



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

26 FEBRUARY 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 26 February 2013, commencing at 6.04 pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.04pm 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
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 9.10pm)

Employee of the Month Recipient

Nil

Media

Lauren Stringer	Journalist – <i>"The Guardian Express"</i> (until approximately 9.10pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.24pm until approximately 9.10pm)

Approximately 18 Members of the Public

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

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

1. Marie Francesco of 465 Charles Street, North Perth – Item 9.1.5 Stated the following:
 - She spoke on behalf of her mother Carmelina Guagliardo who resides at the above address.
 - Such a development will severely impact on her mother's privacy, also the stairs entrance, windows, doorways, balconies and passageways shown on the plan on her mother's side north side is 1.5 metres away from the premises.
 - There is a parapet wall which they were never consulted with regards to this and she definitely did not give any permission to build.
 - She noticed the setback on the current plan is 4.325metres from the south side and nil from her mother's side, beside the fact that they had objected to the parapet wall and the closeness of the stairs, doors, balconies and windows which will severely impact any future developments on her mother's property.
 - Queried if there is any vegetation, trees, shrubs to help keep the premises cool (Or will this development be another concrete jungle). She asked what will be put in place in terms of security measures to control anti-social behaviour?
2. Mathew Brbich of 104 Scarborough Beach Road, Mount Hawthorn – Item 9.1.1 Stated the following:
 - He thanked the Mayor, Councillors and the City's Planning Section for the assistance provided to him.
 - His main issue concerned his application and in relation to the boundary wall, which was over the acceptable criteria for the Residential Design and he advised that he did not feel it met the Performance Criteria as currently proposed.
 - He advised the other issue related to the previous Council Meeting Minutes where the Recommendation removed the comment regarding the "site not being contaminated". He advised that previous Council Records showed that it had been used previously as a petrol station and he had found two versions of Council Minutes in the last two (2) weeks that showed it was originally a petrol station from 1924 – 1984 and the building built in 1956 was still standing until demolished recently.
3. May Nguyen of 3 Lawley Crescent, Mount Lawley – Item 9.4.3 Stated the following:
 - She spoke on behalf of the Vietnamese Community in Western Australia regarding the submission for the construction of the Boat People Monument of Gratitude on Wade Street Reserve.
 - She commended the efficiency and expediency of the Council with respect to assisting the community.
 - She especially thanked the Mayor, Councillors and the City's Officers, for their support and guidance through this process.
4. Izzi Messina of 44 Angove Street, North Perth – Item 9.4.4 Stated the following:
 - He spoke on behalf of the applicants who applied on behalf of the North Perth Business and Residents Association. He advised that they are the main people organising the Angove Street Festival, through the City's support they would like to make an application to liquor licensing for extension of the permits for one of the businesses that operates of Charles Street, North Perth "the Classroom".
 - He asked if the Council would assist with the application to obtain the liquor licence for the event that will be held on the 7 April 2013 between 10am - 5pm.

5. Glen McLeod of 46 Money Street, Perth – Item 9.2.7 Stated the following:
 - He thanked the Mayor, Councillors and the City's Officers on the consultation process that was carried out.
 - He advised that further submissions may be presented within the consultation period that had been proposed, however they would not be against the substance and direction as to what the City's Officers had recommended for the Council to proceed in.

6. Michael Pinchers of 95 Hobart Street, Mount Hawthorn – Item 9.1.1 Stated the following:
 - He is the rear property at the proposed development at No.110 Scarborough Beach Road, Mount Hawthorn.
 - He thanked the Council for the consultation process and as a result of this there are couple of changes that had been introduced to this development.
 - His main concern was the setback - although stipulated at 6 metres, in this instance the building line comes quite close (within two (2) metres) of his property and the second floor there continued to be a balcony that he had expressed some discontent with last time and this had not been changed as it still looked into his property.

There being no further speakers, Public Question Time closed at approx. 6.18pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Mr Paul Mavor of New Frontier Pty Ltd (and copied to the Department of Racing, Gaming and Liquor), along with 275 signatories, in support of the establishment of a Small Bar/Café at 25 Green Street, Mount Hawthorn 6016.

The Chief Executive Officer recommended that this petition be received and referred to the Chief Executive Officer for investigation and report and will be presented subsequently as part of the development application report.

Moved Cr Harley, Seconded Cr Topelberg

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 12 February 2013

Moved Cr Pintabona, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held on 12 February 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 Withdrawal of Item 9.2.8

The Chief Executive Officer has WITHDRAWN Item 9.2.8 relating to a tender for advertising on Bus Shelters, from tonight's Agenda in order to further investigate the various matters raised.

7.2 Deferral of Items

It is announced that the applicant has requested the following items be DEFERRED:

- Item 9.1.3

In relation to No. 38 Mabel Street, corner of Norham Street, North Perth – Proposed Alterations and Additions to Existing Single House Including Two-Storey Ancillary Accommodation, this was a recommended refusal.

Following an on-site meeting last Friday with the Mayor and Director Planning Services, the applicant has requested that the item be deferred so that variations can be made.

- Item 9.1.4

In relation to proposed Alterations and Additions to Existing Place of Public Worship (Retrospective Application) at No. 55 Harold Street (cnr Wright Street), Highgate. The applicant has requested that the matter be deferred in order to address concerns raised and to consult with the neighbours.

8. DECLARATIONS OF INTERESTS

8.1 Cr McGrath declared an Proximity interest in Item 9.2.1 – Palmerston Street between Randall Street and Stuart Street, Perth – Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements Progress Report No. 4. The extent of his interest being that he owns and resides in a property on Palmerston Street which is subject to the sections of the proposed works. He requested Council approval to participate in the debate.

The Deputy Mayor Cr Warren McGrath departed the Chamber at 6.23 pm – to allow the Council to consider his request to participate in the debate.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Wilcox

That Deputy Mayor Cr Warren McGrath's request to participate in the debate on item 9.2.1, be approved.

CARRIED UNANIMOUSLY (8-0)

(Deputy Mayor Cr Warren McGrath was out of the Council Chamber and did not vote.)

Deputy Mayor Cr Warren McGrath returned to the Chamber at 6.24pm.

The Mayor Hon. Alannah MacTiernan advised Deputy Mayor Cr Warren McGrath that his request had been approved.

- 8.2 Chief Executive Officer, John Giorgi declared an Impartiality interest in Item 9.2.7- Money and Monger streets, Perth- Progress Report No:1, listed on the agenda for the Ordinary meeting of Council to be held on 26 February 2013. The extent of my interest being that I have a professional association with one of the residents namely Mr Ross Povey on an infrequent basis and have had previous professional dealings with another resident Mr. Glen McLeod, in the past but i have not had any recent dealings with him.

My interest maybe considered by the Council as an interest in common. I disclose that I have not discussed this report with either of those persons. I further disclose that I have had considerable involvement in the preparation of the Officer Recommendation and to a lesser degree the report itself following the Public Consultation Forum held on 14 February 2013.

The Presiding Member Mayor Hon. Alannah MacTiernan advised the Council that the Chief Executive Officers declaration could be an "interest in common" and not an Impartiality interest.

PROCEDURAL MOTION:

Moved Cr Pintabona, Seconded Cr Maier

That the declaration is an interest in common for the Chief Executive Officer and Council Members.

CARRIED UNANIMOUSLY (9-0)

- 8.3 Cr Carey declared an Impartiality interest in Item 9.2.1- Palmerston Street between Randall Street and Stuart Street, Perth – Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements Progress Report No. 4. The extent of his interest being that he is best friends with a resident in the area who has expressed concern regarding the proposal.

- 8.4 Cr Harley declared an Impartiality interest in Item 9.2.1- Palmerston Street between Randall Street and Stuart Street, Perth – Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements Progress Report No. 4. The extent of her interest being that a resident is a friend and occasionally socialises with her and this friend has campaigned against the proposal.

Cr Carey and Cr Harley have stated that as a consequence they may be a perception that their impartiality on the matter maybe affected and have disclosed that they will consider this matter on its merit and vote accordingly.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.5, 9.2.7, 9.4.3 & 9.4.4

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

Items 9.2.2, 9.3.4 & 9.5.1

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

Item 9.2.1

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	9.1.10, 9.2.3 & 9.2.6
Cr Carey	9.1.9
Cr Harley	9.5.6
Cr Maier	9.1.2 & 9.5.5
Cr McGrath	9.1.8
Cr Pintabona	Nil
Cr Topelberg	9.1.6
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 9.1.7, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.5.2, 9.5.3 & 9.5.4

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

Item 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 9.1.7, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.5.2, 9.5.3 & 9.5.4

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

Items 9.1.1, 9.1.5, 9.2.7, 9.4.3 & 9.4.4

- (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 Wilcox, Seconded Cr Pintabona

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

Items 9.1.7, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.5.2, 9.5.3 & 9.5.4

CARRIED UNANIMOUSLY (9-0)

9.2.8 Tender No. 462/12 – Provision and Maintenance of Revenue Sharing Advertising Bus Shelters

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER FOR FURTHER INVESTIGATION.

Ward:	Both	Date:	18 February 2012
Precinct:	All	File Ref:	TEN0471
Attachments:	001 - Examples of Possible New Adshel Shelters 002 - Existing Shelters		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **ACCEPTS** the tender submitted by Adshel Street Furniture Pty Ltd as being the most acceptable to the City, for the Provision and Maintenance of Revenue Sharing Advertising Bus Shelters, in accordance with the specifications as detailed in Tender No. 462/12;
2. **NOTES** that;
 - 2.1 This tender generates considerable income for the City as shown in Confidential Appendix 9.2.8; and
 - 2.2 The City reserves the right to reject any advertisement it considers unsuitable, as specified in the tender document; and
3. **AUTHORISES** the Chief Executive Officer to enter into negotiations with Adshel on the:
 - 3.1 design of new shelters;
 - 3.2 method of illumination, connected to mains power or solar powered;
 - 3.3 review of the locations of the advertising shelters, both existing and potential; and
 - 3.4 Implementation schedule; andSubject to a further report being submitted to the Council for approval.

PURPOSE OF REPORT:

To seek the Council's approval to awarded Tender 462/12, *Provision and Maintenance of Revenue Sharing Advertising Bus Shelters*, to Adshel Street Furniture Pty Ltd (Adshel) for a period of ten (10) years with a five (5) year option, as detailed in the report.

BACKGROUND:

In early 1996, 3M Australian Posters Pty Ltd (3M AP) approached the then Town of Vincent with an offer of supplying and installing bus shelters in return for the exclusive right to display advertising on these installations. Further, 3M AP agreed that in return for the advertising rights they would pay to the Town a percentage of the total advertising revenue generated.

A major part of the offer was that the bus shelters would remain the property of 3M AP for the duration of the contract and be cleaned, maintained and repaired by them at their cost.

In order to comply with the statutory requirements a tender to supply and install advertising bus shelters was duly advertised. Ten (10) submissions were received and a report was subsequently presented to the Ordinary Meeting of Council on 26 July 1996.

Having considered the report the Council made the following (in part) decision;

“That;

- (i) the Council accept 3M Australian Posters as the preferred tenderer for the provision and maintenance of bus shelters and seats within the Town of Vincent, at no cost to Council, in accordance with the Expression of Interest tender;*
- (ii) Option 1 be approved as the preferred Option, (specifying the income to the Council on a percentage of the advertising revenue);*
- (iii) the Council reserves the right to reject any advertisement it believes unsuitable;*
- (iv) a legal agreement be entered into (at no cost to the Council) with 3M Australian Posters for a ten (10) year term plus five (5) year option, to the satisfaction of the Chief Executive Officer;”*

During the later part of 1996, 3M AP became part of APN News and Media (Incorporating AP). In 1997/98 APN News and Media street furniture division evolved to become Adshel Street Furniture Pty Ltd (Adshel).

The contract, between the Town of Vincent and Adshel, was signed on 16 December 1997.

The original contract period of ten (10) years expired in December 2007 at which time both parties agreed to take up the five (5) year option, which subsequently expired 16 December 2012.

Existing Bus Shelters

Under the terms of the contract the City has the option to purchase the existing shelters for \$1.00 per unit. However, given that the shelters are now approaching sixteen (16) years old they are potentially a long term liability as they reach the end of their useful life.

Currently there are forty six (46) advertising shelters within the City. There were forty seven (47) but one was (allegedly deliberately) destroyed in Charles Street, when hit by a vehicle that didn't stop, in mid October 2012. It was agreed at time that it would not be replaced until the new tender was finalised.

The requirement that the shelters are illuminated relates not only to the advertising panel but to the shelter in general as public safety enhancement. The existing advertising shelters are connected to a Western Power supply, however Adshel has offered a solar option as noted in *Tender Evaluation* section below.

The City has an interim agreement with Adshel allowing them to continue to use the existing shelters for advertising, in return for the City receiving its agreed percentage of the revenue generated, until such time as the new tender is awarded.

DETAILS:

The tender for the *Provision and Maintenance of Revenue Sharing Advertising Bus Shelters* was advertised in The West Australian newspaper on 28 November 2012 and closed at 2.00pm on 19 December 2012 after a twenty one day (21) advertising period.

Four (4) companies requested a copy of the tender documents, however at the close off on 19 December 2012 only two (2) submissions were received.

Present at the opening of the tender was the Finance Officer, Purchasing and Contracts and Corporate Services Executive Secretary.

Tenders were received from Adshel and Streetside Advertising.

In respect of revenue sharing percentages (%) offered to the City, the tenders were provided with two (2) options. The first was based upon removing the existing and installing new shelters, and the second based upon refurbishing the existing shelters.

Without disclosing sensitive commercial information, the respective offers are outlined below. In respect of the City being able to verify the value of the revenue generated, it is a condition of the tender that the information be provided to the City upon request.

Both options require a significant capital outlay by the Tenderer and hence why both tenders offer a lower return for the first five (5) years of the contract life as a means of recouping their costs. Further, in light of the costs involved, the five (5) year option is an industry standard.

Officer Comment:

It should be noted that the advertising shelters are generally larger than the City's non-advertising shelters, i.e. have a larger 'footprint', so as to accommodate the illuminated panel in which the industry standard sized posters are displayed. For this reason they may not be suitable for every location, because of site constraints.

The dimensions are as follows;

Existing Shelter	mm	Proposed Shelter	mm
Length	3810	Length	3840
Width	1505 (shelter) 1945 (roof line)	Width	1520 (shelter) 1630 (roof line)
Height	2520 to gutter and 2750 to apex of gable	Height	2492
Size of Advertising Panel	1505 x 2000	Size of Advertising Panel	1520 x 2035

There are 47 existing advertising shelters. Each location has enough room to ensure fully compliant pedestrian access and to meet Disability access requirements.

The City has another 62 bus shelters – which the City owns and maintains.

Tender Evaluation:

Selection Criteria

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

<i>Evaluation Criteria</i>	<i>Weighting</i>
Contract Price	50%
Past Experience in similar projects/works, references	30%
Organisational structure/capacity/resources	20%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Manager Asset & Design Services and Manager Financial Services. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 31 January 2013 to assess the submissions. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation. The Director Corporate Services has also independently reviewed the tender evaluation.

Tender Summary

	Weighting	Adshel	Streetside
Contract Price	50%	50.0	22.0
Past experience in similar projects/works, references	30%	27.0	22.0
Organisational Structure/capacity/resources	20%	18.7	17.3
Total	100%	95.7	61.3
Rating		1	2

The financial offers to the City are as per the tables below:

Adshel Description	Percentage of advertising revenue offered to City of Vincent (%) by year									
	1	2	3	4	5	6	7	8	9	10
Remove and replace the existing advertising shelters only – percentage (%)	5	5	5	5	5	10	10	10	10	10
Refurbish the existing advertising shelters only	-	-	-	-	-	-	-	-	-	-

Adshel, having maintained the existing shelters for the past fifteen (15) years, has assessed them as having reached the end of their useful life and therefore offered new shelters only. Further, they have offered, where suitable, a solar powered option, for the new shelters.

Streetside Description	Percentage of advertising revenue offered to City of Vincent (%) by year									
	1	2	3	4	5	6	7	8	9	10
Remove and replace the existing advertising shelters only – percentage (%)	-	-	-	-	-	-	-	-	-	-
Refurbish the existing advertising shelters only	2	2	2	2	2	5	5	5	5	5

Streetside, took a differing position and are not interested in installing new shelters but rather to refurbish the existing.

Officer Comments:

As indicated above, while the respective parties do want to make public sensitive commercial information the difference in the financial return to the City, between the two offers, is considerable over the life of the tender, this is shown in the Confidential Appendix. While Adshel's proposal will see them incur a significantly higher capital outlay they obviously believe their national and local contracts will generate higher returns than that of their competitor.

Tender Evaluation Panel comments are shown below:

1. Adshel

Total Weighted Score	First: 95.7
Past Experience	
<ul style="list-style-type: none"> Similar projects 	Installed and has maintained the existing advertising bus shelters to a high standard for the past 15 years. No problems experienced.
<ul style="list-style-type: none"> Experience 	<p>Has existing contracts with numerous Perth Metropolitan Local Governments including the City of Perth, Town of Victoria Park, City of Belmont, Town of Claremont and the Town of Bassendean.</p> <p>Company representatives have long term industry experience and are responsive and easy to deal with.</p> <p>It is worth noting that Adshel's WA office is located in Oxford Street, Leederville.</p>
Contract Price	See offer above. The return to the City over the life of the contract would be higher than that of Streetside.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	The Company has a number of high profile WA customers (see above) as well as a significant national presence.
<ul style="list-style-type: none"> Resources 	The Company is well resourced national company with its own manufacturing/engineering fabrication capability and has proven to be reliable and readily available.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Officer Comment:

The tender received was very well documented and conforms to all of the City's tender requirements.

2. Streetside

Total Weighted Score	Second: 61.3
Past Experience	
<ul style="list-style-type: none"> Similar projects 	The tender documents indicate that Streetside has contracts with a number of Metropolitan Local Governments for a range of advertising street furniture including bins and benches but not specifically bus shelters. Clients include the City's of Fremantle, Mandurah, Joondalup and Wanneroo
<ul style="list-style-type: none"> Experience 	<p>See above.</p> <p>A Western Australian company with more than 30 years experience in the advertising street furniture.</p>

Contract Price	See offer above. The return to the City over the life of the contract would be significantly lower than that of Adshel.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	Streetside's tender indicates that they have both the capacity to service their existing customers and the City's requirements if they were to be successful. However as indicated in the main body of the report this does <u>not</u> extend to illuminated shelters.
<ul style="list-style-type: none"> Resources 	The Company is well resourced local company
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Generally complies with all the tender specification requirements other than the 'illumination' requirement, see Officers Comment below.
References	Comprehensive list provided.

Officer Comments:

The tender received was well documented and generally conformed to the City's tender requirements other than the following critical point of difference:

Streetside, in their cover letter advised that, '**our company does not involve itself with illuminated bus shelters, and therefore our proposal is related to income from and provision of non-illuminated shelters**'

Given the above, and with the City's tender specifying illuminated bus shelters, and that Streetside did not consider a solar option, along with the significance difference in the offer, Streetside cannot be recommended.

