and other relevant parties (if required) as soon as possible.....and that a unified approach is undertaken in progressing the City of Perth’s proposal to ensure there is no adverse impact on any roads under the care control and management of the Town;”*

Ordinary Meeting of Council 24 March 2009:

- “(v) REQUESTS the Chief Executive Officer to investigate funding implications and options, budget requirements and traffic implications of the reintroduction of two-way streets as proposed by the City of Perth;”*

Ordinary Meeting of Council 1 December 2009:

Progress report No.3 was considered by the Council where the following decision was made.

- “(ii) ACKNOWLEDGES that the works are required and were scheduled to commence at the end of November 2009; and*
- (iii) representatives from the City of Perth to the Council Forum of 23 February 2010, to provide an update of the City’s proposed two way street proposals, in particular for William Street and Beaufort Street.”*

Ordinary Meeting of Council 13 April 2010:

Progress report No. 4 was considered by the Council where the following decision was made.

“That the Council;

- (ii) SUPPORTS IN PRINCIPLE the proposal to reintroduce ‘two way’ traffic in William, Beaufort and Brisbane Streets subject to the City of Perth agreeing to undertake the following:*
- (e) agree to fund the design/documentation of signal modifications and any other design requirements associated with the two way street proposal within the Town at both the William/Brisbane and Beaufort/Brisbane Street intersections;*
- (iv) CONSULTS with businesses and residents of Beaufort Street, Brisbane Street, William Street and other parties affected by the proposal;”*

Ordinary Meeting of Council 28 September 2010:

"That the Council;

- (ii) SUPPORTS the proposed City Streets Transport Plan Strategic Agreement prepared by the City of Perth in consultation with the Town, Department of Transport, Public Transport Authority and Main Roads WA, and notes that further;*
 - (a) information will be obtained regarding the City of Perth's proposed joint Communication Plan to be developed between all partners to the Agreement; and*
 - (b) detailed discussions will need to be held with both the Public Transport Authority and Main Roads WA regarding the implication of, and approvals required, to progress the implementation of the reintroduction of "two way" streets in the Town and within the City of Perth;*
- (iii) AUTHORISES the Chief Executive Officer to sign the Strategic Agreement document on behalf of the Town, as contained in Appendix 9.2.1;"*

Ordinary Meeting of Council 12 July 2011:

Progress report No. 5 was considered by the Council where the following decision was made.

"That the Council;

- 1. CONTINUES TO SUPPORT the proposal to reintroduce 'two-way' traffic in William, Beaufort and Brisbane Streets;.....*
- 3. REQUESTS that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay noting that both the City of Vincent and the City of Perth have coordinated the implementation of the project to occur concurrently toward the end of 2011;.....*
- 6. DOES NOT SUPPORT a twenty four (24) hour bus lane on Beaufort Street due to the negative impact on local retail districts, pedestrian amenity and alfresco dining."*

Ordinary Meeting of Council 14 August 2012:

Progress report No. 6 was considered by the Council where the following decision was made.

"That the Council;

- 1. APPROVES Option 2 as the preferred option for the proposed modification to the Brisbane Street and Beaufort Street, Perth intersection to accommodate a 'bus-only right turn lane' on Brisbane Street for east bound Brisbane Street buses turning right into Beaufort Street, as shown in Appendix 9.2.1C, for the reasons as outlined in the report; and*
- 2. ADVISES the Public Transport Authority and the City of Perth of its decision;"*

Ordinary Meeting of Council 25 September 2012:

Progress report No. 7 was considered by the Council where the following decision (in part) was made.

“That the Council;

- 1. NOTIFIES business proprietors and residents, in the section of Beaufort Street between Brisbane Street and Newcastle Street and the section Brisbane Street between William Street and Beaufort Street, that the works to convert Beaufort Street, south of Brisbane Street and Brisbane Street between William Street and Beaufort Street from one way to two way, as shown on attached Plan No 2740-CP-03E are tentatively scheduled to commence in December 2012 and due to be completed by April 2013;*
- 2. NOTES that the Public Transport Authority is preparing a Memorandum of Understanding with the City of Vincent outlining their commitment to funding the relocation of services, road widening works and the reconfiguration of the Brisbane/Beaufort Street intersection to accommodate buses; and*
- 3. REQUESTS the Chief Executive Officer to enter into dialogue with the City of Perth, the Public Transport Authority and the Department of Transport to explore the advantages and disadvantages of allowing other vehicles such as ‘high occupancy vehicles’ to use the proposed kerbside bus priority lanes during the peak periods.”*

DETAILS:

City of Perth Roads:

The City of Perth has now completed the conversion from ‘one way’ to ‘two way’ of the following roads which link into the City of Vincent Roads:

- William Street – south of Newcastle; and
- Beaufort Street – south of Newcastle Street.