On the basis that the Council endorses the Officer Recommendations Adshel will present a range of shelters to the City for consideration. Attached are three (3) contemporary shelter designs reflecting the current trend in street furniture for clean lines and openness for improved passive surveillance.

CONSULTATION/ADVERTISING:

The tender was advertised in The West Australian Newspaper on the 28 November 2012.

LEGAL/POLICY:

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

It should be noted that over the previous fifteen (15) years, the City has never had to question the suitability of an advertisement.

RISK MANAGEMENT IMPLICATIONS:

Low – Medium: The risks are borne by the tenderer in that they own and maintain the shelters for the life of the contract. The only risk to the City is a possible reduction in revenue if/when there are economic downturns resulting in less advertising.

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."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

This tender generates considerable revenue for the City over the life of the contract. As indicated in the main body of the report while the respective parties do want to make public sensitive commercial information the anticipated income for the current financial year will be in the order of \$80,000 and increasing annually thereafter for the term of the Contract. A Confidential Appendix indicates the financial income over the term of the Contract.

The tender requires the Tenderer to fully maintain and clean the bus shelters. This is a considerable cost saving to the City.

The existing bus shelters are over fifteen (15) years old are now needing more maintenance by the Contractor. Accordingly, the replacement of the current bus shelters appears supportable.

COMMENTS:

By the Council approving Adshel's appointment, the City will gain the benefit of new contemporary bus shelters, fully maintained by Adshel, at no cost to the City. Samples are shown in the Appendix.

It is therefore recommended that the Council approves the tenders submitted by Adshel Street Furniture Pty Ltd for Provision and Maintenance of Revenue Sharing Advertising Bus Shelters in accordance with the specifications as detailed in Tender No. 462 /12.

9.1.7 Amendment No. 94 to Planning and Building Policies – Rescission of Policy No. 3.4.5 relating to Short Term Accommodation and Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments; and Final Adoption of Draft Policy No. 3.4.5 relating to Temporary Accommodation

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	PLA0186
Attachments:	001 – Final Amended Policy No. 3.4.5 002 – 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. 3.4.5 relating to Temporary Accommodation, as shown in Appendix 9.1.9 (001) having reviewed the five (5) submissions received during the formal advertising period and outlined in the Summary of Submissions as shown in Appendix 9.1.9 (002) in accordance with Clause 47 (4) and (5) of the City’s Town Planning Scheme No. 1;
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended versions of the Policy No. 3.4.5 relating to Temporary Accommodation, as shown in Appendix 9.1.9 (001), in accordance with Clause 47(6) of Town Planning Scheme No. 1; and
3. **FORMALLY RESCINDS** the following Policies and **AUTHORISES** the Chief Executive Officer to advertise the final rescission of these Policies:
 - 3.1 Policy No. 3.4.5 relating to Short Term Accommodation; and
 - 3.2 Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments;in accordance with Clause 47(5)(b) and Clause 47(6) of the City’s Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Wilcox, Seconded Cr Pintabona

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 of Amendment No. 94 and to present to the Council with a recommendation to progress the matter.

Amendment No. 94 proposes the rescission of the following policies:

- Policy Nos. 3.4.5 relating to Short Term Accommodation; and
- Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments.

The amendment also proposes final adoption of Policy No. 3.4.5 relating to Temporary Accommodation.

BACKGROUND:

A new Policy No. 3.4.5 relating to Temporary Accommodation has been created to replace Policy No. 3.4.5 relating to Short Term Accommodation and Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments which are proposed to be rescinded as part of this amendment.

Policy No. 3.4.5 relating to Temporary Accommodation aims to improve the City's ability to manage the provision of Temporary Accommodation that are expected to continue to increase within the City in the future and to ensure that those Temporary Accommodation premises that are already operating comply with certain requirements. The Policies main objectives are:

- To clarify what Temporary Accommodation is, and define and differentiate the different types of Temporary Accommodation within the City;
- To clarify the general requirements of all Temporary Accommodation and the specific requirements that relate to Bed and Breakfasts, Short Term Dwellings, Lodging Houses and Services Apartments; and
- To minimise the impact of Temporary Accommodation to the residential amenity of the area in which they are located.

History:

Date	Comment
10 May 2005	The Council at its Ordinary Meeting adopted Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments.
10 April 2007	The Council at its Ordinary Meeting adopted Policy No. 3.4.5 relating to Short Term Accommodation.
24 July 2012	The Council at its Ordinary Meeting initiated Amendment No. 94 to advertise the rescinding of Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments and Policy No. 3.4.5 relating to Short Term Accommodation; and the consideration of Draft Policy 3.4.5 relating Special Residential Accommodation.
21 August 2012	Advertising of Amendment No. 94 commenced.
18 September 2012	Advertising of Amendment No. 94 finished.

Previous Reports to Council:

This matter was previously reported to the Council on 24 July 2012.

The Minutes of Item 9.1.9 from the Ordinary Meeting of Council held on 24 July 2012 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

The City's Officers have further reviewed the draft Policy No. 3.4.5 relating to Temporary Accommodation following the consultation period and have proposed a number of amendments as well as a reformat of the policy to provide clarity and ease of reading.

The following outlines the proposed amendments to the policy that was referred to the Council on 24 July 2012 and advertised for 28 days and the rationale behind the proposed changes.

Policy Title

The Title of the policy has been changed from 'Special Residential Accommodation' to 'Temporary Accommodation'. The title of Temporary Accommodation is considered to be a more appropriate and widely recognisable title to cover the type of accommodation that is the subject of this policy.

Introduction

Minor amendments to the Introduction have been made to provide further clarity on the intent of the policy.

Residential Building

Clause 1 relating to Residential Buildings in the advertised version has been removed from the final version as it is considered that Clause 1 relating to Residential Buildings was confusing and was essentially a repetition of the definitions within the Residential Design Codes (R Codes), thus adding unnecessary volume to the policy.

Clause 1. – Definitions

While it is acknowledged that there is some overlap between the different types of temporary accommodation that are the subject of this policy, there are also some distinctions between them that require them to be separately defined within the policy.

Amendments have been made to the definitions for Bed and Breakfast, Short Term Dwelling, Lodging House and Serviced Apartments and are intended to provide further clarity and to differentiate between each type of accommodation.

Proposed Amendments	Officer Comments
Temporary Accommodation	<p>The definition for Temporary Accommodation serves to define and clarify in a generic sense the type of accommodation that is the subject of this policy.</p> <p>Definitions for specific forms of temporary accommodation are further defined in the Definitions section.</p>
Bed and Breakfast	<p>In order to distinguish a Bed and Breakfast from the other types of Temporary Accommodation, the definition has been amended to clarify the following in relation to Bed and Breakfast accommodation:</p> <ul style="list-style-type: none">• Is a dwelling accommodating up to 6 guests (to a maximum of 12 persons inclusive of the family of the keeper) away from their usual place of residence;• includes the provision of breakfast. <p>The amended definition better describes the intent of a Bed and Breakfast which is essentially a dwelling occupied by a keeper (and their family members) that provides accommodation to guests on a short term commercial basis and includes the provision of breakfast and/or other meals</p>

Proposed Amendments	Officer Comments
	<p>that are exclusive to guests only. A Bed and Breakfast requires the keeper to reside on the premises while it is in operation.</p> <p>The total of 12 people (i.e. maximum of 6 guests plus up to an additional 6 people who form part of the keeper and family) is to ensure consistency with the BCA classification of a dwelling which allows up to 12 persons without the need for additional facilities (i.e. bathrooms, cooking facilities).</p>
Short Term Dwelling	<p>The term Short Term Dwelling is considered a more appropriate title to define this type of accommodation, which is essentially a dwelling that is used to accommodate a maximum of 6 guests on a short term basis (less than 6 months).</p> <p>An important distinction with this type of temporary accommodation is that the keeper is not required to reside on site, therefore the count of 6 people may or may not include the keeper, but in any case will be capped at 6.</p> <p>The reason for the maximum of 6 person's is that if there is over 6 person's residing at the dwelling it becomes classified as a Lodging house; and also capping at 6 persons will minimise compliance issues associated with this type of dwelling (i.e. parking issues, noise and anti-social behaviour).</p>
Lodging House	<p>The definition of Lodging House in this policy is intended to be consistent with the Health Act 1911. Rather than redefine the definition of a Lodging House, the policy makes reference to this legislation to ensure that consistency is maintained.</p> <p>A Lodging House differs from the other forms of Temporary Accommodation in that where the number of guests exceeds 6 (exclusive of the keeper) is defined as a Lodging House and is subject to additional Health and Building requirements. Note that it is a requirement that a keeper reside at the premises whilst the Lodging House is in operation.</p>
Serviced Apartment	<p>The definition of Serviced Apartment has been amended to remove reference to the building providing Serviced Apartments exclusively. This ensures that that there are no undue restrictions to buildings that propose a mix of residential and commercial uses, or multiple dwellings that propose a mix of temporary and permanent accommodation. Clause 2.1.2 will provide protection to permanent owners/occupiers by ensuring that adequate approval is sought from the Council or Owners or Strata Company in these situations.</p> <p>The amended definition also removes reference to the Residential Tenancy Agreements. This reference has already been made in the definition of 'Temporary Accommodation'.</p> <p>For the purpose of this policy, Serviced Apartment are distinct from other forms of Temporary Accommodation in that they are essentially a residential building with self contained apartments functioning in a similar way as a hotel. They are different from a hotel in that they are self contained</p>
Dwelling	<p>Where a definition is contained in the R Codes it is current practice to state 'as per the R Codes'. This will ensure that the policy remains consistent with the R Codes and eliminates unnecessary volume to the policy.</p>
Residential Building	<p>As above.</p>

Proposed Amendments	Officer Comments
Keeper	This definition has been amended to provide clarity on the role of the keeper. The definition of the keeper is intended to apply to a person who is a permanent resident of a property and is responsible for its management and upkeep.
Guest	This definition has been included to clarify what constitutes a guest in relationship to this policy. The definition of a guest is intended to apply to a person who resides at a temporary accommodation premises on a temporary basis for a fee. Guests are not subject to Residential Tenancy Agreements.
Self Contained	This definition has been included to clarify what constitute a self contained accommodation in relationship to this policy.
Strata Company	This definition has been included to clarify the intent of Clause 2.1.2 relating to the requirement to obtain the Strata Company consent in Strata Title Situations. This term is consistent with that contained in the Strata Title Act 1995. Essentially a Strata Company is automatically formed (comprising all owners) under the Strata Titles Act 1985 in all strata scheme or survey strata schemes and is required to carry out the requirements of the Strata Title Act 1995 including the enforcement of bylaws and management of common property.
Council of Owners	This definition has been included to clarify the intent of Clause 2.1.2 relating to the requirement to obtain the Strata Company consent in Strata Title Situations. This term is consistent with that contained in the Strata Title Act 1995. The Council of Owners is an elected representative of a Strata Company whose roles and responsibilities are administered under the Strata Title Act 1995.

Clause 2. – Requirements

There are a number of general requirements that relate to all types of temporary accommodation. These provisions are contained in Clause 2 (previously contained in Clause 3 of the advertised policy).

In addition to these general provisions, there are a number of provisions that are specific to each different type of temporary accommodation. These specific requirements for Bed and Breakfast, Short Term Dwelling, Lodging House and Services Apartments are contained in this section as Clauses 2.2, 2.3, 2.4 and 2.5 respectively. Some amendments have been made to these provisions following the advertising period and are outlined in the table below:

Proposed Amendments	Officer Comments
Clause 2.1 – General Requirements for all Temporary Accommodation	
Clause 2.1.1 – Carparking This was previously contained in Clause 3.1.1	The content of this clause has not been changed, it has just been renumbered. It is consistent with draft clause 3.1.1 of the policy that was advertised.
Clause 2.1.2 Strata Title Situations	This Clause replaces clause 3.1.3 of the advertised policy. The provisions of the Strata Title Act 1985 and associated By-Laws have been reviewed indicating that there is an adequate framework for decisions to be made about proposals affecting all owners in a strata situation. Given that there are different scenarios of smaller strata developments (i.e. 2 – 5 owners) and larger developments, clause 2.1.2 will cover both those situations. For example, smaller developments where the Strata Company comprises all owners but there may not be an elected Council of Owners representing the body of owners (in these situations consent from the Strata Company is required which is

Proposed Amendments	Officer Comments
	<p>essentially all owners) in contrast to larger developments, where the Council of Owners would be representative of the larger body of owners.</p> <p>Note that Clause 2.1.4 requires that all owners and occupiers are notified of the proposal, and consent will be required from the Strata Company or Council of Owners as administered under the Strata Titles Act 1985 and associated By-laws.</p>
<p>Clause 2.1.3 – Planning Application</p>	<p>The contents of this clause has not changed, it has just been moved from other sections of the policy. The content is consistent with 4.1 Planning Approval and 5.1 Management Plan of the advertised policy.</p>
<p>Clause 2.1.4 – Consultation</p>	<p>The content of this clause is consistent with draft clause 4.1 of the advertised policy which addresses the ‘SA’ advertising requirement of the City’s Town Planning No. 1.</p> <p>The clause includes an addition relating to consultation in Strata Title situations whereby consultation will include notification to all strata owners and occupiers.</p>
<p>Clause 2.1.5 – Building Approval</p>	<p>The content of this clause is consistent with draft clause 4.2 of the advertised policy which addresses Building Approval requirements.</p>
<p>Clause 2.1.6 - Compliance</p>	<p>The content of this clause is consistent with Clause 4.0 of the advertised policy which addresses breaches in compliance relating to Temporary Accommodation. The addition of this clause aims to address disputes that often arise over whether an accommodation should be classified as temporary and therefore be subject to the requirements of this policy.</p>
<p>Removal of Clause 3.1.2 relating to Owners Consent of the advertised policy.</p>	<p>Clause 3.1.2 of the advertised policy has been deleted as it is not considered a necessary addition to the policy. The requirement for owners consent is covered by the necessity of owners to sign a MRS Form 1 as part of a planning application for any change of use or development on land.</p> <p>While this clause relating to owners consent has been removed, a provision relating to requiring the consent from the Strata Company or Council of Owners in strata situations has been addressed in clause 2.1.2.</p>
<p>Clause 2.2 – Specific Requirements for Bed and Breakfast</p>	
<p>Clause 2.2.1 – Management</p>	<p>Where considered appropriate, the content of this clause has been moved from the definition for Bed and Breakfast in the advertised policy. The main intent of this clause is to clarify the distinction of a Bed and Breakfast from other types of Temporary Accommodation. The following justification is provided for each:</p> <ul style="list-style-type: none"> • 2.2.1 a) reiterates that a keeper is required to reside on the premises at all times; • 2.2.1 b) clarifies that breakfast (and other meals if provided) are for guests only and not intended to be operated like a commercial eating house; • 2.2.1 c) clarifies the facilities that are expected to be provided to Bed and Breakfast guests.
<p>Removal of Clauses 3.2.1 relating to Location and 3.2.2 relating to Occupancy contained in the advertised policy.</p>	<p>Clause 3.2.1 has been removed as the location requirements are as per the TPS No. 1 and it is not necessary to include in this policy.</p> <p>Clause 3.2.2 relating to occupancy has been removed from this section as it forms part of the definition of Bed and Breakfast.</p>
<p>Clause 2.3 – Specific Requirements for Short Term Dwelling</p>	
<p>Clause 2.3.1 - Management</p>	<p>The content of this clause is consistent with the content contained in the definition section.</p>

Proposed Amendments	Officer Comments
Removal of Clauses 3.3.1 relating to Location and 3.3.2 relating to Occupancy contained in the advertised policy.	Clause 3.2.1 has been removed as the location requirements are as per the TPS No. 1 and it is not necessary to include in this policy. Clause 3.2.2 relating to occupancy has been removed from this section as it forms part of the definition of Short Term Dwelling.
Clause 2.4 – Specific Requirements for Lodging House	
Clause 2.4.1 – Management	The content of this clause has not changed. It is consistent with Clause 3.4.3 of the advertised policy.
Clause 2.4.2 – Health Requirements	The content of this clause has not changed. It is consistent with Clause 3.4.4 of the advertised policy.
Clause 2.4.3 – Communal Open Space	The content of this clause has been taken from the table contained in Clause 3.4.5 of the advertised policy. Not all provisions contained in the table have been included, only those that are considered a necessary requirement.
Removal of Clauses 3.4.1 relating to Location and 3.4.2 relating to Occupancy contained in the advertised policy.	Clause 3.4.1 has been removed as the location requirements are as per the TPS No. 1 and it is not necessary to include in this policy. Clause 3.4.2 relating to occupancy has been removed from this section as it is contained in the definition of the Health Act 1911 and the City's Local Law relating to Lodging Houses which is referred to in the definition for Lodging House in this policy.
Clause 2.5 – Special Requirements for Services Apartments	
2.5.1 – Design	This clause has been taken from Clause 3.5.2 and Clause 3.5.3 of the advertised policy with the inclusion of a reference to the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones and relevant Precinct Policies.
2.5.2 – Servicing Strategy	This clause has been taken from Clause 5.3 of the advertised policy and moved into this section as it is a special requirement relating to serviced apartments and not a requirement of all temporary accommodation.
Removal of Clauses 3.4.1 relating to Location	Clause 3.5.1 has been removed as the location requirements are as per the TPS No. 1 and it is not necessary to include in this policy.

In addition to the above, the following clauses have been removed from the advertised version of the policy as they are no longer considered a necessary addition to the policy:

- Clause 4.4 – Relationship to other Documents. This clause has been removed from the policy as it is not current practice to list all the relevant legislation and policies that should be considered as part of this policy. Where reference to a particular policy or legislation is relevant it has been included in the appropriate part of the policy.
- Clause 4.5 – Residential Tenancy Agreement. This clause has been removed from the policy as it is not current practice to include reference to all legislation to be considered as part of this policy. Onus should not be on the City to reference all relevant legislation.
- Clause 5.4 – Supporting Information. This clause has been removed as the checklist for planning applications requires the applicant to provide justification and supporting information on the proposal.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The Policies were 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 representatives from the tourism sector, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of five (5) submissions were received during the four week consultation period as follows:

Community Submissions

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

Government Authority Submissions

Position	Number Received	Percentage
Support	3	75%
Object	-	-
Not Stated	1	25%
Total	4	100%

Planning Consultants Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	-	-
Total	-	-

Total Submissions Received

Position	Number Received	Percentage
Support	3	60%
Object	-	0%
Not Stated	2	40%
Total	5	100%

The comments raised during the consultation are outlined in the summary of submissions as show in Attachment 002, followed by an officer response.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

The effective control and management of Temporary Accommodation will alleviate any negative impact to adjoining residents.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
The amendments to the City's Policy No. 3.4.5 relating to Temporary Accommodation serves to provide appropriately located housing options within close proximity to public transport opportunities.	