In accordance with the City Streets Transport Plan Strategic Agreement of which the City of Vincent is a signatory of, a number of other City of Perth Streets have now been converted to two way.

Beaufort Street - Brisbane to Newcastle Street:

MOU with the Public Transport Authority:

As considered by the Council at its Ordinary Meeting held on 25 September 2012 the City and the Public Transport Authority PTA entered into an MOU to enable the provision of peak period ‘bus lanes’ in the section of Beaufort Street south of Brisbane Street. In the MOU the PTA agreed to the following:

- To fund all works associated with the modifications to the Beaufort/Brisbane Streets intersection and all widening costs including all associated service relocation costs associated with these works; and
- To fund investigative works to accommodate widening to accommodate busses.

Note: PTA previously agreed to the provision of bus priority lanes during PEAK periods only and no 24/7 bus lanes have been approved at this stage.

The bus lanes installed in Beaufort Street between Brisbane and Newcastle Street currently operate in accordance the City’s existing clearway restrictions 7.30am to 9.00am in bound and 4.15pm to 6.00pm outbound with parking allowed at all other times.

Intersection Beaufort Street/Brisbane Street:

Prior to the PTA approaching the City about entering into the aforementioned MOU the Council had approved concept plans for the conversion of both Beaufort Street, Brisbane Street to Newcastle Street, and Brisbane Street, Beaufort Street to William Street, to two-way traffic.

The City's original design for the intersection of Brisbane and Beaufort Streets is shown on drawing No. 2740-CP-01D (refer to attachment 9.2.3A). The intention was to retain the existing kerb alignment and geometry of the intersection by making the Brisbane Street east bound movement a left turn only (north bound).

However, as a result of the PTA's representations to Council at its Ordinary Meeting of 14 August 2012 Council approved Concept Plan *Option 2* (refer to attachment 9.2.3B) to accommodate a 'bus-only right turn lane' on Brisbane Street for east bound Brisbane Street buses turning right into Beaufort Street south bound.

As a consequence Brisbane Street had to be widened on the northern side thereby encroaching into Birdwood Square. However, the design was contingent upon a large Telstra pit, containing significant fibre optic cables for a number of carriers, being relocated and to which the PTA had agreed to fund.

While the Beaufort Street two-way works are now largely completed and the City's section opened to two-way traffic on Sunday 12 May 2013, the works on the Brisbane/Beaufort intersection were effectively 'on hold' until Telstra provided a quotation to relocate the aforementioned pit.

In the City's discussions with PTA estimates were made as to the likely cost of the relocation (of the pit) for budgetary purposes and funds were allocated accordingly.

While the funds allocated by the PTA were substantial, Telstra's final estimate of cost, as advised verbally in early June, was double what was anticipated the end result being that neither the PTA, nor the City, is in a position to fund the relocation of the pit.

However, as the PTA wants to maintain the existing William Street bus services to Brisbane Street, it is still seeking to have the intersection designed so that buses can turn right into Beaufort Street (south) and hence the original design cannot be reinstated. Therefore the intersection will now have to be re-designed for a third time to accommodate buses while avoiding the Telstra pit.

PTA acknowledges that a 'bus-only right turn lane' is no longer feasible and that the east bound lane(s) in Brisbane Street will be open to general traffic. However, given that the predicted traffic volumes are relatively low this is not seen as an impediment to the buses.

The City and the PTA are yet to agree to an alternate design and hence the works have been deferred indefinitely. The City's officers will be meeting with the PTA over the coming weeks to progress the design and a further report will be presented to Council when agreement in principle is reached.

Brisbane Street two-way – Beaufort Street to William Street:

As a consequence of the above Brisbane Street cannot be converted to two-way traffic at this time. Once the final design of the Brisbane and Beaufort Streets intersection is agreed and approved it will then require further modifications to the Brisbane Street design, albeit it relatively minor.

Any subsequent changes will be included in a further to Council.

Brisbane Street – Stirling Street to Beaufort Street:

Prior to the Beaufort Street being converted to two-way traffic, Brisbane Street between Beaufort Street and Stirling Street, was a one-way street east bound. For the duration of the Beaufort Street works Brisbane Street has been closed to traffic (at Beaufort Street), and will remain so until the redesigned Brisbane/Beaufort Street intersection is approved and constructed.

However, the impact of the road closure has been minimal with nil comments or complaints received since its closure. To ensure access for the properties between Stirling Street and Beaufort Street, the existing roundabout at Brisbane and Stirling Streets was modified to allow both an in and out movement (formerly out only). This also provides an alternate and safer access, to the Brisbane Hotel and the City's car park. As a result Brisbane Street is now effectively a cul-de-sac at Beaufort Street.