SOCIAL	
Issue	Comment
The amendments to the City's Policy No. 3.4.5 relating to Temporary Accommodation serve to provide a wide range of affordable housing opportunities for the City's residents also responding to steady increased pressure for housing options in Vincent and Perth more generally.	

ECONOMIC	
Issue	Comment
The amendments to the City's Policy No. 3.4.5 relating to Temporary Accommodation assist in facilitating appropriately located accommodation conveniently located within close proximity to the City's commercial and tourist hubs ensuring that the City is an attractive destination for local and international tourists.	

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: \$ 4,684
Balance: \$74,556

COMMENTS & CONCLUSION:

The draft Policy No. 3.4.5 relating to Temporary Accommodation has been amended taking into consideration comments received during the formal consultation period. It is considered that the final amended version of the policy will provide clarity and direction on the control and management of various forms of temporary accommodation within the City.

As a result, it is recommended that the Council approve the Officer Recommendation to adopt the amended version of amended Policy No. 3.4.5 relating to Temporary Accommodation and advertise the final version in accordance with Clause 47(6) of Town Planning Scheme No. 1.

In addition, to the above, it is recommended that the Council formally rescinds the following Policies and authorises the Chief Executive Officer to advertise the final rescission of these Policies:

- (a) Policy Nos. 3.4.5 relating to Short Term Accommodation; and
- (b) Policy No. 3.5.17 relating to Communal Open Space for Lodging Houses, Hostels and Serviced Apartments.

9.2.4 Hyde Park Lakes Restoration Project – Progress Report No. 16

Ward:	South	Date:	15 February 2013
Precinct:	Hyde Park (12)	File Ref:	RES0086, TEN0465
Attachments:	001 – Restoration Progress Photos		
Tabled Items:	Nil		
Reporting Officers:	K Bilyk, Property Officer; J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council

1. **RECEIVES** Progress Report No.16 for the Hyde Park Lakes Restoration Project as at 15 February 2013;
2. **NOTES** that the restoration works are progressing on schedule as outlined in the report and shown in the attached photographs; and
3. **CONTINUES** to receive monthly progress reports until the project is finalised.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Wilcox, Seconded Cr Pintabona

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 Hyde Park Lakes Restoration Project.

BACKGROUND:

At its Special Meeting held on 20 June 2012 the Council made the following decision (in part):

“That the Council;

1. *ACCEPTS* the tender submitted by Advantearing Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;
2. *AUTHORISES* the:
 - 2.1 *Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;*
 - 2.2 *Chief Executive Officer to vary the proposed ‘Soldier Pile Wall’ design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and*

- 2.3 *AUTHORISES the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City, subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;*
4. *NOTES that the 'Removal of Exotic Vegetation' from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions; and..."*

DETAILS:

1. Contract Documentation

1.1 Tender

Tender No. 456/12
Advertised: 26 May 2012
Closed: 15 June 2012
Awarded: Advanteeering Civil Engineers

1.2 Contracts

Construction contract signed on 27 June 2012.

1.3 Contract Variations/Additional Scope of Works

Construction

- Remaining portion of existing wall 200mm high to be retained and repaired.
- Bore inlet water feature - design and documentation
- Lake edge treatment for lakes - design and documentation
- Removal and treatment of vegetation Eastern Island.
- Additional culvert construction through causeway.
- Extending capping wall height (old wall) and render.
- Pipe extensions into lakes.
- Issue drawings and calculations to Water Corporation.
- Additional piling and panels to reduce beach area in Western lake.
- Removal of exotic vegetation from the western island as per the recommendations provided by GHD.
- Mini-excavator to remove Giant Reed root balls from the lake around the east island. The reach of the mini excavator was not sufficient to reach the outer most root balls as a result of the moist unstable ground; hence once the island has dried more a larger excavator will need to be utilized to remove the remaining root balls.
- Treatment train installation in lieu of Sediment Trap – once the final design was approved this variation shows the difference in cost compared to the initial tender design.
- Landscaping to new lake edge hard landscaping - paving only. Parks staff will complete the planting around the lake at a later date (April – May).
- Bore water inlet treatment William St – to improve the water quality entering the lake from the William St bore.

1.4 Cost Variations

Construction

Client Requests:

Description	Amount
Existing wall to be retained and repaired.	\$ 5,253.10
Bore inlet water feature - design and documentation	\$ 5,880.00
Lake edge treatment for lakes - design and documentation	\$ 9,293.00
Removal and treatment of vegetation Eastern Island.	\$ 27,102.50
Additional culvert construction through causeway.	\$ 5,043.00
Extending capping wall height (old wall) and render	\$ 27,825.00
Pipe extensions into lakes	\$ 33,019.15
Issue drawings and calculations to Water Corp	\$ 2,904.00
Additional piling and panels to reduce beach area in Western lake.	\$ 15,970.25
Removal of exotic vegetation western island	\$ 40,040.00
Mini-excavator to remove Giant Reed Root Balls from the lake around the east island	\$ 1,100.00
Treatment train installation in lieu of Sediment Trap	\$ 5,800.00
Landscaping to new lake edge hard landscaping - paving only	\$ 21,654.00
Bore water inlet treatment William St	\$ 4,280.00
Total	\$205,164.00

Summary of Variations

Total Variation Savings	(\$0)
Total Variation Additions	\$205,164.00
Total Variation	\$205,164.00

1.5 Claims

Not applicable at this time.

2. Works - Lakes

2.1 Piling and panel installation.

All piles and panels have been installed. Back filling between new panel wall and old wall to eastern lake completed. Backfilling to wall of western lake commenced late January. Capping to old wall completed. Capping to new wall commenced. Hard standing paving between old and new wall in both eastern and western lakes to commence in early March.

2.2 Islands – east and west

Eastern lake – final clearing and removal of giant reed root balls commenced week of Friday 8 January 2013. Mounding of clean fill on eastern island commenced and ongoing throughout February.

Western lake – causeway has been constructed to the western island. Exotic species removal to commence in mid to late February.

2.3 Pipe works

Majority of all pipe extensions installed to new wall. Waiting on final approval from Water Corporation in regards to the connection of the main drains through to new wall.

2.4 Sediment removal

Completed.

3. Works – Flora And Planting

3.1 Edge treatment planting

City of Vincent to now carry out final planting around lakes edges.

3.2 East and west islands and beaches

Western lake beach construction commenced. Eastern lake beach construction to commence in early March.

3.3 Treatment train

Construction work has commenced on the treatment train. The retaining wall has been constructed on the lake side of the treatment train.

Excavation works are now underway to remove roots and grass from the treatment train area and prepare the site for the remaining wall construction which will include the tier walls running roughly north south and the retaining wall on the Vincent St side of the treatment train.

During this phase of construction aboriginal monitors have been on site in accordance with the conditions of the City's Section 18 approval.

4. Indicative Timeline

4.1 Progress

The project is approximately four (4) weeks behind schedule, mainly due to the delay in the approval of the treatment train design by the Water Corporation. The project is now likely to be completed by mid April 2013, which will be ideal in terms of the weather and planting out the islands and lake edges.

4.2 Days Claimed

Zero (0) have been claimed.

5. Communication Plan

Various communication methods have been utilised to advise park patrons, stakeholders and employees of the redevelopment, these are listed below:

- A letter drop to surrounding residents;
- Signage at either end of the central causeway;
- Website updates, including a photo diary, plans and a detailed project overview.
- Monthly report to Council.

CONSULTATION/ADVERTISING:

The City's Communications Officer has created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site. The site is updated on a regular basis. Additionally a letter drop was conducted at the commencement of the project covering over 600 residences surrounding the Hyde Park site and further letter drops will be undertaken as the project progresses.

LEGAL/POLICY:

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development to Hyde Park would be required to be referred to and approved by the Heritage Council of Western Australia prior to the commencement of works.

Hyde Park Lakes has been identified and recorded, and will need to be managed and remediated in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

In addition, the proposed restoration works will impact registered Department of Indigenous Affairs (DIA) site 3792 and will require a Site Identification Survey. The survey will need to be conducted to Section 18 standards in accordance with the Aboriginal Heritage Act 1972.

RISK MANAGEMENT IMPLICATIONS:

Medium-High: The construction project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant construction projects (e.g. Loftus Centre Redevelopment, rectangular stadium, DSR Office Building, Leederville Oval redevelopment).

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

SUSTAINABILITY IMPLICATIONS:

The City is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

As part of the City's Sustainable Environment Plan 2007-2012, the City has identified a number of objectives and the Hyde Park Lakes Restoration Project will be required to address most of the objectives listed below on various levels;

- reduce water use (reduce the size of the Lakes – Option 2A);
- use natural systems to improve water quality (construction of treatment train);
- encourage the planting of native species (Islands to be replanted); and
- re-establish native fringing vegetation as bird habitat areas (may be possible in some locations between existing and new walling).

FINANCIAL/BUDGET IMPLICATIONS:

Adequate funding has been allocated in the 2012/2013 budget to undertake the project. The Commonwealth Government are funding approximately 50% of the final project cost with the City and other minor contributions from the Water Corporation and North Perth Community-Bendigo Bank.

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	August	\$139, 467.20	\$139, 467.20	September
No. 2	September	\$488, 281.55	\$488, 281.55	October
No. 3	October	\$470, 067.70	\$470, 067.70	December
No. 4	November	\$252, 793.69	\$252, 793.69	December
No. 5	December	\$140, 697.64	\$140, 697.64	January
No. 6	January	\$164, 110.88	\$164, 110.88	February
		Total Paid	\$1, 655,418.66	

COMMENTS:

Advanteeing Civil Engineers have been very proactive and professional in their approach towards the Hyde Park Lakes Restoration Project. They have been very cooperative in ensuring the community access for events such as concerts and their ongoing commitment towards accommodating the Hyde Park Rotary Fair given the significance of the works being carried out.

Now that most approvals have been received construction and site works are progressing at an increased rate.

9.2.5 Proposal to Register the Robertson Park Aids Memorial

Ward:	South	Date:	15February 2013
Precinct:	Hyde Park (12)	File Ref:	RES0066,PRO0692
Attachments:	Nil		
Tabled Items:	Nil.		
Reporting Officer:	K Godfrey, Parks Technical Officer		
Responsible Officer:	C Wilson, Acting Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the request from the Perth Sisters of Perpetual Indulgence for the City of Vincent to register the Aids Memorial located within Robertson Park with the International Aids Memorial Register "Names Project Netherlands Foundation"; and
2. **ADVISES** all stakeholders of the Council's decision.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to register the Aids Memorial located within Robertson Park, Perth with the "Names Project Netherlands Foundation".

BACKGROUND:

Correspondence was recently received from the Perth Sisters of Perpetual Indulgence requesting that the City register the Robertson Park Memorial on an international Aids Memorial Register. The register in question is "The Names Project Netherlands Foundation".

DETAILS:

The Aids Memorial was officially opened in December 2001 and it plays an important role within the community whereby people living and dealing with HIV/Aids can visit the memorial and reflect upon loved ones lost within Western Australia and worldwide.

An "International Candlelight Vigil is held each year at the memorial site along with other dedications to person/s passed.

Funding for the construction of the memorial came from a wide variety of community groups artists, clubs and private donations including the City of Vincent.

Since the opening of the site it has been under the care/control of the City and no funding for the ongoing maintenance of this memorial has been received from the Aids Council of Western Australia or any other interest group.

The Perth Sisters of Perpetual Indulgence have also voiced their concern to the Heritage Council of Western Australia and the City of Vincent that this memorial is not registered and are concerned that the City has the power to remove/replace it at any time.

The aim of this web site and subsequent registration is to increase public awareness of permanent Aids Memorials worldwide and contribute to their preservation, however does not.

Currently there are only two (2) Aids Memorial Sites registered within Australia that feature on "The Names Project Netherlands Foundation" web site. One (1) site being a memorial garden and walk established in the grounds of the former Fairfield Hospital in Victoria. The other is an Australian Aids Memorial Quilt which is currently housed and on display in Sydney's Powerhouse Museum.

The Aids Memorial located within the south-west portion of Robertson Park falls within the curtilage of the heritage listed Robertson Park bounded by Fitzgerald, Randell, Palmerston and Stuart Streets, Perth.

The site is currently listed on the City's Municipal Heritage Inventory as Management Category A-conservation Essential; is on the State Register of Heritage Places as a permanent entry and is also an Aboriginal Registered site.

With this level of statutory protection offered to the site by these heritage listings enforced through the City's Town Planning Scheme No 1, the Heritage Act of Western Australia 1990 and the Aboriginal Act of 1972 respectively, any development of the site, including works to existing structures within the site such as the Aids Memorial, requires adherence to these legislative frameworks where appropriate. This includes referrals to the relevant State agencies.

Therefore given this information, Aids Memorial has ample protection and procedures in place to ensure its long term viability. The registering of the site with the "Names Project Netherlands does not offer any legal binding or additional protection over the Robertson Park Site.

The proposed registering with this group will highlight the location on a World Wide Web site which aims to identify each memorial site worldwide.

Details required to register the site include a 300 word brief about the memorial and photographs.

CONSULTATION/ADVERTISING:

All stakeholders will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.
1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The registering of the site with "The Names Project Netherlands Foundation" appears to offer no additional legal or binding protection over the site which is and still will be under the care/control of the City of Vincent.

However, in view of the request from the Perth Sisters of Perpetual Indulgence the officers recommend that the Robertson Park Aids Memorial Site be registered with "The Names Project Netherlands Foundation".

9.3.1 Investment Report as at 31 January 2013

Ward:	Both	Date:	15 February 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 January 2013 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Wilcox, Seconded Cr Pintabona

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 January 2013 were \$20,711,000 which is same balance as at 31 December 2012. At 31 January 2012, \$25,011,000 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

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$415,000	\$306,123	52.42
Reserve	\$535,000	\$370,000	\$416,664	77.88

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 remained unchanged from previous period.

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 January 2013

Ward:	Both	Date:	15 February 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 January 2013 – 31 January 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.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

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 January 2013 – 31 January 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	73527 - 73711	\$200,197.14
Transfer of Creditors by EFT Batch	1484, 1487, 1488, 1490 - 1492, 1494	\$1,402,587.52
Transfer of PAYG Tax by EFT	January 2013	\$385,414.17
Transfer of GST by EFT	January 2013	
Transfer of Child Support by EFT	January 2013	\$1,769.76
Transfer of Superannuation by EFT:		
• City of Perth	January 2013	\$74,242.82
• Local Government	January 2013	\$253,265.48
Total		\$2,317,476.89
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,657.79
Lease Fees		\$29,410.16
Corporate MasterCards		\$8,899.91
Loan Repayment		\$194,101.70
Rejection fees		\$30.00
Total Bank Charges & Other Direct Debits		\$241,099.56
Less GST effect on Advance Account		0.00
Total Payments		\$2,558,576.45

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 Financial Statements as at 31 January 2013

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 31 January 2013 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

DETAILS:

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

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-29
2.	Statement of Financial Activity by Programme Report	30
3.	Statement of Financial Activity by Nature or Type Report	31
4.	Statement of Financial Position	32
5.	Statement of Changes in Equity	33
6.	Capital Works Schedule	34-40
7.	Restricted Cash Reserves	41
8.	Sundry Debtors Report	42
9.	Rate Debtors Report	43
10.	Beatty Park Leisure Centre Report – Financial Position	44
11.	Major Variance Report	45-51
12.	Monthly Financial Positions Graph	52-54

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$10,552,516
YTD Revised Budget	\$11,915,873
YTD Variance	\$1,363,357
Full Year Budget	\$20,198,425

Summary Comments:

The total operating revenue is currently 89% of the year to date Budget estimate.

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

General Purpose Funding – 14% under budget;
 Governance – 90% under budget;
 Law, Order, Public Safety – 18% under budget;
 Health – 13% under budget;
 Community Amenities – 26% over budget;
 Recreation and Culture – 18% under budget;
 Transport – 8% under budget;
 Economic Services – 27% under budget;
 Other Property and Services – 30 over budget; and
 General Administration (Allocated) – 1% under budget.

Operating Expenditure

YTD Actual	\$25,163,748
YTD Revised Budget	\$26,378,259
YTD Variance	(\$1,214,511)
Full Year Budget	\$45,143,870

Summary Comments:

The total operating expenditure is currently 95% of the year to date Budget estimate.

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

General Purpose Funding – 8% under budget;
 Governance – 2% under budget;
 Law Order and Public Safety – 10% under budget;
 Health – 13% under budget;
 Education and Welfare – 8% under budget;
 Community Amenities – 10% under budget;
 Recreation and Culture – 5% under budget;
 Transport – 2% over budget;
 Economic Services – 8% under budget;
 Other Property & Services – 91% over budget; and
 General Administration (Allocated) – 82% under budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$14,216,293
YTD Revised Budget	\$12,525,707
Variance	\$1,690,586
Full Year Budget	\$26,434,292

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$27,981,916 and non-current assets of \$201,158,963 for total assets of \$229,140,879.

The current liabilities amount to \$10,665,026 and non-current liabilities of \$19,356,716 for the total liabilities of \$30,021,741.

The net asset of the City or Equity is \$199,119,138.

7. Net Current Funding Position

	31 January 2013 YTD Actual \$
Current Assets	
Cash Unrestricted	6,876,001
Cash Restricted	12,271,385
Receivables – Rates and Waste	3,469,480
Receivables – Others	3,237,389
Inventories	182,532
	26,036,787
Less: Current Liabilities	
Trade and Other Payables	(4,649,142)
Provisions	(2,495,005)
Accrued Interest (included in Borrowings)	(55,297)
	(7,199,444)
Less: Restricted Cash Reserves	(12,271,385)
Net Current Funding Position	6,565,958

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$182,490	\$119,256	65%
Plant & Equipment	\$1,757,000	\$953,000	\$881,067	92%
Land & Building	\$11,289,000	\$9,476,000	\$6,217,076	66%
Infrastructure	\$13,916,365	\$6,256,395	\$3,187,149	51%
Total	\$27,273,005	\$16,867,885	\$10,404,548	62%

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

Note: Detailed analyses are included on page 34 – 40 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 31 January 2013 is \$12.2m. The balance as at 31 January 2012 was \$15.6m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option. In addition \$1m funding has been received from the Federal Government for the Hyde Park Lake Restoration project.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$882,620 is outstanding at the end of January 2013.

Out of the total debt, \$350,676 (39.7%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 January 2013 including deferred rates was \$3,324,698 which represents 13.55% of the outstanding collectable income compared to 14.84% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 January 2013 the operating deficit for the Centre was \$991,127 in comparison to the year to date budgeted deficit of \$760,564.

The cash position showed a current cash deficit of \$685,363 in comparison year to date budget estimate of a cash deficit of \$452,963. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop have not opened yet, but partial services are offered through reception area. The indoor pool re opened on the 23rd July, 2012. The new 50 metre outdoor pool opened on 22 November, 2012 with the other outdoor pools opening in mid December. It should be noted that it was budgeted for the complete redeveloped centre to open in December 2012, it is now anticipated to open in mid February 2013.