The temporary closure has also resulted in simplified and safer intersection as it eliminates a traffic movement thereby reducing the signals phasing and cycle time. It also provides a fully protected (i.e. all traffic stops) east-west pedestrian crossing on the southern side of the intersection and by virtue of the road closure a protected pedestrian north-south crossing on the eastern side.

Any future works will include a north-south pedestrian crossing phase on the western side as well as an east-west crossing on the northern side (Birdwood Square to the Brisbane Hotel; refer to attachment 9.2.3C).

Intersection Brisbane Street/William Street:

Any modifications to the above intersection are largely dependent upon the timing of the conversion of William Street, between Brisbane Street and Newcastle Street, to two-way traffic.

If Brisbane Street (Beaufort to William) is converted first then the intersection will have to operate in an 'interim' phase. If Brisbane Street is converted in conjunction with William Street then the intersection will be constructed to its final design or configuration.

Drawing No. 2776-CP-01B (attachment 9.2.3 D) shows the 'interim' arrangement.

William Street – Brisbane to Newcastle Street:

On Sunday 21 April 2013, the City of Perth converted William Street, from Roe Street to Newcastle Street, to two-way traffic.

Obviously the City's section, between Brisbane and Newcastle Streets, remains one-way south or City bound.

Note: The design of the City of Perth's section is such that it is too narrow to accommodate Transperth buses resulting in the PTA banning them from using William Street. As a consequence, the William Street bus services have been diverted to Beaufort Street which is why the PTA wants bus access from Brisbane Street into Beaufort Street south bound.

As a result of the City of Perth's section going 'two-way' and the success of the combined Beaufort Street two-way project there is a mounting public expectation that City's remaining one-way section of William Street will be converted to two-way traffic in the near future.

When the City upgraded William Street (from Brisbane Street to Newcastle Street) in 2007/2008, the design allowed for an eventual changeover to two-way traffic. While there will obviously be significant traffic signal modifications required before this can occur the civil works are relatively simple. The minor intersections; Robinson Avenue, Monger Street, Forbes Road and Washing Lane would require some modifications on traffic management and road safety grounds.

By way of example Robinson Avenue, between Brisbane Place and William Street (adjacent the Mosque), is currently one-way with a right turn out (south) only. This would be modified to a left turn out (north) only to eliminate the potential for right angled accidents. The opposite leg of Robinson Avenue (east of William Street) would remain as is, left turn out (south) only.

Similarly, Monger Street would remain left turn in (east) only, and continue to be one-way to Money Street.

Forbes Road would retain the right and left turns in and out, which would be reviewed after a 'settling in' period as there is potential for it to create traffic congestion and road safety concerns.

Washing Lane would be restricted to the left turn out only given its proximity to a signalised intersection and as per the concept plan previously approved by Council.

Of the two major intersections Newcastle Street is largely completed as part of the City of Perth's recent works and requires only traffic signal and signage modifications.

The Brisbane Street intersection however requires significantly more work for the following reasons:

- The original design did not allow for bus movements from William Street south into Brisbane Street east (as discussed above). As a consequence, the kerb radius on the north eastern corner has to be increased to allow for the buses turning circle. This in turn will require additional service relocations; and
- The nib on the western side of William Street (south western corner) will have to be removed to accommodate a second (left turn and straight through) lane. This would require the removal of a London Plane tree and the relocation of a public art piece.

An early concept plan; drawing No. 2621-CP-01 (attachment 9.2.3E) and *Possible Stage 2 plan* (attachment 9.2.3E1), outline the basic geometry and kerb alignment required for the two-way conversion.

Summary/Way Forward:

Brisbane Street – Stirling Street to Beaufort Street:

It is proposed that the parking in this section a street be 90 degree parking on the south side only and the street be closed at Beaufort Street (refer attachment 9.2.3C).

Intersection Beaufort Street/Brisbane Street:

Due to the exorbitant cost of relocating the large Telstra pit and PTA's desire to maintain the existing the William Street bus services to Brisbane Street for buses to be able to turn right into Beaufort Street (south) the original design cannot be reinstated. Therefore, the intersection will have to be re-designed for a third time to accommodate buses while avoiding the Telstra pit.

The City and the PTA are yet to agree to an alternate design and hence the works have been deferred at this stage. A further report will be presented to Council when agreement on a revised intersection design is determined (refer draft sketch plan 9.2.3F).

Brisbane Street two-way – Beaufort Street to William Street:

Brisbane Street cannot be converted to two-way traffic until the Brisbane and Beaufort Streets intersection has been finalised.