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.4.1 NAIDOC Week School Initiatives 2013

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	CMS0111
Attachments:	Nil		
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 **APPROVES** the funding of \$450 to 'Noongar Kids' to assist with the design, printing and distribution of materials to schools within the City for the 2013 NAIDOC Week School Initiatives.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To seek financial support for the 2013 NAIDOC (National Aboriginal and Islander Day Observance Committee) Week School Initiatives organised by 'Noongar Kids'.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 April 2010, the following recommendation was adopted:

"That the Council;

1. *APPROVES the application from the NAIDOC Week School Initiative Competition for funding of \$400 to assist with the design, printing and distribution of materials to schools in the Town of Vincent."*

DETAILS:

Noongar Kids is a community organisation (under the umbrella of Koori Kids) that engages young people across Western Australia in a range of school initiatives to promote education and awareness of Aboriginal & Torres Strait Islander culture. Each year, Noongar Kids conducts the NAIDOC Week School Initiative Competitions for school aged children. This is broken up into primary and secondary school categories being; colouring-in, short story writing and creative and essay writing.

NAIDOC Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander people. The events organised by Noongar Kids have been an ongoing activity during NAIDOC Week for the last four (4) years and have been successful with over 66,990 entries from schools who participated in a variety of competitions.

Noongar Kids is seeking continued support from the City to be an associate partner towards the programme. The initiatives are the only activity throughout NAIDOC Week that provides students with an educational component to Indigenous culture and heritage. It also contributes by providing a greater understanding on the importance of cultural respect and diversity that assists the reconciliation process that the City has undertaken to support.

CONSULTATION/ADVERTISING:

The City is acknowledged through the use of the logo as an associate partner on information packs sent to schools. If there is a winner from a school within the City, an invitation for the Mayor and/or a representative is invited to attend the school to make a presentation for the 'Prime Ministers NAIDOC Medal' and the student's prize. This will also involve several media releases and a special NAIDOC plaque designed for the City.

The schools that are targeted include all Primary and Secondary schools (both State and Catholic) within the City. The following schools have applied to participate within the City of Vincent are: Sacred Heart Primary School, Kyilla Primary School, Aranmore Catholic College, Highgate Primary School and Aranmore Primary School.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The organisers have a good track record for the delivery of the project.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

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

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

SUSTAINABILITY IMPLICATIONS:

The initiatives will enable participants to explore concepts linking environmental and social/cultural issues and foster harmony in the community.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$45,000
Spent to Date:	<u>\$11,577</u>
Balance:	\$33,423

COMMENTS:

This worthwhile cross cultural initiative has been operating very successfully since 2001 and is aligned with NAIDOC Week, celebrated in July each year. Hundreds of entries are received each year from schools, and the success of the programme is partly due to the support of Councils and partner organisations.

These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation. It is therefore recommended that this funding proposal be supported as in previous years.

9.4.2 Revelation Perth International Film Festival Sponsorship

Ward:	South	Date:	15 February 2013
Precinct:	Oxford Centre; P4	File Ref:	CVC0006
Attachments:	001 – Revelation Gold Sponsorship Details		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity; J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the City of Vincent becoming a Gold Sponsor to the Revelation Perth International Film Festival for \$5,000.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To present a report to the Council that outlines the benefits of Gold Sponsorship in the Revelation Film Festival 2013.

BACKGROUND:

Since its inception in 1997, Revelation has included live music; gallery based visual arts and associated activity generated by the event or independent curators. It has always welcomed independently curated or initiated programs and ideas and actively embraces creative professional development opportunities.

It sees over 500 films submitted for selection from local and international filmmakers and includes an active, creative and argumentative screen conference component. 2012 also saw the introduction of a new academic component. Revelation maintains its focus on signature driven works and embraces audiences of all ages, tastes and backgrounds. Like the films it presents, the event maintains an energy and enthusiasm for the industry quite unlike any other film festival in the country.

Revelation started its growth into a larger venue at Luna Cinemas, but made the move to the Astor where it has been home for the last six years. The Revelation Film Festival will be returning to Luna Cinema in 2013. Reasons for the move are predominately due to budget restrictions and the venue space and vibrant community Leederville has to offer.

The Revelation Perth International Film Festival runs from 4 July 2013 to 14 July 2013.

DETAILS:

The Revelation Perth International Film Festival is a ten day festival which runs from 4 July 2013 to 14 July 2013. The organisers want our support on the festival and have offered the City of Vincent a Gold sponsorship deal at five thousand dollars (fifty percent off) with the same benefits as a Gold Sponsor.

The film festival not only screens films, but engages the community in debate and educational sessions. The City's Officer has proposed that the City have a naming right for one of the creative discussions/debates held throughout the festival and this has been accepted. (subject to Council approval).

The benefits of being a Gold Sponsor for the Revelation Film Festival are outlined in the attachment, which has been included as an attachment to the Agenda Report.

The Perth International Revelation Film Festival has been held at the Astor Cinema throughout the last five years and due to many of their sessions selling out, the Film Festival will be moving to Luna Cinemas in Leederville to utilise the larger and additional cinemas. Being placed in Leederville, there should be considerable flow on benefits for the local businesses.

Target numbers

Last year the Revelation Film Festival brought approximately eleven thousand people through the Cinema over the ten days, and a further three hundred and fifty people attended the RevCon sessions of workshops and discussions on film.

This year, with the move to Luna Cinemas and access to a third cinema (the Astor only has two cinemas) and the use of the outdoor cinema as a function venue, numbers are expected to increase to twelve thousand ticket sales and four hundred attendees at the RevCon sessions. The Revelation Film Festival is one of the most popular events of the year for cinema fans.

Publicity

The Benefits of being a Gold Sponsor are:

"As a lead partner you are afforded the opportunity to enjoy Festival wide exposure with major visibility, inclusion of your logo in all advertising and exclusive benefits throughout the Festival."

The main local publicity will be mainly via Twitter, Facebook, X-Press Magazine, The Sunday Times and Channel 7. In addition, RTRFM and 720ABC radio stations are strong supporters of the Festival.

As this is an international film festival, the call out for films has gone worldwide and results in carefully selected films from across the globe.

Arts Strategies

In relation to the City of Vincent Arts Plan, the Film Festival relates to several of the Arts Plan's guiding principles; namely:

"The City is committed to encourage and support local communities to participate in arts activities by:

- *inspiring creative activity which celebrates local cultural identity and diversity;*
- *identifying and celebrating local cultural practices, communities and activities;*
- *working with other spheres of government to facilitate community arts, cultural development, and events;"*
-

The Film Festival also relates to the City of Vincent Arts Plan Strategies:

3. *Promote a diverse annual programme of arts and cultural activities, festival and events; and*
5. *Encourage and support engagement and community spirit through community cultural development projects."*

As an addition to the City of Vincent sponsorship, the City's Officers have requested that one of the RevCon workshops/discussions or debates be presented by the City of Vincent, which directly relates to Strategy 3 and includes creative conversations.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Supporting this festival is in keeping with the City of Vincent *Strategic Plan 2011 - 2016*:

"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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The festival is seeking \$5,000 sponsorship, in return for a package worth \$10,000.

The allocation of funding for Festivals listed in the 2012/2013 Budget is as follows:

Festival	Allocated Funding	Date of Festival
Pride event	\$7,000	Oct/Nov 2012
Beaufort Street Festival	\$40,000	17 November 2012
WA Youth Jazz Orchestra	\$6,000	25 November 2012
Light Up Leederville Festival	\$50,000	8 December 2012
Hyde Park Rotary Fair	\$25,000	2-3 March 2013
Harmony Week event	\$15,000	15 March 2013
St Patrick's Day Parade Festival	\$15,000	17 March 2013
Angove Street Festival	\$40,000	7 April 2013
William Street Festival	\$40,000	28 April 2013
Perth International Jazz Festival	\$10,000	24-26 May 2013
Festivals	Unallocated amount \$3,000	

There is currently unallocated funding of \$3,000 in the Festivals Budget. The remaining \$2,000 will be spent out the Arts Workshops Expenditure. The City of Vincent will have naming rights in one of the RevCon events.

COMMENTS:

The Revelation Film Festival is the highlight of the year for the film loving community. Often screening avant guard and non mainstream cinema, it has definitely grown into a small community hub of film screenings, discussion and networking. The flow on effects to the surrounding restaurants and venues will be beneficial.

9.5.2 Local Government Statutory Compliance Audit 2012

Ward:	-	Date:	15 February 2013
Precinct:	-	File Ref:	ADM0019
Attachments:	001 – Local Government Statutory Compliance Audit for 2012		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ADOPTS** the **Local Government Statutory Compliance Audit for 2012**, as shown in Appendix 9.5.2 and this is forwarded to the Department of Local Government.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2012.

BACKGROUND:

The Department of Local Government and Regional Development has issued a “*Local Government Statutory Compliance Audit*” to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer has delegate several section to the Director Corporate Services and Director Development Services to complete part of the Return, for matters under their direct responsibility.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been included in the Agenda, as an attachment to this report.

The City has an Audit Committee. The Committee, comprising the Mayor and Cr Topelberg, A. Macri and T. Tan (Auditors), with the Chief Executive Officer and Director Corporate Services (ex officio and non-voting) met on 6 February 2012 to review this Audit.

The review of the Compliance Audit 2012 revealed that no non-compliances with Statutory requirements were found.

RISK MANAGEMENT IMPLICATIONS:

High: Failure to review and complete the Annual Compliance Audit would be a breach of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is pleasing to report that the City of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2012 be adopted, signed by the Mayor and Chief Executive Officer and forwarded to the Department of Local Government.

9.5.3 Audit Committee – Receiving of Unconfirmed Minutes – 11 February 2013

Ward:		Date:	15 February 2013
Precinct:		File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the Audit Committee Unconfirmed Minutes dated 11 February 2013, as shown in Appendix 9.5.3

COUNCIL DECISION ITEM 9.5.3

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 11 February 2013.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

RISK MANAGEMENT IMPLICATIONS:

High: Failure to consider and review the Audit Committee Minutes would be a breach of Section 7.12A of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the City's internal Audit Committee minutes to the Council Meeting is a legal requirement of the Local Government Act 1995 and regulations and in keeping with the Audit Charter.

9.5.4 Information Bulletin

Ward:	-	Date:	15 February 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 15 February 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 18 December 2012 are as follows:

ITEM	DESCRIPTION
IB01	State Administrative Tribunal Orders: Waters & Anor v City of Vincent (DR 202 of 2012)
IB02	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 21 January 2013
IB03	Unconfirmed Minutes of the Design Advisory Group Meeting held on 23 January 2013
IB04	Unconfirmed Minutes of the Universal Access Advisory Group Meeting held on 11 October 2012
IB05	Unconfirmed Minutes of the Local History and Heritage Advisory Group Meeting held on 8 November 2012
IB06	Unconfirmed Minutes of the Seniors Advisory Group Meeting held on 21 November 2012
IB07	Unconfirmed Minutes of the Arts Advisory Group Meeting held on 10 December 2012
IB08	Unconfirmed Minutes of the Healthy Vincent Advisory Group Meeting held on 20 December 2012

9.1.3 No. 38 (Lot 145; D/P 3002) Mabel Street, corner of Norham Street, North Perth – Proposed Alterations and Additions to Existing Single House Including Two-Storey Ancillary Accommodation

Ward:	North	Date:	15 February 2013
Precinct:	North Perth; P8	File Ref:	PRO4875; 5.2011.488.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 4 February 2013 003 – Applicant’s Justification dated 25 March 2012 004 – Applicant’s Justification dated 15 September 2011		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, 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 M Tamburri on behalf of the owners, M & T Tamburri for Proposed Alterations and Additions to Existing Single House Including Two-Storey Ancillary Accommodation at No. 38 (Lot 145; D/P 3002) Mabel Street, corner of Norham Street, North Perth, and as shown on plans stamp-dated 5 February 2013, for the following reasons:

1. **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:**
 - 1.1 **SADC 10 and SPC 10 “Dual Street Frontages and Corner Sites” relating to the ground and upper floor setbacks of the ancillary accommodation from Norham Street;**
 - 1.2 **SADC 13 and SPC 13 “Street Walls and Fences” relating to the visual truncation where the fence adjoins the vehicle access point;**
 - 1.3 **SADC 15 and SPC 15 “Driveways and Crossovers” relating to the total aggregate width of the driveways being 6.2 metres;**
 - 1.4 **BDADC 3 and BDPC 3 “Roof Forms” relating to the roof pitch of the ancillary accommodation; and**
 - 1.5 **BDADC 11 and BDPC 11 “Energy Efficient Design” relating to the ancillary accommodation not incorporating energy efficient design principles;**

2. **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:**
 - 2.1 **Clause 6.3.1 “Buildings Setback from the Boundary” relating to the northern and western, ground and upper floor setbacks, of the ancillary accommodation;**
 - 2.2 **Clause 6.3.2 “Buildings on Boundary” relating to the northern and western boundary walls;**

- 2.3 Clause 6.4.1 "Open Space Provision" relating to the amount of open space provided on-site;
 - 2.4 Clause 6.8.1 "Visual Privacy" relating to extent of overlooking; and
 - 2.5 Clause 6.11.1 "Ancillary Accommodation" relating to the proposed ancillary accommodation;
3. Non-compliance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 "Variations to Standards or Requirements Prescribed Under a Local Planning Policy" for the following reasons:
- 3.1 The proposed development is detrimental to the amenity of the locality;
 - 3.2 The proposed development is not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and
 - 3.3 The proposed development is not consistent with the City's Policy No. 3.2.1 relating to Residential Design Elements;
4. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
- 4.1 To protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment;
 - 4.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-
 - 4.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
 - 4.2.2 Can respond readily to change; and
 - 4.3 To co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –
 - 4.3.1 Makes optimum use of the City's growing infrastructure and resources;
 - 4.3.2 Promotes an energy efficient environment; and
 - 4.3.3 Respects the natural environment; and
5. The proposed alterations and additions to the existing single house including two-storey ancillary accommodation would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Pintabona

That the item be DEFERRED at the request of the Applicant, in order that concerns raised concerning the development application can be addressed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The development application is referred to the Council for determination at the request of the applicant, as the City's Administration proposes to refuse the application.

BACKGROUND:

Nil.

DETAILS:

The application is for alterations and additions to the existing single house including two-storey ancillary accommodation at No. 38 Mabel Street, corner of Norham Street, North Perth.

The proposed alterations to the existing single house comprise bricking up an existing window on the western elevation and the addition of an ensuite along the western side of the dwelling, at the rear. The proposed two-storey ancillary accommodation is located to the rear of the lot facing Norham Street.

The subject site has a zoning of Residential R30/R40, with it falling within the North Perth Precinct. Clause 20 of the City of Vincent Town Planning Scheme No. 1 states:

"Within the area coded R30/40, development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied."

As the proposal comprises alterations and additions to the existing single house including two-storey ancillary accommodation, the Residential R30 density coding is applicable in this instance. As such, the site can only accommodate one single house with a compliant ancillary accommodation.

Landowner:	M & T Tamburri
Applicant:	M Tamburri
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30/R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Right of Way:	Not Applicable

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Dual Street Frontages			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		
Open Space			✓

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Bicycles	N/A		
Access & Parking			✓
Privacy			✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		
Energy Efficient Design			✓
Ancillary Accommodation			✓

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

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:	Concealed roof
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 received.
Officer technical comment:	The proposed concealed roof of the ancillary accommodation does not comply with Clause BDADC 3 and BDPC 3 "Roof Forms" of the City's Policy No. 3.2.1 relating to Residential Design Elements in this instance. The proposed ancillary accommodation fronts Norham Street which comprises dwellings with pitched roofs within the immediate locality; therefore it is considered that the proposed concealed roof does not complement or contribute to the existing streetscape. Due to the number of variations proposed, the proposed concealed roof does not assist in reducing the building bulk that results from the ancillary accommodation.

Issue/Design Element:	Dual Street Frontages
Requirement:	Residential Design Elements SADC 10 As measured from the secondary street. Ground Floor: 1.5 metres Upper Floor: 0.5 metres behind each portion of the ground floor setback
Applicants Proposal:	As measured from Norham Street Ground Floor: Nil – 1.2 metres Upper Floor: In-line with the carport to 1.2 metres behind the garage.