Intersection Brisbane Street/William Street:

This intersection will need to be designed to accommodate a bus turning left east bound from William into Brisbane Street. Modifications to this intersection will be dependent on the timing of the conversion of William Street, between Brisbane Street and Newcastle Street, to two-way traffic.

If Brisbane Street (Beaufort to William) is converted first then the intersection will have to operate in an 'interim' phase. If Brisbane Street is converted in conjunction with William Street then the intersection will be constructed to its final design or configuration.

William Street – Brisbane Street to Newcastle Street:

The current configuration of William Street between Brisbane Street to Newcastle Street allows for an eventual changeover to two-way traffic. The conversion will require significant traffic signal modifications however the civil works are relatively simple.

Of the two major intersections Newcastle Street is largely completed as part of the City of Perth's recent works and requires only traffic signal and signage modifications.

The Brisbane Street intersection will require significantly more work for the two-way conversion.

Recommendations:

It is recommended that the Council approves converting William Street between Brisbane Street and Newcastle Street to two-way traffic in 2013/2014 and notes that detailed design drawings and cost estimates will be prepared and presented to Council in a further report.

In addition, it is recommended that the section of Brisbane Street between Beaufort Street and Stirling Street be modified as follows (as shown on attached plan No. 2740-CP-01D, 9.2.3A):

- Becomes a cul de sac at the Beaufort Street end; and
- The parking be 90 degree angle parking on the south side of the street.

While there is no specific allocation in the 2013/2014 for this work there are existing funds being carried forward (from 2012/2013) that can be used.

CONSULTATION/ADVERTISING:

It is recommended that businesses/residents in William Street between Brisbane Street and Newcastle Street and the section Brisbane Street between William Street and Beaufort Street be kept informed of progress with regards the proposed two-way conversion leading up to the actual implementation.

LEGAL/POLICY:

Brisbane, William and Beaufort Streets, to Newcastle Street, are District Distributor A roads under the care, control and management of the City of Vincent.

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:

Providing improved public transport access.

FINANCIAL/BUDGET IMPLICATIONS:

PTA Funding:

The City signed an MOU with PTA in early 2013. The purpose of the MOU was for PTA to fund all of the works in Beaufort Street and Brisbane Street intersection associated with the widening requirements to accommodate buses including all service relocations. The initial estimate of the works was \$0.98m (excluding service relocations).

Most of the works undertaken on the project to date have been charged to the PTA.

City of Vincent Funding:

Subsequent to the PTA becoming involved, the Council allocated the following funds in the 2011/2012 budget to undertake certain works for the conversion of Beaufort Street to two-way (these funds were carried forward to 2012/2013):

- Beaufort/Brisbane Street: \$240,360
- Brisbane Street, Beaufort Street to William Street: \$140,180
- Beaufort Street, William Street to Parry Street: \$200,000

With the PTA involvement and signing of the MOU, most of work undertaken to date for the road/s conversion have been charged to PTA. Funds remaining in the City's budget are as follows:

- Beaufort/Brisbane Intersection Improvements: \$235,000
- Brisbane Street, Beaufort Street to William Street: \$136,000
- Beaufort Street, Brisbane Street to Parry Street*: \$194,000

Note*: A 2/3 State to 1/3 Local Government funded project. The State's contribution can only be spent on the approved scope of works in Beaufort Street. However, given that the majority of the works in Beaufort Street are been funded by the PTA if the City were to withdraw the project the City's contribution of \$64,500 could be re-directed to the William Street two-way project.

Therefore, of the remaining funds available it is estimated that approximately \$350,000 will be required for the revised Brisbane/Beaufort Street intersection modifications, the Brisbane/William Street intersections modifications and Brisbane Street two-way works and the remaining funds could be re-directed to the William Street two-way works.

The only unknown factor is the cost of modifying the William and Newcastle Street intersection signals. However, the City of Perth should have substantially undertaken the majority of the necessary works as part of their two-way changeover.

COMMENTS:

The report requests that the Council supports the following actions to progress the two-way roads conversions:

- Conversion of William Street between Brisbane Street and Newcastle Street to two-way to match the existing two-way road system within the City of Perth (south of Newcastle Street);
- Amended 'reconfiguration' of Brisbane Street between Beaufort Street and Stirling Street;
- Amended 'draft' changes to the Brisbane/Beaufort Street intersection; and
- Conversion of Brisbane Street between William Street and Beaufort Street to two-way.

9.3.4 Adoption of Fees and Charges 2013/14

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – 2013/14 Fees and Charges Schedule		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY ABSOLUTE MAJORITY** to adopt the Schedule of Fees and Charges for the 2013/14 financial year, as shown in Appendix 9.3.4.