Issue/Design Element:	Dual Street Frontages
Performance Criteria:	<p>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:</p> <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.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal does 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 it does not present an attractive or interactive elevation to Norham Street.</p> <p>The entrance to the ancillary accommodation is located behind the store which fronts Norham Street, therefore limiting interaction at a pedestrian level, between the ground floor of the ancillary accommodation and the street frontage. It is noted that a balcony has been provided to the upper floor of the ancillary accommodation which aids in increasing the interaction between the dwelling and ancillary accommodation and the streetscape; however this results in a greater bulk on Norham Street without providing sufficient articulation to the dwelling.</p> <p>The combination of the existing dwelling and proposed ancillary accommodation being built up to the eastern boundary, with a carport located between the two buildings results in the portion of the setback area between the buildings being hardstand, with there being no landscaping proposed within the Norham Street setback. As there is no landscaping proposed to the Norham Street, it results in an adverse impact on the streetscape.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.3.1 A1 <u>Western boundary</u> Main dwelling: 4.1 metres Ancillary accommodation upper floor: 1.6 metres</p> <p><u>Northern boundary</u> Ancillary accommodation upper floor: 2.7 metres</p>
Applicants Proposal:	<p><u>Western boundary</u> Main dwelling: 1.3 metres Ancillary accommodation upper floor: 1 – 3.1 metres</p> <p><u>Northern boundary</u> Ancillary accommodation upper floor: 1 – 2 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p>

Issue/Design Element:	Building Setbacks
	<ul style="list-style-type: none"> • Provide adequate direct sun and ventilation to the building; • Ensure adequate direct sun and ventilation being available to adjoining properties; • Provide adequate direct sun to the building and appurtenant open spaces; • Assist with protection of access to direct sun for adjoining properties; • Assist in ameliorating the impacts of building bulk on adjoining properties; and • Assist in protecting privacy between adjoining properties.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed side and rear setbacks do not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.3.1 “Buildings Setback from the Boundary” of the R-Codes in this instance.</p> <p>The proposal does not provide adequate direct sun to the ancillary accommodation. Although the ground floor comprises a major opening to the computer nook on the ground floor and the upper floor comprises a major opening to the computer games rooms; the upper floor northern wall of the ancillary accommodation predominantly comprises a boundary wall and a wall setback 1 metre with no major openings. Therefore the proposal does not take advantage of the northern orientation of the site and access to winter sun.</p> <p>It is also considered that due to the extent of the variations relating to the boundary setbacks and boundary walls, the proposal does not ameliorate the impacts of building bulk on the adjoining properties.</p> <p>The proposed setbacks do not assist in protecting privacy between the subject site and adjoining properties, as the proposed ancillary accommodation does not comply with either the Acceptable Development or Performance Criteria of Clause 6.8.1 “Visual Privacy” of the R-Codes.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 6.3.2 A2 Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.</p>
Applicants Proposal:	<p>Boundary walls to four (4) side boundaries.</p> <p><u>Southern boundary</u> Existing boundary wall to the main dwelling.</p> <p><u>Western boundary</u> Maximum Height: 5.6 metres Average Height: 4.6 metres Length: 9 metres</p> <p><u>Northern boundary</u></p>

Issue/Design Element:	Boundary Wall
	<p>Maximum Height: 5.5 metres Average Height: 3.57 metres Length: 8.99 metres</p> <p><u>Eastern boundary</u> Eastern boundary comprises an existing boundary wall to the main dwelling and a proposed boundary wall to the ancillary accommodation.</p> <p>Maximum Height: 4.1 metres Average Height: 3.38 metres Length: 29.5 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • Make effective use of space; or • Enhance privacy; or • Otherwise enhance the amenity of the development; • Not have any significant adverse effect on the amenity of the adjoining property; and • Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	<p><i>“Proposed development should be permitted with variations to required setbacks to existing boundary walls which have been reduced in length; and minor variation to required open space which has been increased from the existing by reducing the site coverage.”</i></p>
Officer technical comment:	<p>The proposed boundary walls do not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.3.2 “Buildings on Boundary” of the R-Codes in this instance.</p> <p>It considered that the boundary walls do not make effective use of space or enhance the amenity of the development, as the proposed alterations and additions to the existing single house, including ancillary accommodation, does not comply with the Acceptable Development or Performance Criteria provisions of Clauses 6.3.1 “Buildings Setback from the Boundary” and 6.4.1 “Open Space Provision” of the R-Codes, therefore resulting in a development that is too large for the site area, where alternative dwelling types are more suited to lots of this size.</p> <p>The proposed boundary wall does not assist in protecting privacy between the subject site and adjoining properties, as the proposed ancillary accommodation does not comply with either the Acceptable Development or Performance Criteria of Clause 6.8.1 “Visual Privacy” of the R-Codes.</p> <p>It is also considered that the proposed ancillary accommodation results in an adverse impact on the amenity of the adjoining properties, with regards to building bulk.</p>

Issue/Design Element:	Building Height
Requirement:	Residential Design Elements BDADC 5 Top of external wall (concealed roof): 7 metres
Applicants Proposal:	Top of external wall (concealed roof): 7.1 metres
Performance Criteria:	Residential Design Elements BDPC 5 Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposed development is considered to comply with the Performance Criteria of the City's Residential Design Elements in this instance, as the maximum building height of 7.1 metres results from the slope of the natural ground level.

Issue/Design Element:	Open Space
Requirement:	Residential Design Codes Clause 6.4.1 A1 45 per cent (220.5 square metres)
Applicants Proposal:	33.82 per cent (165.695 square metres)
Performance Criteria:	Residential Design Codes Clause 6.8.1 P1 Sufficient open space around buildings: <ul style="list-style-type: none"> • To complement the building; • To allow attractive streetscapes; • To suit the future needs of residents, having regard to the type and density of the dwelling.
Applicant justification summary:	<i>"Proposed development should be permitted with variations to required setbacks to existing boundary walls which have been reduced in length; and minor variation to required open space which has been increased from the existing by reducing the site coverage."</i> <i>"Designed to harmonise with nearby existing and new housing in terms of building bulk and scale, built form and use of materials and finishes, the proposal has reduced site coverage from existing 313.52 square metres (63.85 per cent) to 277.76 square metres (56.55 per cent) to increase open space from 177.48 square metres (36.15 per cent) to 213.33 square metres (43.45 per cent). As this is much less than the 5 per cent variation permitted at City's discretion, we request you exercise your discretion, and permit a mere 1.55 per cent variation."</i>
Officer technical comment:	The proposed alterations and additions to the existing single house including ancillary accommodation, does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.4.1 "Open Space Provision" of the R-Codes in this instance.

Issue/Design Element:	Open Space
	<p>The proposed amount of open space is not considered to complement the dwelling, as the majority of the site is developed.</p> <p>The proposed amount of open space does not provide for an attractive streetscape, as the street setbacks do not comply with the Acceptable Development or Performance Criteria provisions of SADC 10 "Dual Street Frontages and Corner Sites" of the City's Policy No. 3.2.1 relating to Residential Design Elements. It is also noted that the proposal comprises existing boundary walls to both Mabel Street and Norham Street, with the ancillary accommodation proposing an additional boundary wall to Norham Street.</p> <p>With regards to the type of dwelling and the density of the site, it is considered that the open space proposed does not suit the future needs of residents. The existing dwelling and proposed ancillary accommodation is too large for the site area, with alternative dwelling types being more suited to lots of this size.</p>

Issue/Design Element:	Access & Parking
Requirement:	<p>Residential Design Elements SADC 13 Street walls and fences to incorporate visual truncations that comply with the City's Policy relating to Truncations.</p> <p>Walls and fences truncated or no higher than 0.65 metres within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.</p> <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:	Aggregate width of the driveways is 6.2 metres.
Performance Criteria:	<p>Residential Design Elements SPC 13 Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are 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. <p>Residential Design Elements SPC 15 Minimise the number and widths of vehicular access points to frontage streets.</p> <p>Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following:</p> <ul style="list-style-type: none"> • The size of the car parking area; and • The amount and type of vehicle traffic travelling

Issue/Design Element:	Access & Parking
	<p>along the related road.</p> <p>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and retention of street trees.</p>
Applicant justification summary:	<p><i>“To create a 1.5 metre visual truncation, part of the existing front boundary screen wall and front Garage boundary wall are to be re-built setback 1.5 metres, as is the Proposed Carport. We removed proposed new meters from Garage/Store wall facing Norham Street. Will Supply Authority approval, we proposed to upgrade existing gas meter in existing Dwelling wall and add lockable electrical service cabinet with meter view glass.”</i></p>
Officer technical comment:	<p>The proposed aggregated driveway width does not comply with the Acceptable Development or Performance Criteria provisions of Clauses SADC 15 and SPC 15 “Driveways and Crossovers” and SADC 13 and SPC 13 “Street Walls and Fences” of the City’s Policy No. 3.2.1 relating to Residential Design Elements in this instance.</p> <p>The proposal does not attempt to minimise the width of the proposed driveways along the Norham Street lot frontage.</p> <p>Further to this, the proposed crossover and driveway to the carport do not match in width. The proposed crossover is 3.7 metres wide, whereas the carport entry is 5.3 metres wide. As the carport is setback 1.2 metres from the Norham Street boundary, it does not provide adequate room for vehicles to manoeuvre.</p> <p>The proposal does not comprise adequate sightlines at vehicle access points, as a 1.5 metre by 1.5 visual truncation has not been provided.</p>

Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes Clause 6.8.1 A1</p> <p>Major openings and unenclosed outdoor active habitable spaces (balconies, verandahs, terraces or other outdoor living areas) which have a floor level more than 0.5 m above natural ground level and which overlook any part of any other residential property behind its street setback line, to comply with the following:</p> <p>Are setback, in direct line of sight within the cone of vision, from the boundary a minimum of:</p> <ul style="list-style-type: none"> • 4.5 metres in the case of bedrooms and studies; • 6 metres in the case of habitable rooms other than bedrooms and studies; and • 7.5 metres in the case of unenclosed outdoor active habitable spaces.
Applicants Proposal:	<p><u>Balcony</u> 6.8 metre cone-of-vision setback from the western boundary.</p> <p><u>Living Room</u></p>

Issue/Design Element:	Privacy
	<p>5.3 metre cone-of-vision setback from the western boundary.</p> <p><u>Computer Games</u> 2 metres cone-of-vision setback from the northern boundary.</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.8.1 P1 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.</p> <p>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</p> <p>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</p> <p>Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	The upper floor windows of the ancillary accommodation do not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes, as they look directly into the rear of the adjoining northern and western properties.

Issue/Design Element:	Energy Efficient Design
Requirement:	<p>Residential Design Elements BDADC 11 Development proposals should incorporate the following energy efficient design principles where practical:</p> <ul style="list-style-type: none"> • A northerly orientation; and • Access to winter sun and summer shade by appropriate location of windows and shading elements, such as trees.
Applicants Proposal:	Proposed ancillary accommodation does not have a northerly orientation, resulting in minimal access to winter sun.
Performance Criteria:	<p>Residential Design Elements BDPC 11 Development should incorporate energy efficient design principles.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions of Clause BDADC 11 and BDPC 11 "Energy Efficient Design" of the City's Policy No. 3.2.1 relating to Residential Design Elements in this instance.</p> <p>The proposal does not incorporate energy efficient design principles in the design of the proposed ancillary accommodation. The ancillary accommodation comprises large portions of blank solid walls along the northern boundary, with there being minimal major openings provided. The design does not take into</p>

Issue/Design Element:	Energy Efficient Design
	consideration the north-south orientation of the site, therefore limiting the ancillary accommodation's access to winter sun.

Issue/Design Element:	Ancillary Accommodation
Requirement:	<p>Residential Design Codes Clause 6.11.1 A1 An additional dwelling or independent accommodation associated with a single house and on the same lot where:</p> <ul style="list-style-type: none"> • 45 per cent (220.5 square metres) open space provided; and • There is a maximum floor area of 60 square metres.
Applicants Proposal:	<p>33.82 per cent (165.695 square metres) open space.</p> <p>Floor area of 111.22 square metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.11.1 P1 Ancillary dwellings that accommodate the needs of large or extended families without compromising the amenity of adjoining properties.</p>
Applicant justification summary:	<p><i>"Our Clients confirm they are not seeking approval for Ancillary Accommodation; nor a second Dwelling; they have no intention of renting the home; but simply to provide accommodation for their mother, when she wishes to move in with her son, while maintaining a degree of independence and privacy for both mother and son."</i></p> <p><i>"Essentially, all we are seeking to do is provide Ancillary Accommodation for our aging mother, with this accommodation being on an existing footprint at the rear of the residence (formally a cool room, storage room and garage). The City defines Ancillary Accommodation as "self –contained living accommodation on the same lot as a single house that may be attached or detached from the single house however cannot be the subject of a separate green title or survey strata lot".</i></p> <p><i>The total area of our proposed Ancillary Accommodation exceeds the City's guidelines that state that "the ancillary accommodation structure is not to exceed 70 square metres".</i></p> <p><i>There is currently an existing order for the garage to be repaired, but as the garage is part of the footprint of the proposed two-level ancillary structure, these repairs have not been undertaken as we had anticipated that we would have had approval for our Ancillary Accommodation.</i></p> <p><i>We fully understand that if we were to subdivide the property, the issue of the total area of the floor space would not be an issue. However, we are not wishing to subdivide. All we are seeking is to establish a second independent living space for our aged mother without sacrificing the quality of either of our lifestyles. In particular, we do not wish to lose the existing rear</i></p>

Issue/Design Element:	Ancillary Accommodation
	<i>courtyard and its mature macadamia tree, as this will be an essential 'shared' outdoor living space"</i>
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.11.1 "Ancillary Accommodation" of the R-Codes in this instance.</p> <p>Appendix 1 "Definitions" of the R-Codes defines ancillary accommodation as:</p> <p><i>"Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling."</i></p> <p>As outlined in both the Performance Criteria of Clause 6.11.1 and the Explanatory Guidelines, ancillary accommodation is intended to provide a means for large or extended families to live in proximity but with autonomy, without compromising the amenity of adjoining properties. Ancillary accommodation is limited to 60 square metres, as it is not intended to be an additional dwelling on the site.</p> <p>The proposal does not have the characteristics of an ancillary accommodation, as intended by the R-Codes. The number of rooms and living areas, combined with the floor areas being 111.22 square metres, result in the proposal having the characteristics of a separate dwelling.</p> <p>Further to the above, due to the number of variations proposed in relation to the ancillary accommodation, it results in an adverse impact on the adjoining properties.</p> <p>It is noted that the proposed subject site cannot be subdivided in accordance with the R40 density coding, with a minimum site area of 200 square metres, without requiring significant changes to the existing dwelling.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	10 January 2012 to 23 January 2012
Comments Received:	Nil

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed alterations and additions to the existing single house including two-storey ancillary accommodation at No. 38 Mabel Street, North Perth:

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

- North Perth Precinct Policy No. 3.1.8;
- Residential Design Elements Policy No. 3.2.1; and
- Exercise of Discretion for Development Variations Policy No. 3.5.11.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Policy No. 3.2.1 relating to Residential Design Elements, the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, the City of Vincent Town Planning Scheme No. 1 and the Residential Design Codes; 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."*

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 subject site predominantly comprises a non-permeable surface, which has the potential to result in issues with regards to the retention of storm water on-site.	

SOCIAL	
Issue	Comment
The proposed alterations and additions to the existing single house including two-storey ancillary accommodation will assist in providing a greater housing diversity within the City.	

ECONOMIC	
Issue	Comment
The construction of the alterations and additions will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

The proposed alterations and additions to the existing single house, including two-storey ancillary accommodation, would create an undesirable precedent and have a significant impact on the amenity of surrounding lots. The proposal is not in the interest of orderly and proper planning for the locality; which is evident by the significant departure from both the City's Policy No. 3.2.1 relating to Residential Design Elements and the R-Codes.

CONCLUSION:

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, the City's Residential Design Elements Policy No. 3.2.1 and City of Vincent Town Planning Scheme No. 1; it is recommended that the application be refused for the reasons outlined above.

9.1.4 No. 55 (Lots 304 & 305; D/P 30336) Harold Street, corner of Wright Street, Highgate – Proposed Alterations and Additions to Existing Place of Public Worship (Retrospective Application)

Ward:	South	Date:	15 February 2013
Precinct:	P14 - Forrest Precinct	File Ref:	PRO1718; 5.2012.504.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Submission		
Tabled Items:	Nil		
Reporting Officer:	B Sandri, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, REFUSES the application submitted by Ian Xuyen Ly & Associates on behalf of the WA Indo-China Benevolent Association Inc. for proposed Alterations and Additions to Existing Place of Public Worship (Retrospective Application) at No. 55 (Lots 304 & 305; D/P 30336) Harold Street, Perth, and as shown on plans stamp-dated 19 November 2012, for the following reasons:

- 1.1 The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1.1 to protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment;
- 1.2 The development does not comply with the objectives of the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface:
 - 1.2.1 to protect and enhance the amenity and general environment standards of existing and future development within and adjoining both residential and non-residential areas by providing clear guidance with respect to what is considered desirable and acceptable development;
 - 1.2.2 to protect the character of the existing residential buildings and areas and ensure that non-residential uses do not impact upon the amenity of existing and nearby dwellings, through noise, illumination, traffic or any other manner which is in excess of normal residential living; and
 - 1.2.3 to encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas;
- 1.3 Non-compliance with the City’s Policy No. 3.7.1 relating to Parking and Access as the Additional Floor Space to the Existing Place of Public Worship increases the already approved shortfall of 31.9 car bays by an additional 7.2825 car bays which would have a significant impact on the amenity of surrounding lots and is not in the interest of orderly and proper planning for the locality; and
- 1.4 The development does not comply with the objectives of the City’s Policy No. 3.1.14 relating to the Forrest Precinct:
 - 1.4.1 The City of Vincent is to endeavour to manage traffic flow in accordance with its functional road hierarchy and, in particular, the City of Vincent is to discourage the movement of commercial traffic into adjacent residential streets.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Pintabona

That the item be DEFERRED at the request of the Applicant, in order to address the concerns raised and to consult with the neighbours.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The application is referred to the Council for determination given the Council's previous support and determination of the use at its Ordinary Meeting held on 14 April 2009.

BACKGROUND:

History:

Date	Comment
12 February 1996	The Council approved an application for Place of Public Worship at the subject site. At this time a car parking shortfall of 51.5 car bays was approved and the Cash-in-Lieu contribution was waived.
14 April 2009	The Council at its Ordinary Meeting conditionally approved a Demolition of Existing Place of Public Worship and Construction of Single-Storey Place of Public Worship and Two Storey Ancillary Office and Caretakers Accommodation Building. At this time a car parking shortfall of 31.9 car bays was approved and the Cash-in-Lieu contribution was waived.

Previous Reports to Council:

The previous application for the Demolition of Existing Place of Public Worship and Construction of Single-Storey Place of Public Worship and Two Storey Ancillary Office and Caretakers Accommodation Building was presented to the Council at its Ordinary Meeting held on 14 April 2009. The plans approved at the meeting vary from the currently proposed plans in the following ways:

Approved	Proposed (existing)
<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> Existing Store and Bin area located on the south-east corner of the property. Total gross floor area of 49.35sqm, comprising of the allocated bin store area being 11.55sqm and the store area being 37.8sqm. 	<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> The existing store area is now operating as a 'Remembrance Room', which adds an additional 35.56sqm of public floor area to the Existing Approved Public Place of Worship; and The bin store has now been converted to a bin store, store and incinerator are with a combined gross floor area of 11.55sqm. The main building footprint of the building located in the south-east corner has not been modified.

DETAILS:

The application is for retrospective approval of the following:

- 35.56 square metre increase in public floor area to the Existing Place of Public Worship; and
- Modification of the existing bin store to include a bin store, store area and incinerator.

Landowner:	WA Indo-China Benevolent Association
Applicant:	Ian Xuyen Lu & Associates
Zoning:	Residential R80
Existing Land Use:	Place of Public Worship
Use Class:	Place of Public Worship
Use Classification:	'AA'
Lot Area:	668 square metres
Right of Way:	N/A

ASSESSMENT:

Town Planning Scheme Initial Assessment

Issue/Design Element:	Incinerator
Objectives:	<p>Town Planning Scheme No. 1 <u>Clause 6 Objectives and Intentions 3(b)</u> <i>“to protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment”.</i></p> <p>Policy No. 3.4.3 Non-Residential/Residential Development Interface <u>Objectives</u> <i>“to protect and enhance the amenity and general environmental standards of existing and future development within and adjoining both residential and non-residential areas by providing clear guidance with respect to what is considered desirable and acceptable development”</i></p> <p><i>“to protect the character of the existing residential buildings and areas and ensure that non-residential uses do not impact upon the amenity of existing and nearby dwellings, through noise illumination, traffic or any other manner which is in excess of normal residential living”</i></p> <p><i>“to encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas”.</i></p>
Applicants Proposal:	Incinerator
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>“The incinerator is to be used one weekend only once a year for Ulunbana Festival (According to Moon Calendar it varies between August and September each year). Ulunbana Festival is an opportunity for the family members to pay homage to their love ones who are live in the other world. Culturally people will burn incenses and paper money to send to them.</i></p> <p><i>However we are trying to minimize all this activities now a day. Somehow it is still happy more or less. Hopefully, Council can give this convenience for our cultural respect.”</i></p>
Officer technical comment:	<p>The unauthorised incinerator is located within a residential zone, and therefore must be considered against the objectives of the City’s Town Planning Scheme No. 1 and associated policies.</p> <p>The incinerator is considered to generate smoke and dust and contravenes the above objective of the City’s Town Planning Scheme. The objective states that the City must protect and enhance the health, safety and general welfare of residents; it is considered the persistent smoke generated from the incinerator creates a health and safety issue. This has been detailed in the submissions from residents, that their family members who are asthmatics felt the effects of the smoke when the incinerator was being used (unauthorised).</p>

Issue/Design Element:	Incinerator
	<p>The smoke also decreases the social aspect of the community as it prevents residents from being able to socialise and utilise their environment outside of their dwelling.</p> <p>The Non-Residential/Residential Development Interface Policy has a clear set of objectives, firstly to enhance and protect the amenity and general environmental standards of existing properties and adjoining residents. The emissions of smoke and dust will not meet this objective as the amenity to residents during the cultural festival will be lost and an undue impact on the general environmental standards for the surrounding residents.</p> <p>The second objective of the subject policy states non-residential uses should not impact upon the amenity for existing and nearby dwelling in any manner which is in excess of normal residential living. The emissions of smoke and dust are considered to compromise the amenity of adjoining residential properties and therefore are considered in excess of normal residential living.</p> <p>Similarly to the above objectives, the third objective of this policy relates to the amenity of the area which is again considered to be unduly affected.</p> <p>Overall, the unauthorised incinerator is not supported as it does not comply with the objectives of the City's Town Planning Scheme No. 1 and associated policies.</p>

Town Planning Scheme Detailed Assessment

Car Bay Requirement	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Place of Assembly – One (1) space per 3.8 square metres of public floor area or one (1) space per 4.5 persons (currently 104 persons approved) of maximum number of persons approved for the site, whichever is the greatest (requires 52.98 car bays) <ul style="list-style-type: none"> ○ 201.35 square metres/3.8 = 52.98 car bays • Office – One (1) space per fifty (50) square metres of gross floor area (requires 1.56 car bays) <p>Total car bays required = 54.54 car bays</p>	55 car bays
<p>Apply the parking adjustment factors.</p> <ul style="list-style-type: none"> • 0.85 the proposed development is within 800 metres of a rail station • 0.85 the proposed development is within 400 metres of a bus stop/station 	(0.7225) 39.74 car bays
<p>Minus the car parking provided on-site</p>	0 car bays
<p>Minus the previously approved on-site car parking shortfall Approved at OMC 14/04/2009</p>	31.9 car bays
<p>Resultant Shortfall/Surplus</p>	7.84 car bays

Residential Car Bay Requirement	
Car parking requirement (nearest whole number) • Residential Dwelling – One (1) space per bedroom or one (1) space per three (3) beds provided, whichever is greater (requires 2 car bays)	2 car bays
Total car bays required = 2 car bays	
Minus the car parking provided on-site	2 car bays
Resultant Shortfall/Surplus	Nil

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	10 January 2013 to 23 January 2013		
Comments Received:	Three (3) objections.		

NOTE: The advertising, advertised to the adjoining residents were notified of the car parking shortfall being 4.3925 however the revised shortfall is 7.2825 car bays due to the residential component being emitted from the initial calculations.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Car Parking</u></p> <ul style="list-style-type: none"> It is noted that there is currently considerable pressure on street parking in Harold and Wright Streets, due to residential parking, visitors, users of Forrest Park and Jack Marks Park (including soccer and other sporting activities), students attending TAFE, people attending functions at the Forrest Park Croquet Clun and visitors and worshippers of No. 55 Harold Street. Functions held at No. 55 Harold Street result in the existing car parking bays being used as an outdoor seating area for large numbers of attendees, in which the noise and activity from the functions becomes very loud and disruptive to neighbours. No. 55 Harold Street have already had a significant car parking shortfall approved in an area that already has significant car parking inadequacies. 	<p>Supported – Given the previously approved shortfall of 31.9 car bays, an additional 7.2825 car bays will increase the shortfall to 39.1825 car bays. The City's Policy No. 3.7.1 relating to <i>Parking and Access</i> states "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". There are only two (2) car bays on site and therefore the additional shortfall is not supported. Furthermore the subject shortfall does not meet with objectives outlined in the City's Policy No. 3.4.3 relating to <i>Non-Residential/Residential Development Interface</i>.</p>
<p><u>Issue: Incinerator</u></p> <ul style="list-style-type: none"> Continuous use of the unauthorised incinerator which creates heavy smoke levels affecting all adjoining neighbours. Smoke from the incinerator causes adverse impacts on adjoining neighbours particularly those with medical conditions such as being asthmatic. The incinerator and other outdoor burners breach all of the standards of Clause 6 (b) of the Town Planning Scheme No. 1. 	<p>Supported – Given the number and nature of complaints received from adjoining land owners and regarding the contentious nature of installing an incinerator within a residential area. The subject unauthorised incinerator does not comply with the objectives of the Town Planning Scheme No. 1 and the City's Policy No. 3.4.3 relating to <i>Non-Residential/Residential Development Interface</i>.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The residents have expressed that the unauthorised use of the incinerator on 8, 9 and 10 of September 2012, resulted in large amounts of smoke. However on one particular day the adjoining resident(s) expressed that the smoke smelt of burnt plastic which was significantly alarming to them as they were unaware if the smoke contained toxic elements. • Inability to open doors and windows due to the large amounts of smoke and unable to do basic outdoor chores. Furthermore the residents were unable to hang out their washing for three (3) days. • It is expressed the quality of life is seriously impacted the use of the unauthorised incinerator. • Owner(s) of a property adjoining No. 55 Harold Street have received complaint from their tenant(s) regarding the smell of the unauthorised incinerator along with smoke and dust which makes living next to the temple virtually impossible to do. It is requested that the unauthorised incinerator not be approved to preserve the amenity of the area, which has already been compromised by the approval of the existing development. 	

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 application for Alterations and Additions to Existing Public Place of Worship (Retrospective Application):

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 3.7.1;
- Forrest Precinct Policy No. 3.1.14; and
- Non-residential/Residential Development Interface Policy No. 3.4.3.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Town Planning Scheme No. 1, Parking and Access Policy 3.7.1, Forrest Precinct Policy No. 3.1.14 and Non-residential/Residential Development Interface Policy No. 3.4.5; creating an undesirable precedent for development in the surrounding area.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.2 *Enhance and maintain the character and heritage of the City.*
 - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing*
 - 3.1.2 *Promote and foster community safety and security."*

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 environmental impacts of the smoke emissions from the unauthorised incinerator cannot be determined, and therefore considered a potential risk to its current environment and beyond.	

SOCIAL	
Issue	Comment
It is established the unauthorised incinerator is having a significant undue impact on adjoining residents through significant amounts of smoke and dust emissions. As such the social aspect of the community is being detrimentally impacted and limiting the use of outdoor areas whilst the incinerator is in use.	
It is also considered that the lack of public car bays due to increase levels of traffic to the Place of Public Worship has a direct impact on adjoining residents as the element of safety for pedestrians and cyclists could be compromised.	

ECONOMIC	
Issue	Comment
Nil.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The unauthorised incinerator to the Existing Place of Public Worship was initially brought to the City's attention due to complaints received between 10 September 2012 and 17 September 2012 indentifying the use of the unauthorised incinerator and the undue impact it was having on surrounding residents. The Development Compliance Officer undertook an inspection which revealed the unauthorised incinerator and the existing store room being used as additional floor area to the existing place of public worship. As such a retrospective development application was received in light of the compliance matters.

The City's Health Services have detailed the following in respect of the unauthorised incinerator:

"The incinerator (as is) is non-complaint with the Health Local Law 2004 in terms of its location. It states in the City's Local Law, that even with approval from Manager Health Services it must comply with the following condition (plus others):

- *At least **2 meters from any fence or building**; and*
- *In such a position so as not to create a nuisance or be offensive to other persons."*

The additional floor space to the existing place of public worship creates an additional 7.2825 car bay shortfall to the existing approved shortfall by the Council at its Ordinary Meeting held on 14 April 2009 of 31.9 car bays. As previously stated the City's Policy No. 3.7.1 relating to Parking and Access states *"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"* therefore the shortfall is now considered 39.1825 car bays with only two (2) car bays provided onsite. The shortfall does not meet the requirements of the Parking and Access Policy.

It is acknowledged that the Council at its Ordinary Meeting has already approved a significant shortfall however a further increase in floor area may increase traffic within the surrounding residential areas which is inconsistent with the City's Precinct Policy No. 3.1.14 *Forrest Precinct* relating to traffic, parking and access and the City's Policy No. 3.4.3 *Non-Residential/Residential Development Interface* objectives.

CONCLUSION:

Due to this application being retrospective, a trial period has resulted whereby the adjoining residents have had a chance to experience the impact of the proposed incinerator and additional floor space to the existing approved Place of Public Worship.

It appears the residents have been experiencing significant undue impacts from the use of the unauthorised incinerator. These impacts consist of health, amenity loss and the inability to undertake normal activities without being adversely affected, for example hanging out washing. In addition, the unauthorised incinerator does not comply with all the objectives outlined in the City's Town Planning Scheme No. 1 and the City's Policy No. 3.4.3 *Non-Residential/Residential Development Interface*.

Further, the adjoining residents have highlighted significant car parking issues within the area, due to a combination of uses which operate at the nearby Public Parks and the subject Public Place of Worship. It has been identified that increasing the shortfall will set a precedent and as such result in further loss of amenity particularly traffic movement. The accumulative shortfall of 39.1825 car bays is not compliant with the City's Policy No. 3.7.1 relating to *Parking and Access* requirements and the objectives outlined in the City's Policy. 3.4.3 *Non-Residential/Residential Development Interface*.

The City assesses all development applications, including retrospective, in the same manner. As such, regardless of the nature or size of the unauthorised works, the City should not create any allowances for such works based on it already existing, particularly when such development would not have received approval had the application come in prior to the works being completed.

In light of the above and due to the impacts of the unauthorised incinerator having on the surrounding area the proposal is not supported. In addition, the shortfall consistent with the additional floor area can also not be supported in this instance due to residential concerns and non compliances with the City's Policies. As such it is recommended that a refusal be issued for the alterations and additions to existing place of public worship and that removal of the additional floor space be enacted and revert back to its original use as a store, and removal of the unauthorised incinerator reinstating the original bin store.

9.1.1 FURTHER REPORT: No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn – Proposed Construction of Three-Storey Office Building and Associated Car Parking

Ward:	North	Date:	15 February 2013
Precinct:	Mt Hawthorn; P1	File Ref:	PRO4094; 5.2012.362.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification dated 16 August 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, 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 Bollig Design Group on behalf of the owners, A Mazzitelli, B A Matteo, D Mazzitelli and Tropicocast Investments Pty Ltd, for Proposed Construction of Three-Storey Office Building and Associated Car Parking at No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn, and as shown on amended plans stamp-dated 14 February 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 Nos. 104-106 & 112 Scarborough Beach Road and No. 95 Hobart Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. The doors, windows and adjacent floor areas on the ground floor fronting Scarborough Beach Road shall maintain an active and interactive relationship with this street;
3. The maximum gross floor area of the office shall be limited to 651.8 square metres;
4. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

4.1 Cash-in-lieu

- 4.1.1 Pay a cash-in-lieu contribution of \$5,075 for the equivalent value of 1.45 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR
- 4.1.2 Lodge an appropriate assurance bond/bank guarantee of a value of \$5,075 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - (a) To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
 - (b) To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

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

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

4.2 Section 70 A Notification under the Transfer of Land Act

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

The car stackers have been approved with a variation to the City's requirements for an aisle width to be no less than seven (7) metres; six (6) metres is provided and vehicle ingress and egress of the stackers will require greater than a two point turn.

The on-going maintenance of the car stackers is the responsibility of the landowner to ensure that it is operational for the life of the building.

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

4.3 Construction Management Plan

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

4.4 Acoustic Report

Prepare and submit an Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation. 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;

4.5 Privacy Screening

The northern first floor office windows, northern and eastern second floor office windows and northern second floor balcony, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2010;

4.6 Landscaping and Reticulation Plan

A detailed Landscape and Irrigation Plan for the development site and adjoining road verge shall be submitted to the City's Parks and Property Services for assessment and approval.

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

- 4.6.1 Provision of increased soft landscaping of the total site with a view to significantly reduce areas of hardstand and paving;
- 4.6.2 The location and type of existing and proposed trees and plants;
- 4.6.3 All vegetation including lawns;
- 4.6.4 Areas to be irrigated or reticulated and such method;
- 4.6.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 4.6.6 Separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

4.7 Refuse Management

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

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

Commercial:

- 1 x mobile garbage bin per unit; and
- 1 x paper recycle bin per unit, or per 200 square metres of floor space;

4.8 Schedule of External Finishes

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

4.9 Design Features

A minimum of two (2) appropriate significant design features being incorporated into the eastern elevation of the building where not abutting adjoining building;

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

5.1 Car Parking

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

5.2 Bicycle Parking Facilities

Three (3) class one or two bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

5.3 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 75 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted; and

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

ADVICE NOTES:

1. Vacant Lot Management Plan

The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management of the vacant lot shall include treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained at the landowners full cost, until redevelopment works are carried out on site;

2. With regards to condition 1, the owners of the subject land should obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;

3. With regards to condition 3, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;

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 Scarborough Beach Road; and

5. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage.

- 6. Investigation for soil and groundwater contamination and completion of any remediation, including validation of remediation, shall be carried out to the satisfaction of the City's Health Services. The investigation, remediation and validation of remediation shall be carried out in accordance with the guidelines adopted by the Department of Environment and Conservation, as detailed in the Department's Contaminated Sites Management Series Guidelines. Please note the owner/occupier of a site has a duty under the Contaminated Sites Act 2003 to report known or suspected contaminated sites to the Department of Environment and Conservation.**

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Buckels

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

“That a new Clause 4.10 be inserted as follows:

4.10 First Floor Eastern Setback

The first floor eastern setback be amended as shown in Appendix 9.1.1 (Attachment 003). One of the design features required for the Eastern wall is to be incorporated into this additional setback.”

Debate ensued.

MOTION PUT AND LOST (4-5)

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

REASONS FOR REFUSAL:

- 1. There is insufficient setback.**
- 2. There are issues with visual privacy to the rear property.**

ADDITIONAL INFORMATION

The applicant has advised that they are happy to accept this amendment.

PURPOSE OF REPORT:

The application is referred to Council for determination as it was previously deferred by Council at its Ordinary Meeting held on 18 December 2012 and 12 February 2013.

FURTHER REPORT:

Previous Reports to Council:

The proposed construction of a three-storey office building comprising four (4) offices and associated car parking at No. 110 Scarborough Beach Road, Mount Hawthorn, was presented to the Council at its Ordinary Meeting held on 18 December 2012 and 12 February 2013, whereby the Council resolved:

“That the item be DEFERRED for further consideration.”

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 18 December 2012 relating to this report are available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/f90763a8-dd15-4277-8823-a12500d20aaa/20121218.pdf>

At the Ordinary Meeting of Council held on 18 December 2012, a number of concerns were raised by speakers in the public gallery with regards to the proposed building height, building bulk, overshadowing, visual privacy and the amount of car parking provided. It is also noted that there have been concerns raised with regards to the site being a service station previously.

The City's Officers met with the applicant in January to discuss the concerns raised by the surrounding residents following the Ordinary Meeting of Council held on 18 December 2012. Comments have been provided below which address each of the areas of concern.

Amended Plans:

Amended plans were received on 22 January 2013, which comprise an increase to the rear setback which results in a reduction of 10 square metres to the gross floor area, with the amended plans comprising a gross floor area of 658.8 square metres. The amended plans also comprise car stackers, therefore providing an additional three (3) car parking spaces for the proposed office building.

On 12 February 2013, the applicant had further discussions with the City with respect to the rear interface of the development. Further amendments to the above amended plans were received on 14 February 2013, which comprise an increased rear setback and increase in the side setback along part of first floor eastern façade, which results in a further reduction of 7 square metres to the gross floor area, with the plans comprising a gross floor area of 651.8 square metres. The roof terrace has been removed from the first floor, therefore aiding in reducing building bulk on the adjoining northern property. The eastern boundary wall has been reduced from 35 metres to 24.1 metres, with a portion of the eastern wall being setback 1 metre from the boundary for a length of 8.1 metres; therefore aiding in reducing building bulk on the adjoining eastern properties.

The following table has been amended in strikethrough and underline to reflect changes as a result of the amended plans.