Moved Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, **Seconded** Cr Buckels

“That the Cash in Lieu in the General Planning Fees section of the Fees and Charges report be amended as follows:

1. ——— **Cash In Lieu payment for car parking for large scale developments”.**

Debate ensued.

Cr Topelberg withdrew his amendment.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, **Seconded** Cr Carey

Refer page 8.28 of the Fees Schedule:

“That the Cash in Lieu in the General Planning Fees section of the Fees and Charges report be amended as follows:

1. **Cash in Lieu payment for Car Parking to be adjusted from ~~\$5000~~ to **\$4,000** and the Cash in Lieu payment for car parking for Large scale Developments be adjusted from ~~\$10,000~~ to **\$8,000”****

Debate ensued.

AMENDMENT 1 PUT AND LOST (2-7)

For: Cr Carey and Cr Topelberg

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

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Topelberg

Refer page 8.28 of the Fees Schedule:

“That the wording for Cash in Lieu payment be amended as follows:

1. **Cash in lieu payment for car parking for large scale developments” Cash in lieu payment for car parking for developments valued at \$3 million* or more (*denotes that the \$3 million is the current threshold for determination by the Development Assessment Panel)”.**

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 3

Moved Cr Maier, Seconded Cr Buckels

Refer page 8.1 of the Fees Schedule:

“That the Library (Coin operated) amount be amended as follows:

1. **Library Black and White per copy ~~\$0.40~~ \$0.30”**

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (9-0)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

COUNCIL DECISION ITEM 9.3.4

That the Council;

1. **APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2013/14 financial year, as shown in Appendix 9.3.4 subject to the following being amended as follows;**
 - 1.1 **Cash in Lieu Payment for car parking (page 8.28):
Cash in lieu payment for car parking for developments valued at \$3 million* or more (* denotes that the \$3 million is the current threshold for determination by the Development Assessment Panel); and**
 - 1.2. **Library – photocopying (page 8.1):
Library Black and White per copy 0.30.**

PURPOSE OF REPORT:

To obtain the Council's approval of the Fees and Charges for the Financial Year 2013/14.

BACKGROUND:

The City of Vincent, as all other local governments, applies charges for services provided and for the use of the facilities available for hire. All such fees are required to be reviewed annually.

The *Local Government Act (1995)* allows for fees and charges to be adopted and include in the Annual Budget without having to be gazetted separately.

DETAILS:

The attached schedule outlines details of the Fees and Charges proposed for the 2013/14 financial year with a comparison to last year's fees. Where there has been an increase from last year the value is highlighted in bold.

A number of fees are determined by legislation, these include; Dogs, Planning/Building fees, and a number of fees raised under the *Health Act (1911)*.

GST must be applied to fees and charges that are raised where the City is engaged in what is deemed to be commercial activity. Fees where GST is applicable are marked with a 'Y' in the last column of the schedule. Local government fees and charges that are raised under legislation or Local Laws are in general GST free by way of exemption through Division 81 of the GST legislation.

New fees recommended for 2013/14 include:

Library Fees:

The price of the Beatty Park commemorative books both soft and hardcopy have been included this year.

General Fees:

Fees associated with the Relationship Declaration Register have been included in the fees and charges.

Rangers & Community Safety Services Fees:

Cat Legislation:

New fees have been introduced this year associated with the registration of cats following the adoption of the new Cat Act.

The City is currently awaiting to be advised of the associated fees to apply.

Health Services Fees:

Fees associated with an Annual Permit for Mobile Food Vendors are to be introduced this financial year.

Waste Services Fees:

The fees associated with the use of 360 litre bins in the City have been included in the fees and charges for 2013/14.

Beatty Park Leisure Centre:

Casual – Gym/Swim:

A new fee has been introduced in the Health Fitness area for Casual – Pensioner/Senior users for Gym/Swim/Spa/Sauna system, this fee has be introduced to make it consistent as there is already a Pensioner/Senior discount on the existing Casual Gym/Swim fee.

Personal Training:

A new fee has been introduced for personal training group sessions with more that four (4) participants, with a fee for members and non-members.

Existing fees include:

Parking Fees:

No increases are proposed for the fees in the City's car parks.

Kerbside Parking Fees:

No increases are proposed for the kerbside parking fees.

Planning Fees:

There were no increases in the Planning Fees for the last financial year.

However, this year the Western Australia Planning Commission has approved a CPI increase to the fees by the CPI Index for both 2012/13 and 2013/14 that is 6.25%.

Cash in Lieu:

A new fee for large developments has been introduced this year.

The definition of a large development is the same criteria as used for classification for applications to the Development Application Panels (DAP).

Beatty Park Leisure Centre:

An annual review of the Beatty Park Leisure Centre fees is undertaken to benchmark against other local government leisure centres.

Beatty Park Leisure Centre fees and charges are adjusted each year to minimise a significant increase in any one year and to ensure that the Centre remains financially sustainable as well as maintaining its community obligations.

This year it is proposed to introduce discounts on membership fees for the following categories:

- Ratepayers – 10%
- Students – 10%
- Pensioners – 15%

It is also proposed to introduce a membership fee for the Pool only this year.

CONSULTATION/ADVERTISING:

Advertised as part of the Annual Budget document.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The new and amended fees and charges have been included in the preparation of the Draft Annual Budget 2013/14.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The revenue received from the proposed fees and charges have been included in the Draft Annual Budget 2013/14.

COMMENTS:

It is recommended that the fees and charges contained in the attached schedule be adopted for the 2013/14 Budget so that the Council can apply from 1 July 2013 (or subsequent dates where nominated).

9.5.1 City of Vincent Local Law Relating To Standing Orders Local Law – Proposed Amendment - Consideration of Submissions Received and Final Adoption

Ward:	Both	Date:	14 June 2013
Precinct:	All	File Ref:	LEG0009
Attachments:	001 – Standing Orders Local Law		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi JP, Chief Executive Officer		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that pursuant to Section 3.16 of the Local Government Act 1995 the City has advertised its Local Law and that no submissions were received at the close of the statutory six (6) week public consultation period; and
2. Pursuant to section 3.12 of the Local Government Act 1995 **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** the City of Vincent Local Law Relating to Standing Orders, as shown in Appendix 9.5.1 (Attachment 001).

COUNCIL DECISION ITEM 9.5.1

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that no submissions were received from the Community and seek the Council's approval to adopt the amendment to the City of Vincent Local Law relating to Standing Orders, dealing with items referred to by members of the public during public speaking time.

BACKGROUND:

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

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

At the Ordinary Meeting of Council held on 9 April 2013, the Council resolved to amend its Standing Orders Local Law.

Comments from Department of Local Government:

Comments were received from the Department of Local Government and they recommended a number of drafting changes. There have been included into the amendment, but do not change the intent of the Local Law.

Submissions:

No submissions were received from the public.

DETAILS:

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

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

CONSULTATION/ADVERTISING:

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

The Local Law was advertised on a Statewide basis on Saturday 27 April 2013 and closed on 10 June 2013.

LEGAL/POLICY:

There is no legal impediment to the proposed amendment.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

No submissions were received by the City.

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

9.5.2 Adoption of Long Term Financial Plan for the period 2013 - 2023

Ward:	Both Wards	Date:	14 June 2013
Precinct:	All Precincts	File Ref:	ADM0038
Attachments:	001 – Ten (10) Year Long Term Financial Plan		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer	J Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Long Term Financial Plan for the ten (10) year period 2013-2023; and
2. **AUTHORISES** the Chief Executive Officer to forward the City of Vincent Long Term Financial Plan to the Department of Local Government.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.26pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.27 pm.

Debate ensued.

Cr Buckels departed the Chamber at 9.29pm.

Debate ensued.

Debate ensued.

AMENDMENT

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

That the Council;

1. **APPROVES** the Long Term Financial Plan for the ten (10) year period 2013-2023;
2. **AUTHORISES** the Chief Executive Officer to forward the City of Vincent Long Term Financial Plan to the Department of Local Government; and
3. **AMENDS** page 11 of the Long Term Financial Plan Document to replace the current wording and insert the following:

Rates increases

~~Rates increases for the period of the plan have been estimated at 5%.~~

“Rate increases in line with the CPI are proposed. The total rates income is estimated to increase by 5% based on a larger rates pool due to projected rates of development”.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

Cr Harley departed the Chamber at 7.30pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-1)

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

Against: Cr Topelberg

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

COUNCIL DECISION ITEM 9.5.2

That the Council;

- 1. APPROVES the Long Term Financial Plan for the ten (10) year period 2013-2023;**
- 2. AUTHORISES the Chief Executive Officer to forward the City of Vincent Long Term Financial Plan to the Department of Local Government; and**
- 3. AMENDS page 11 of the Long Term Financial Plan Document to replace the current wording and insert the following:**

“Rates increases

Rate increases in line with the CPI are proposed. The total rates income is estimated to increase by 5% based on a larger rates pool due to projected rates of development.”

PURPOSE OF REPORT:

The purpose of this report is to seek approval from the Council for the Ten (10) Year Long Term Financial Plan for the period 2013 – 2023 as part of the Department of Local Government’s Integrated Planning Framework.

BACKGROUND:

In August 2010 the Minister for Local Government introduced regulations which established new requirements for the Plan for the Future under the Local Government Act 1995. Under these regulations all local governments in Western Australia are required to have developed and adopted a Strategic Community Plan and a Corporate Business Plan.