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

ASSESSMENT:

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

Issue/Design Element:	Building Setbacks
Requirement:	<p>Non-Residential/Residential Development Interface Policy No. 3.4.3 <u>Rear Setback</u> 6 metres</p> <p>Residential Design Codes Clause 6.3.1 A1 <u>First Floor</u> <u>Eastern wall: 3.3 metres</u></p> <p><u>Second Floor</u> Eastern wall: 9.3 metres</p>
Applicants Proposal:	<p><u>First Floor</u> Rear Setback: 0.3 metres – 5.8 metres <u>Rear Setback: 2 metres – 6.2 metres</u> <u>Eastern wall: 1 metres</u></p> <p><u>Second Floor</u> Rear Setback: 1.5 metres – 5 metres <u>6.2 metres</u> Eastern wall: 2.5 metres – 6.7 metres</p>
Performance Criteria:	<p>Non-Residential/Residential Development Interface Policy No. 3.4.3 Variations to this setback requirement can be considered where it can be demonstrated that there will be no adverse impact on the amenity of the residential property to the rear.</p> <p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties;

Issue/Design Element:	Building Setbacks
	<ul style="list-style-type: none"> • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy between adjoining properties.
Applicant justification summary:	<p><i>“The proposal provides nil side setbacks to the boundary lines for ground and first floor levels. The second floor level has a nil side setback to the western boundary and varying side setbacks ranging from 2.5 metres to 5 metres on the eastern boundary.</i></p> <p><i>The setback to the rear is varied depending upon the level of the building: -</i></p> <ul style="list-style-type: none"> • <i>The ground floor is built to a zero lot line with nil setback.</i> • <i>The first floor is angled with a varying setback from nil at the eastern most corner to 4 metres at the balcony edge and 6 metres to the building face.</i> • <i>The second floor setback varies from 1.5 metres and 4 metres to the balcony face and 2.5 metres to 4 metres to the building face.”</i>
Officer technical comment:	<p>The proposed northern (rear) and eastern setbacks comply with the Performance Criteria provisions in this instance, as the proposed setbacks will not result in an undue impact, in terms of visual impact and access to direct sun and ventilation, on the adjoining properties.</p> <p><u>The proposed northern (rear) and eastern setbacks of the building comply with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface and the Performance Criteria of Clause 6.3.1 of the R-Codes in this instance, for the reasons outlined below.</u></p>
	<p><u>In accordance with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, the 6 metres rear setback can be varied where it can be demonstrated that there will be no adverse impact on the amenity of the residential property to the rear.</u></p> <p><u>Schedule 1 “Scheme Interpretations” of the City of Vincent Town Planning Scheme No. 1 defines amenity as “all those factors which combine to form the character of the area to residents and passersby and shall include the present and likely future amenity”.</u></p> <p><u>The factors which relate to amenity include access to direct sun and ventilation to the subject site and adjoining properties, impacts of building bulk on adjoining properties and the protection of visual privacy between the subject site and adjoining properties; which are covered under the Performance Criteria of Clause 6.3.1 of the R-Codes.</u></p> <p><u>In accordance with Clause 6.9.1 “Solar Access for Adjoining Sites” of the R-Codes, the extent of</u></p>

Issue/Design Element:	Building Setbacks
	<p><u>overshadowing is measured at midday on 21 June; therefore the shadow cast by the building falls to the south. The proposed three-storey building complies with the Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes in this instance as the shadow cast at midday on 21 June predominantly falls over Scarborough Beach Road. It is also noted that there is some shadow cast over Nos. 112-114 Scarborough Beach Road; however as the adjoining property comprises a non-residential development, the extent of overshadowing of this property is not assessed against the R-Codes.</u></p>
	<p><u>The proposal provides for adequate direct sun and ventilation to the proposed building. The proposed terrace and balcony to the offices are located to the northern side of the proposal therefore increasing the usability of them.</u></p> <p><u>The western side of the building comprises a boundary wall, which adjoins a boundary wall approved on the adjoining western property (Nos. 112-114 Scarborough Beach Road). In the instance that the western property is not developed, the boundary wall is considered acceptable as the summer sun comes from the west, therefore glass facing this direction should be avoided.</u></p> <p><u>As the sun does not hit the southern face of a building in winter, this is the ideal location for large areas of glass. The proposed building incorporates this into the design as the first and second floors comprise large areas of glass on the southern face of the building.</u></p>
	<p><u>Due to the lot configuration, the front facade of the building faces south-west and comprises of large areas of glass and a balcony on the second floor. This provides great opportunity for the proposed building to take advantage of the south-western breeze in summer.</u></p> <p><u>With regards to adequate direct sun and ventilation to the adjoining properties, the proposed building has been designed so as to not seriously affect solar access to the adjoining northern and eastern residential properties. Sites most vulnerable to overshadowing are narrow east-west oriented sites, located on the southern side of a development. The subject site has a north-south orientation, with the shadow cast by the building predominantly falling over Scarborough Beach Road and being completely clear of the adjoining northern and eastern residential properties.</u></p> <p><u>With regards to the adjoining eastern property, the proposed building does not adversely affect its design for climate for the following reasons:</u></p> <ul style="list-style-type: none"> <u>• The living areas of these dwellings are located to the northern aspect of their site, which is not compromised by the proposed building;</u> <u>• The western side of the adjoining dwellings does not comprise any major openings;</u>

Issue/Design Element:	Building Setbacks
	<ul style="list-style-type: none"> • <u>As the proposed building is located to the western side of the dwellings, it provides a greater buffer to these properties from the afternoon summer sun; and</u> • <u>The second floor of the proposed building is setback 5.45 metres from the eastern boundary, at the front of the site, therefore still providing the potential for the adjoining eastern residential properties to take advantage of the south-western breeze in summer.</u>
	<p><u>With regards to the adjoining northern property, the proposed building does not adversely affect its design for climate for the following reasons:</u></p> <ul style="list-style-type: none"> • <u>The outdoor living area of the northern property is located to the southern aspect of its site, therefore the proposed building will not result in any undue impact on its solar access;</u> • <u>As the proposed building is located to the south of this dwelling, it will not have any impact on the western afternoon summer sun;</u> • <u>The sun never hits the southern face of a building in winter, therefore the proposed building on the adjoining southern property will not alter the current situation; and</u> • <u>As the summer breeze comes from the south-west, the location of the proposed building will not impact on this as it is located directly south of this property. The properties adjoining western side of the proposed building (being Nos. 112-114 Scarborough Beach Road) are located to the south-western corner of this property.</u>
	<p><u>The amended plans comprise a 1 metre setback to the first floor from the eastern boundary for a length of 8.2 metres, to assist in reducing the building bulk on the adjoining properties. It is recommended that it be a condition of approval that two significant design features are incorporated into the eastern elevation of the building, which will further aid in ameliorating the impact of building bulk on the adjoining properties.</u></p> <p><u>As there are currently windows on the second floor northern and eastern elevations which have the potential to overlook the adjoining properties, it is recommended that these windows be screened in accordance with the Acceptable Development Provisions of Clause 6.8.1 "Visual Privacy" A1 of the R-Codes. With it being a condition of approval that these windows are screened, this results in the proposed development having no visual privacy impact on the adjoining properties; therefore privacy between the subject site and adjoining properties is protected. The proposed development will have no visual privacy impact on the adjoining properties as it is a condition of approval for the northern and eastern windows to be screened; therefore privacy between the subject site and adjoining properties is protected. It is also noted that the proposed office windows on the first floor and balcony of the second</u></p>

Issue/Design Element:	Building Setbacks
	<p>floor are both screened up to 1.6 metres above the finished floor level, in accordance with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.</p>
	<p>The overshadowing of the development complies, as the proposed building does not result in any undue overshadowing of the adjoining properties; with the shadow falling over Scarborough Beach Road.</p> <p>It is also noted that it is recommended that two significant design features are incorporated into the eastern elevation of the building, which will aid in minimising the building bulk on the adjoining properties.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 6.3.2 A2 Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.</p>
Applicants Proposal:	<p>Three (3) boundary walls. Boundary walls in the front setback area.</p> <p><u>Western boundary</u> Length: 30.53 metres. Average height: 9.5 metres. Maximum height: 10.8 metres.</p>
	<p><u>Northern boundary</u> Length: 12.6 metres. Average height: 4.25 metres. Maximum height: 4.5 metres. Length: 12.59 metres. Average height: 2.05 metres. Maximum height: 2.3 metres.</p> <p><u>Eastern boundary</u> Length: 35.29 metres. Average height: 6.7 metres. Maximum height: 7.4 metres. Length: 26.2 metres. Average height: 6.3 metres. Maximum height: 6.8 metres.</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

Issue/Design Element:	Boundary Wall
Applicant justification summary:	<p><i>"It is noted that as with other buildings along these street which have a nil side setbacks the proposal incorporates this within its design with an interactive street front facade that promotes an active and permeable interface between the street and the occupants of the building, including passive surveillance.</i></p> <p><i>Additionally the clear articulation of the building into separate elements and stepping of the facade elements in context of the adjoining residential buildings to the east side of the property assists in the creation of a respectful and strong urban character. The architectural form is consistent in style, form and rhythm articulating the building to follow the current street patterning within the traditional streetscape of the Mount Hawthorn Precinct stepping up to the scale of the recently approved adjacent buildings to the west (refer streetscape drawings)."</i></p>
Officer technical comment:	<p><u>Amended plans have been received which demonstrate that the length of the eastern first floor boundary wall has been reduced from 35 metres to 24.1 metres, being a reduction of 10.9 metres. The northern boundary wall has also been reduced to be of a scale similar to a boundary fence between the subject site and adjoining northern property.</u></p> <p>The proposed development is considered to comply with the Performance Criteria provisions in this instance as the proposal makes effective use of space, with the proposed boundary walls being in keeping with the extent of boundary walls for a commercial development.</p> <p>As there are currently windows on the second floor northern and eastern elevations which have the potential to overlook the adjoining properties, it is recommended that these windows be screened in accordance with the Acceptable Development Provisions of Clause 6.8.1 "Visual Privacy" A1 of the R-Codes. With it being a condition of approval that these windows are screened, this results in the proposed development having no visual privacy impact on the adjoining properties; therefore privacy between the subject site and adjoining properties is protected.</p> <p>The overshadowing of the development complies, as the proposed building does not result in any undue overshadowing of the adjoining properties; with the shadow falling over Scarborough Beach Road.</p>

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Office 1 space per 50 square metres gross floor area Gross Floor Area: 668.74 square metres = 13.37 Gross Floor Area: 651.8 square metres = 13.03 Total car bays required = 13.37 <u>13.03</u>	= 13 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop/station) • 0.95 (within 400 metres of a public car parking place with in 	(0.72675)

Car Parking	
excess of 25 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required)	= 9.45 car bays
Minus the car parking provided on-site	5 car bays 8 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	4.45 car bays <u>1.45 car bays</u>

Bicycle Parking	
Office:	
<ul style="list-style-type: none"> 1 space per 200 square metres gross floor area (class 1 or 2) = 3.34 <u>3.26</u> spaces 1 space per 750 square metres over 1000 square metres (class 3) = Nil 	
<u>Required</u>	
3.34 <u>3.26</u> spaces = 3 spaces	
<u>Provided</u>	
2 spaces	

The applicant has provided justification which states the following:

"Car parking ratios have been calculated using a discount factor of 0.6885 which was established using the City's adjustment factor table items 2, 4d and 5.

As previously outlined the development provides eight commercial car bays and two bicycle bays for the development at ground level with access from Scarborough Beach Road. With a Gross Floor Area of 474 square metres and one bay per 40 square metres the requirement is for 11.85 bays, taking into consideration the adjustment factors as outlined within the City of Vincent's Planning and Building Policy Manual and a resultant adjustment factor of 0.6885 the requirement is for 8.1 bays.

The current design incorporate five (5) car bays including one ACROD compliant car bay. The resultant shortfall of three (3) car bays it is proposed to provide a cash-in-lieu payment to the City of Vincent in accordance with their Parking Policy No. 3.7.1 item 2.2 (i).

We do note that the original design proposed was to incorporate car stackers for three (3) car bays, thereby complying with the eight (8) car bay requirement, however this was rejected by the City of Vincent's Land and Development Officers due to the reversing distance being only six metres which is less than the seven metres as prescribed under the City's Car Stacker Policy. In this regard we do note that all other local authorities accept a six metre distance with the exception of the City of Vincent."

After applying the relevant adjustment factors, a total of 9.45 car bays will be required for the offices. Five (5) compliant car bays have been provided for the proposed building, resulting in a shortfall of 4.45 car bays. The development application plans presented to Council at its Ordinary Meeting held on 18 December 2012 provided five (5) compliant car bays for the proposed building, resulting in a shortfall of 4.45 car bays.

The City's officers have since met with the applicant and amended plans were submitted on 22 January 2013, which incorporated car stackers. The inclusion of car stackers provides for an additional three (3) car parking spaces, therefore reducing the proposed car parking shortfall to 1.45 car bays.

As the bays have a manoeuvring depth of 6 metres, it is recommended that it is a condition of approval that a Section 70A Notification be placed on the Title under the Transfer of Land Act, with regards to the manoeuvring of vehicles using the car stackers. The provision of the three (3) additional car bays with the reduced aisle width is supported as there is a high likelihood that these three (3) cars would park in surrounding streets causing a greater amenity impact.

The proposed shortfall of 4.45 1.45 car parking spaces is supported in this instance, subject to the payment of cash-in-lieu for the bays, as the subject site is located on Scarborough Beach Road, which is a high frequency public transport route, providing alternative forms of transport to the subject site. It is also a condition of approval that the proposal also provides three (3) bicycle spaces, which aids in encouraging other modes of transport. Further to this, the payment of cash-in-lieu for 4.45 1.45 car bays is considered acceptable in this instance as there are many constraints associated with the small lot size, whilst providing interaction with the street at a pedestrian level from the ground floor of the building.

COMMENTS:

Building Height

With regards to the concerns raised in relation to the proposed building height, Clause 3 of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations stipulates the variations that Council can consider to the number of storeys under a local planning policy, subject to the proposal complying with the relevant Essential Criteria and at least one Additional Requirement.

The subject site is located within the Mount Hawthorn Precinct, where the height limits are to be in accordance with the City's Policies relating to Residential Design Guidelines and Residential Development. The City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones provides a maximum height of three storeys (plus loft). The Local Centre in Mount Hawthorn on Scarborough Beach Road has a 3 storey height limit as well. Therefore the subject site has a height limit of three storeys (plus loft), however a variation comprising one additional storey can be considered under the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. The three storey building height has been considered and supported by the City's Design Advisory Committee.

As the subject site is zoned Residential R60 and the proposal is not considered to be detrimental to the amenity of the locality, nor does it result in an adverse impact on a heritage place or area, it meets the relevant Essential Criteria. The proposal has the support of the City's Design Advisory Committee, therefore meeting one of the Additional Requirements, which provides for a four storey building to be considered.

Building Bulk

The proposal does not result in undue building bulk on the adjoining residential properties. In addition to this, it is recommended that a condition of approval be applied which requires that two significant design features are incorporated into the eastern elevation of the building, as this will aid in ameliorating building bulk on the adjoining residential properties. The building steps the upper floor in from the floor below and is adjacent to a driveway to the adjoining residential property to the east ensuring the building bulk does not impact on the property. To the rear the building on the second floor is setback with a balcony in front and stepped upper floor.

Overshadowing

The northern residential properties have a zoning of Residential R20 and the eastern residential properties have a zoning of Residential R60. The Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes provides for twenty-five (25) per cent of the adjoining property's site area to be overshadowed where it has a density coding of Residential R25 and lower; and fifty (50) per cent of the adjoining property's site area to be overshadowed where it has a density coding higher than Residential R40.

Clause 6.9.1 "Solar access for Adjoining Sites" of the R-Codes stipulates that the extent of overshadowing is measured at midday on 21 June; therefore the shadow cast by the proposed building will fall to the south.

The proposed three-storey building complies with the Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes in this instance as the shadow cast at midday on 21 June is predominantly over Scarborough Beach Road. It is also noted that there is some shadow cast over Nos. 112-114 Scarborough Beach Road; however as the adjoining property comprises a non-residential development, the extent of overshadowing of this property is not assessed against the R-Codes.

Visual Privacy

There are currently two windows on the second floor which have the potential to overlook the adjoining properties, one facing north and one facing east, therefore it is recommended that these windows be screened in accordance with the Acceptable Development Provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes. The screening of the northern and eastern windows results in the proposed building being fully compliant with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.

It is also noted that the northern office windows on the first floor and balcony on the second floor are both screened up to 1.6 metres above the finished floor level, in accordance with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.

Car Parking

The proposal incorporates car stackers which provide an additional three (3) car parking spaces, therefore reducing the proposed car parking shortfall to 1.45 car bays. The proposed car stackers are supportable in this instance, subject to the payment of cash-in-lieu for the 1.45 car bay shortfall, as it reduces any undue impact associated with vehicles accessing the site, therefore protecting the amenity of the locality.

Previous Land Use

There have been concerns raised with regards to the site being a service station previously; however the City's records indicate that the site was previously a hire yard and open air display. 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.

Policy

It is noted that the style and type of development is consistent with Vision 3 "North Perth and Mount Hawthorn" of the Draft Scarborough Beach Road Activity Corridor Framework – A Land Use and Transport Vision, which has been prepared by the Department of Planning and Western Australian Planning Commission and is currently out for comment. Within the document it highlights the subject site and the adjoining properties as opportunity sites comprising retail and mixed use development. Within the Urban Design Direction table it specifies that an office is a land use to be considered within the locality. In addition to this, the proposal is consistent with the City of Vincent and Department of Planning Scarborough Beach Road Urban Design Framework.

CONCLUSION:

In view of the above, the application is supportable as it is considered that the proposal complies with the requirements of the Residential Design Codes, the City's Policy No. 3.2.1 relating to Residential Design Elements, Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface and Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.5 Nos. 459-461 (Lot: 101 D/P: 27994) Charles Street, North Perth - Proposed Construction of Three Storey Building Comprising of Eleven (11) Multiple Dwellings and Associated Car Parking

Ward:	North Ward	Date:	15 February 2013
Precinct:	P08 - North Perth Precinct	File Ref:	PRO0844; 5.2012.480.1
Attachments:	001 – Property Information Report, Development Application Plans 002 – Applicant’s submissions dated 15 January 2013 and 11 February 2013 003 – Letter from Main Roads 004 – Neighbourhood Context Report		
Tabled Items:	Nil		
Reporting Officer:	Rasaratnam Rasiah, Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS APPROVAL** to the Western Australian Planning Commission for the application submitted by GDD Design Group, on behalf of the owner, Zoneside Pty Ltd, for Proposed Construction of Three (3) Storey Building comprising Eleven (11) Multiple Dwellings, and Associated Car Parking at Nos. 459-461 (Lot 101; D/P 27994) Charles Street, North Perth, and as shown on amended plans stamp-dated 11 February 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 Nos. 465 Charles Street 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 Section 70 A Notification under the Transfer of Land Act

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

- 2.1.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities; and
- 2.1.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City’s Policy No. 3.7.1 relating to Parking and Access.

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

2.2 Construction Management Plan

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

2.3 Schedule of External Finishes

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

2.4 Landscape and Reticulation Plan

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

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

- 2.4.1 Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 2.4.2 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;
- 2.4.3 A minimum of five (5) percent of the total site area, shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.4.4 The location and type of existing and proposed trees and plants;
- 2.4.5 All vegetation including lawns;
- 2.4.6 Areas to be irrigated or reticulated;
- 2.4.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.4.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.4.9 Planting to the western boundary to include 200L trees planted at 3 metre spacing's for the full width of the boundary;

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

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

2.5 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision;

2.6 Underground Power

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

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 to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development;

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

3.1 Car Parking

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

3.2 Clothes Dryer

Each multiple dwelling shall be provided with screened outdoor area for clothes drying;

3.3 Residential Car Bays

A minimum of eight (8) and three (3) car bays shall be provided for the residents and visitors respectively. The three (3) car visitor parking spaces shall be clearly marked and signposted accordingly;

3.4 Visitor Bays

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

3.5 Bicycle Parking

Four (4) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided;

4. Main Roads WA Conditions

4.1 No earthworks, visitor bays, water meters or paved areas shall be within or encroach onto the Charles Street reserve;

4.2 No stormwater drainage shall be discharged onto the Charles Street reserve;

4.3 The applicant shall make good any damage to the existing verge vegetation within the Charles Street reservation; and

4.4 The applicant is required to undertake a Transport Noise Assessment in accordance with the guidelines of the EAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning"; and

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

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air 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 Charles Street;
3. Any new street/front wall, fence and gate within the Charles Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. The applicant shall obtain approval from Main Roads before any works are undertaken within the Charles Street road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads; and
5. An application for a crossover is to be submitted to, and approved by the City's Technical Services.