Key elements of the Corporate Business Plan are the following documents:

- Workforce Plan;
- Asset Management Plans; and
- Long Term Financial Plan.

The Long Term Financial Plan is a key component of the Integrated Planning and Reporting Framework.

It will enable the City of Vincent to set priorities, based on the resourcing capabilities for the delivery of short medium and long term priorities

DETAILS:

The Long Term Financial Plan is a ten (10) year rolling plan that is to activate priorities in the Strategic Community Plan. It is expected that from these planning processes the Annual Budgets can be more aligned with the Strategic objectives.

The Long Term Financial Plan indicates a local government's long term financial sustainability allows early identification of financial issues and their longer term impacts, shows the linkages between specific plans and strategies and enhances the transparency and accountability of the Council.

The Long Term Financial Plan is a high level document that should be easily understood by the community.

It includes ten (10) year financial forecasts comprising:

- Forecast Income statement;
- Statement of Cash Flows;
- Rate Setting Statement;
- Statement of Financial Position; and
- Equity Statement.

The statements above are supported by the following:

- Details of the assumptions used in the preparation of the plans;
- Projected income and expenditure ;
- Methods of measuring performance;
- Major Capital Work's schedules;
- Risk assessments of major projects; and
- Scenario modelling and sensitivity analysis.

The City of Vincent Long Term Financial Plan has been prepared on the basis of the assumptions as outlined in the document using what is current forecast information.

It also sources information from the adopted Asset Management Plans:

- Property;
- Infrastructure ;
- Parks & Reserves; and
- Plant & Equipment;

It is also aligned with the objectives and strategies as outlined in the City's Strategic Community Plan.

The Long Term Financial Plan is linked with the adopted Workforce Plan.

The Plan has been prepared on the basis that the organisational structure as currently in place will be in place for the period of the plan.

It has also been prepared on the assumption that the service provision will be the same model as currently used.

The Department of Local Government have established some standard performance indicators that a Local Government must comply with.

The performance indicators for the City of Vincent meet the required standards as prescribed by the Department of Local Government.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The Long Term Financial Plan is a significant component in requirements of the regulations for the Plan for the Future under the Local Government Act 1995.

This forms a part of the Department of Local Government's Integrated Planning Framework.

RISK MANAGEMENT IMPLICATIONS:

Medium: The Long Term Financial Plan will be used for planning future Annual Budgets and assessing the future financial sustainability and therefore it is important that the estimates are based on the appropriate and relevant assumptions.

In the preparation of long term estimates there is a risk that the assumptions on which the estimates are based do not materialise as specified.

Negative changes to the assumptions made will have an impact on the estimates outlined in the plan.

The assumptions are made on the available forecast information at the time of the preparation of the plan.

STRATEGIC IMPLICATIONS:

The Long Term Financial Plan is an integral part of the suite of documents that support the City's Strategic Community Plan which comply with the Department of Local Governments Integrated Planning Framework.

Strategic Plan Community Plan 2011 -2021, Plan for the Future.

"4.1.4 Plan effectively for the future:

- (a) Review and update the City's Long Term Financial Plan to ensure the long term financial sustainability of the City."*

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Long Term Financial Plan will assist in the preparation of future Annual Budgets for the Council.

COMMENTS:

The Long Term Financial plan for the City for this period indicates that provided the assumptions that have been used in the preparation of the document materialise and the revenue and expenditure for both operating and capital come to fruition the City will be financially sustainable in the long term.

It is estimated in the plan that the Council will be in a strong cash position of both working capital and reserves at the end of the ten (10) year period.

The financial estimates meet standard requirements for all of the financial ratios as established by the Department of Local Government.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.35pm **Moved Cr McGrath, Seconded Cr Wilcox**

That the Council proceed "behind closed doors" to consider Confidential Item 14.1, as this matter contains information concerning a matter before the State Administrative Tribunal and Confidential Item 14.2, as this matter relates to a contract being entered into and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Buckels, Cr Harley and Cr Pintabona were absent from the Chamber and did not vote.)

There were no members of the public present.

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

Media – Journalist David Bell departed the meeting.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
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

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

14.1 CONFIDENTIAL ITEM: No. 25 (Lot 3; D/P 11538) Green Street, Corner of Dunedin Street, Mount Hawthorn – Proposed Change of Use from Shop to Eating House and Unlisted Use (Small Bar) and Associated Additions and Alterations – Reconsideration of Conditions 2, 3 and 4 of Planning Approval DR 106 of 2013 State Administrative Tribunal

Ward:	North	Date:	12 June 2013
Precinct:	Mt Hawthorn; P1	File Ref:	PRO0604; 5.2012.545.1;
Attachments:	001 – Property Information Report and Development Application Plans (Council Members Only) 002 – Applicants Justification regarding Conditions (Council Members Only) 003 – Acoustic Report (Council Members Only) 004 – Proposed Trading Conditions (Council Members Only) 005 – Management Plan (Council Members Only)		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION/ COUNCIL DECISION 14.1:

That the Council;

ADVISES the State Administrative Tribunal that the Council does not support Proposed Change of Use from Shop to Eating House and Unlisted Use (Small Bar) and Associated Additions and Alterations – Reconsideration of Conditions 2, 3 and 4 of Planning Approval DR 106 of 2013 State Administrative Tribunal at No. 25 (Lot 3; D/P 11538) Green Street, Corner of Dunedin Street, Mount Hawthorn and recommends that the conditions of Planning Approval 2,3 and 4 resolved at its Ordinary Meeting held on 12 March 2013 be maintained for the following reasons:

1. To ensure that the amenity of the nearby residential area is not impacted in terms of noise; and
2. No substantial additional information provided to the City to justify the change in the hours of the operation and the hours of alcohol being sold.

ADVICE NOTE:

1. If the 4 metres high “effective” screen wall is submitted and approved as an amendment to the existing approval, the twelve (12) month restriction to the outdoor courtyard is supported to be removed.

COUNCIL DECISION ITEM 14.1

Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

Cr Harley and Cr Pintabona returned to the Chamber at 9.36pm.

Debate ensued.

Cr Buckels returned to the Chamber at 9.37pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning a matter before the State Administrative Tribunal.

LEGAL:

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

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

"2.14 Confidential business

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

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL LATE ITEM: Wellness Centre, Farmer Street, North Perth – Approval of Naming Rights

Ward:	North	Date:	19 June 2013
Precinct:	North Perth; P8	File Ref:	RES0010
Attachments:	001 – Letter from Multicultural Services Centre (Council Members Only) 002 – Letter from Bendigo Bank (Council Members Only)		
Tabled Items:	Nil		
Reporting Officers:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

Moved Cr Harley, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr McGrath

That Standing Orders be suspended to enable the Council for free and open discussion.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

Debate ensued.

Cr Carey departed the Chamber at 9.55pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.57pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Carey, Seconded Cr McGrath

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Pintabona

“That Clause 1 be amended, Clause 1.1 deleted and Clause 2 be deleted and a new Clause 2 be inserted to read as follows:

That the Council:

1. ~~APPROVES~~ of AGREES to consider the naming rights for the proposed Wellness Centre to be conferred to the Bendigo Bank for the term of the Naming Rights Agreement; and subject to:
 - ~~1.1 consideration be given to the possible name being either the ‘Bendigo Bank Wellness Centre’ or the ‘Nick Catania Wellness Centre’;~~
 - 1.2-1 the Council reserving its right to approve or refuse the name rights for the building at its absolute discretion;
 - 1.3-2 approval of the location, size, and type of signage (both internal and external);
 - 1.4-3 the term of the naming rights to be a maximum of twenty (20) years; and

~~1.5.4 the signage to be maintained to the satisfaction of the City and all costs associated with the maintenance to be paid by the MSCWA; and~~

~~2. AUTHORISES the Chief Executive Officer to:~~

~~2.1 prepare the necessary Naming Rights Legal Agreement, at the cost of the Multicultural Services Centre of Western Australia Inc (MSCWA), and the Agreement to include matters as detailed in this report; and~~

~~2.2 sign the Naming Rights Agreement and Affix the Council's Common Seal.~~

~~2. AUTHORISES The Mayor Hon. Alannah MacTiernan to enter into discussions with the Multicultural Services and the Bendigo Bank as to the most appropriate way to recognise sponsorship;~~

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 14.2

That the Council:

1. **AGREES to consider the naming rights for the proposed Wellness Centre to be conferred to the Bendigo Bank for the term of the Naming Rights Agreement; subject to:**
 - 1.1 **the Council reserving its right to approve or refuse the name rights for the building at its absolute discretion;**
 - 1.2 **approval of the location, size, and type of signage (both internal and external);**
 - 1.3 **the term of the naming rights to be a maximum of twenty (20) years; and**
 - 1.4 **the signage to be maintained to the satisfaction of the City and all costs associated with the maintenance to be paid by the MSCWA; and**
2. **AUTHORISES the Mayor Hon. Alannah MacTiernan to enter into discussions with the Multicultural Services and the Bendigo Bank as to the most appropriate way to recognise sponsorship.**

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to a contract being entered into 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 10.00pm **Moved Cr Carey, Seconded Cr McGrath**

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.00pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 June 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013