Moved Cr Topelberg, Seconded Cr Maier

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

"That Clause 2.4.9 be amended to read as follows:

- 2.4.9 Planting to the western, northern and southern boundaryies to include 200L trees planted at 3 and 5 metre spacing's respectively for the full width of the boundaryies;"

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.5

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by GDD Design Group, on behalf of the owner, Zoneside Pty Ltd, for Proposed Construction of Three (3) Storey Building comprising Eleven (11) Multiple Dwellings, and Associated Car Parking at Nos. 459-461 (Lot 101; D/P 27994) Charles Street, North Perth, and as shown on amended plans stamp-dated 11 February 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 Nos. 465 Charles Street 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 Section 70 A Notification under the Transfer of Land Act

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

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

2.1.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

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

2.2 Construction Management Plan

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

2.3 Schedule of External Finishes

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

2.4 Landscape and Reticulation Plan

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

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

2.4.1 Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;

2.4.2 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;

2.4.3 A minimum of five (5) percent of the total site area, shall be provided as soft landscaping within the private outdoor living areas of the dwellings;

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

- 2.4.5 All vegetation including lawns;
- 2.4.6 Areas to be irrigated or reticulated;
- 2.4.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.4.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.4.9 Planting to the western, northern and southern boundaries to include 200L trees planted at 3 and 5 metre spacing's respectively for the full width of the boundaries;

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);

2.5 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision;

2.6 Underground Power

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

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 to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development;

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

3.1 Car Parking

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

3.2 Clothes Dryer

Each multiple dwelling shall be provided with screened outdoor area for clothes drying;

3.3 Residential Car Bays

A minimum of eight (8) and three (3) car bays shall be provided for the residents and visitors respectively. The three (3) car visitor parking spaces shall be clearly marked and signposted accordingly;

3.4 Visitor Bays

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

3.5 Bicycle Parking

Four (4) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided;

4. Main Roads WA Conditions

4.1 No earthworks, visitor bays, water meters or paved areas shall be within or encroach onto the Charles Street reserve;

4.2 No stormwater drainage shall be discharged onto the Charles Street reserve;

4.3 The applicant shall make good any damage to the existing verge vegetation within the Charles Street reservation; and

4.4 The applicant is required to undertake a Transport Noise Assessment in accordance with the guidelines of the EAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning"; and

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

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;

2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air 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 Charles Street;

3. Any new street/front wall, fence and gate within the Charles Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;

4. The applicant shall obtain approval from Main Roads before any works are undertaken within the Charles Street road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads; and

5. An application for a crossover is to be submitted to, and approved by the City's Technical Services.

PURPOSE OF REPORT:

Development Applications for four (4) or more dwellings and three storey developments are required to be considered by the Council.

BACKGROUND:

Date	Comment
16 March 2012	The Western Australian Planning Commission approved the Demolition of Two (2) shops & Two (2) attached Dwellings at the subject site.

DETAILS:

The proposal involves the proposed construction of a three storey building comprising of ten (10) two-bedroom multiple dwellings and one (1) single bedroom dwelling, and associated car parking.

Landowner:	Zoneside Pty Ltd
Applicant:	GDD Design Group Pty Ltd
Zoning:	Residential R 60
Existing Land Use:	Vacant land
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1022 square metres
Right of Way:	Not applicable

ASSESSMENT:

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

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

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

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

Issue/Design Element:	Streetscape Front Setback
Requirement:	North Perth Precinct Policy 3.1.8 and Residential Design Elements (RDE's) clause 6.4.2 Street Setback- Front east side- North Perth Precinct Policy No. 3.1.8 and Residential Design Elements (RDE's) Ground floor setback to be generally consistent with building setbacks on adjacent land setback = 5.66 metres, resulting in a 500 millimetres variation.
Applicants Proposal:	5.1 metres
Performance Criteria:	Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site.
Applicant justification summary:	No overlooking issues No overshadowing issues. The area within the setback is the courtyard which is open to the street and helps soften the front facade.
Officer technical comment:	The proposed setback is unlikely to affect the existing streetscape, which is likely to change as more properties are developed, which will also take into account the Charles Street widening requirements. Privacy and solar requirements have been complied with thereby maintaining the amenity of the neighbouring properties. The site has been cleared of vegetation, however additional landscaping area within the front setback has been proposed in accordance with the multiple dwellings requirements. The proposed development is considered to facilitate efficient use of the site. The dwellings have been further redesigned with the living areas facing north and also allowing more sunlight to the balcony areas via more glass windows.

Issue/Design Element:	Setbacks
Requirement:	R-Codes West – rear setback Residential Design Code 7.1.4 Ground floor and first floor =1.5 Second floor =1.5 metres Third floor =2.3 metres
Applicants Proposal:	Ground floor -1.2 (nib wall) to 5.5 metres First floor 1.2 (nib wall) to 5.5 metres Second floor 1.2 (nib wall) to 5.5 metres
Performance Criteria:	Buildings set back from boundaries or adjacent buildings so as to: <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

Issue/Design Element:	Setbacks
	adjoining properties; and <ul style="list-style-type: none"> • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	Ground floor: <ul style="list-style-type: none"> • No overlooking issues. • The overshadowing from the building is under the zoning allowance. • Building setback tapers to 5.5m which is more than required. • The ground floor is an open car park and there is no habitable rooms or windows on this level. First floor: <ul style="list-style-type: none"> • Windows that face the west boundary are obscure with no overlooking issues. • The overshadowing from the building is under the zoning allowance. • Closest portion of building to the boundary is a blade wall. The actual building setback is 1.875m. • Building setback tapers to 5.5m which is more than required. Second floor: <ul style="list-style-type: none"> • Windows that face the west boundary are obscure with no overlooking issues. • The overshadowing from the building is under the zoning allowance. • Closest portion of building to the boundary is a blade wall. The actual building setback is 1.875m. • Building setback tapers to 5.5m which is more than required.
Officer technical comment:	The Buildings have been set back from boundaries or adjacent buildings so as to ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them. The overshadowing is compliant, hence providing adequate access to daylight and direct sun to adjoining properties. The building is within the 3 storey height limit, the building setback 1.875-5.5m with substantial landscaping to the rear moderating the impact on neighbouring properties. Compliant with the solar access requirements, this ensures access to daylight and direct sun for adjoining properties. Compliant with the privacy requirements results in the protection of privacy between adjoining properties.
Requirement:	South-side setback Residential Design Code 7.1.4 Second floor = 8.3 metres
Applicants Proposal:	6.7 to 7.505 metres
Performance Criteria:	Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	Balconies have been setback from boundary to ensure no overlooking issues.

Issue/Design Element:	Setbacks
	<p>All windows from ensuite/bedroom has either obscure glazing and/or sill at 1600mm. Overshadowing from building is under the zoning allowance.</p>
Officer technical comment:	<p>The Buildings have been set back from boundaries or adjacent buildings so as to ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them. The overshadowing is compliant, hence providing adequate access to daylight and direct sun to adjoining properties. The applicants have adhered to the 3 storey height limit applying to the site, and the building is articulated along the southern boundary with a minimum 4.3m complaint setback moderating the building bulk. Compliant with the solar access requirements, this ensures access to daylight and direct sun for adjoining properties. Compliant with the privacy requirements results in the protection of privacy between adjoining properties.</p>
Requirement:	<p>North -side setback Residential Design Code 7.1.4 Second floor =1.4 metres</p>
Applicants Proposal:	<p>Second floor = 1.2 metres</p>
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; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p>First floor: Staircase and Landings have 1.8m high privacy screen adjoining boundary. No overshadowing cast into site. Second floor: Staircase and Landings have 1.8m high privacy screen adjoining boundary. No overshadowing cast into site.</p>
Officer technical comment:	<p>The Buildings have been set back from boundaries or adjacent buildings so as to ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them. The overshadowing is compliant, hence providing adequate access to daylight and direct sun to adjoining properties. The applicants have adhered to the 3 storey height limit applying to the site, and the building bulk is setback 4.3m to moderate the visual impact of building bulk on a neighbouring property. Compliant with the solar access requirements, this ensures access to daylight and direct sun for adjoining properties. Compliant with the privacy requirements results in the protection of privacy between adjoining properties.</p>

Car Parking

The car parking required for the proposed multiple dwellings is calculated as per the R-Codes 2010.

Car Parking	
Small Multiple Dwelling based on size (<75 square metres or 1 bedroom) – 0.75 bay per dwelling (11 multiple dwellings) = 8.21 car bays = 8 car bays	11 car bays
Visitors = 0.25 per dwelling (11 multiple dwellings proposed) = 2.75 car bays = 3 car bays	
Total car bays required (8 residents + 3 visitors) = 11 car bays	
Total car bays provided	24 car bays (21 car bays for residents and 3 car bays for visitors)
Surplus resident car bays	13 car bays

Bicycle Parking	
Bicycle Parking	<ul style="list-style-type: none"> 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 11 dwellings proposed): 3.66 = 4 bicycle space for the residents. 1 Bicycle space per 10 dwellings: 1.1 = 1 bicycle space required
	8 bicycle spaces proposed.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	21 November 2012 to 11 December 2012
Comments Received:	Four (4) objections were received.

Summary of Comments Received:	Officers Technical Comment:
<p>Overshadowing:</p> <ul style="list-style-type: none"> Proposal will result in large overshadowing over adjoining property, and solar panels will be obscured, resulting in more heating required during winter and additional cost. Affect westerly breeze will be blocked off, causing discomfort and stress. 	Dismissed. The proposal complies with the 50% (proposed 39%) overshadowing in respect to the adjacent (R60) lot to the south. The property to the west is R20, and the proposed overshadowing is 5% and compliance with 25% allowable.
<p>Privacy:</p> <ul style="list-style-type: none"> Development is too large in scale, resulting in overlooking and no protection to privacy of adjoining lot from balconies and bedrooms of proposed development. Includes the passage ways on the north side, 1.5 metres from the side boundary. Inadequate safety screening facing 459 Charles Street. 	Dismissed. The privacy requirements of the R Codes have been complied with in terms of cone of vision setbacks for the balconies, which is 7.5 metres, and also with bedrooms and living areas being screened or fixed with obscure windows and stair landings screened, as indicated on the submitted plans.
<p>Streetscape:</p> <ul style="list-style-type: none"> Development not in keeping with character of the streetscape, and too close to Charles Street. 	Dismissed. This proposed variation to the Charles Street setback is considered acceptable and is not considered to detrimentally impact on the existing streetscape. The Design Advisory Committee has considered the street setback as acceptable in this instance. The proposed

Summary of Comments Received:	Officers Technical Comment:
	building aligns with the City's use for 3 storey buildings along Major Roads creating housing diversity.
<p>Boundary wall:</p> <ul style="list-style-type: none"> No consultation with the affected landowner on the north side regarding the proposed parapet wall by the applicants/developers. 	Dismissed. The proposed boundary wall complies with the R Codes requirements in terms of height and length. The boundary walls details were discussed with the City's Officers during the advertising period.
<p>Side setback to the north:</p> <ul style="list-style-type: none"> If the dwellings were flipped, the setback to the northern boundary would be 4.325, instead of wall on the boundary. The proposal will severely affect the development potential of No. 465 Charles Street, located on the northern side of this proposal. Property will be substantially devalued. 	Dismissed. There will be no overshadowing to the single storey property on the northern side, which also has the potential to re-develop in the future. Devaluation of property values is subjective, and not a valid planning ground to object to a development.
<p>Noise and air pollution:</p> <ul style="list-style-type: none"> The above due to 24 car park located 3 metres from bedroom window. Constant noise, of car slamming doors, tyres screeching, spent fuel smell and antisocial behaviour. 	Noted.
<p>Additional comments:</p> <ul style="list-style-type: none"> Is there any vegetation proposed to keep the proposed premises cool, or is it "<i>another concrete jungle</i>". How is antisocial behaviour controlled? Will there be security officers patrolling the site. What controls are there on pets? Increased traffic and additional risk to children using Charles street footpath. Development seems to be for the advantage of the applicant and total disadvantage to the owner of 465 Charles Street located on the adjoining north side property. 	Dismissed. Landscaping has been provided in accordance with the City's Policy relating to Multiple Dwellings. Open space has also been provided in accordance with the R Codes requirements. Matters relating to anti-social behaviour is dealt with by WA Police. The number of dogs and cats are required to be in accordance with the City's Local Laws, where pets are required to be registered. Charles Street is a major transport corridor and matters relating to safety is governed by Australian Standards for these types of roads. The development is considered to contribute to the range of accommodation types available to the community.

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

The applicant has provided a response dated (15 January 2013 attached) to the matters raised in the above submissions and a response to the comments of the Design Advisory Committee (DAC) in italics below:

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee on 1 August 2012, which resulted in the following recommendation:

DAC Recommendation:

1. Reduce overshadowing by reducing or deleting the roof overhangs on the southern side;
2. Consider pitching the roof to increase in height to the north with an appropriate overhang to allow winter sun to penetrate while stopping summer sun penetration;
3. Step the concrete slab to reduce the height of the building and reduce impact on the adjacent premises;
4. Increase the size of north facing openings to improve natural solar gain;
5. Provide sun shading over the lower level north facing windows;
6. Consider flipping the plan to provide direct North sun to balconies and living areas;
7. Future building on the south site may eliminate the view to the city; and
8. Provide a landscape plan for the street courtyard.

Response from the applicant in relation to the above DAC recommendations dated 1 August 2012

- *Points 1 & 2 – We have handed the pitch of the roof now so that the high end of the roof is at the North side as per the Design Advisory Committee's request, however we have not deleted the eaves overhang on the southern side because the overshadowing on the adjoining lots are not greatly affected. Please refer drawing A3.01 for the revised elevations and A9.01 for the revised Overshadowing Plan.*
- *Point 4 – Please find attached A2.02, A2.03 and A9.02 for the revised floor plans as requested.*
- *Point 6 – We have decided not to hand the current development as we comply with the R-Codes and City of Vincent's design polices. As stated above we have redesigned the apartments so that the apartment's kitchen/living areas now receive light from the north. We have also handed the roof so that to low end of the south side as requested.*
- *Point 8 – Please refer drawings A2.02, A2.03 and A3.01 for the additional window added to Apartments 6 and 11.*
- *Point 9 – Please refer drawings A1.01, A2.01 and A3.01 for the revised landscaping/visitors parking area adjacent to Apartment 1. Also the Bedroom window has increased as requested to help with the connection to the street.*
- *Point 10 – Please refer drawings A2.02, A2.03 and A3.01, we have reduced the lengths of the walkways to the apartments so that they do not service the entire floor but only the immediate apartment.*

The DAC has advised the following in terms of the proposed revised plans dated 15 January 2013, which have now been superseded by plans dated 11 February 2013:

- The DAC has advised that for the DAC to support this project the living areas and balconies must be orientated north. This will provide far greater amenity and increase the possibility for passive solar gain.
- The City's Director Planning Services and Coordinator Planning Services have since met with the applicant to discuss the above DAC comments, resulting in revised plans dated 11 February 2013 being submitted, where the living rooms have been re-designed to face the north, providing large north facing windows (obscure to 1.6m) to the living areas, which will allow for light to permeate into the living room, dining area, kitchen and also part of the balcony. The above changes are considered to address the DAC's recommendation in this respect.

LEGAL/POLICY:

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

Multiple Dwellings in Residential Zones Policy No. 3.4.8.

Charles Street has been identified in Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones as a major road where greater building height can be considered.

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*.

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

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

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

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

ENVIRONMENTAL	
Issue	Comment
More efficient use of land, located on a major transport route to the City Centre, including provision of infrastructure and services.	

SOCIAL	
Issue	Comment
Provides opportunity for greater housing choice within the City.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Planning Control Area No. 100

Given the site is subject to road widening, and within the Charles Street Planning Control Area No. 100, the City is required to refer this application with a recommendation to the Western Australian Planning Commission who is the determining authority in this instance.

Main Roads WA has advised in their letter dated 25 January 2013 (attached) that the application is unacceptable for the following summarised reasons:

- *The plans depict improvements within the future road widening areas, such as visitor car bays, all vehicles to adequately exit the street in a forward gear, and for the applicant to undertake a Transport Noise Assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 "Road and rail Transport Noise and Freight Considerations in land use Planning" and implement those recommendations as specified in the acoustics noise report.*

Planning

The concerns and objections raised in the Main Roads response dated 25 January 2013 have been addressed and resolved in the revised plans, and the attached written submission from the applicant dated 11 February 2013. The proposed alterations submitted by the applicant to address the concerns raised by Main Roads is considered acceptable.

The redesign has addressed issues raised by the DAC in regards to solar design, window shading, roof pitch and landscaping.

The proposal is assessed to comply with requirements.

The development is an opportunity to develop this vacant land with a suitable land use. The proposed development will significantly contribute to a positive change in the area and will contribute to the diversity in housing types available within the City of Vincent.

Accordingly, the development is considered to not unreasonably impact on the surrounding area and it is recommended that Council recommend approval of the application, subject to the standard and appropriate conditions to the Western Australian Planning Commission.

9.4.3 Wade Street Reserve – Vietnamese Monument of Gratitude – Final Design Concept – Progress Report No. 3

Ward:	South	Date:	15 February 2013
Precinct:	Hyde Park, P12	File Ref:	RES0124
Attachments:	001 – Monument Design 002 – Monument Location		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity; J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the submissions received during the Community Consultation carried out on the final design of the Vietnamese Monument of Gratitude; and
2. **APPROVES** the design of the Vietnamese Monument of Gratitude and its location as shown in Option No. 1, in Plan No.2954-DP-01B, on Wade Street Reserve; and
3. **AUTHORISES** the work to begin on the monument to be installed and launched during Refugee Week from Sunday 16 June 2013 to Saturday 22 June 2013.

Moved Cr Maier, Seconded Cr McGrath

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

“That clause 3 be amended to read as follows:

1. **CONSIDERS** the submissions received during the Community Consultation carried out on the final design of the Vietnamese Monument of Gratitude; and
2. **APPROVES** the design of the Vietnamese Monument of Gratitude and its location as shown in Option No. 1, in Plan No.2954-DP-01B, on Wade Street Reserve;
3. **AUTHORISES:**
 - 3.1** the work to begin on the monument to be installed and launched during Refugee Week from Sunday 16 June 2013 to Saturday 22 June 2013; and
 - 3.2** the Mayor and Chief Executive Officer to approve all additional text, after consultation with the stakeholders.”

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.3

That the Council;

1. **CONSIDERS** the submissions received during the Community Consultation carried out on the final design of the Vietnamese Monument of Gratitude; and
2. **APPROVES** the design of the Vietnamese Monument of Gratitude and its location as shown in Option No. 1, in Plan No.2954-DP-01B, on Wade Street Reserve; and
3. **AUTHORISES** the work to begin on the monument to be installed and launched during Refugee Week from Sunday 16 June 2013 to Saturday 22 June 2013;
 - 3.1 the work to begin on the monument to be installed and launched during Refugee Week from Sunday 16 June 2013 to Saturday 22 June 2013; and
 - 3.2 the Mayor and Chief Executive Officer to approve all additional text, after consultation with the stakeholders.

PURPOSE OF REPORT:

To receive the comments summary from the recent community consultation on the design of the Vietnamese Monument, approve the design and location on Wade Street Reserve and authorise the installation to take place in mid to late June 2013.

BACKGROUND:

Previous progress reports have been presented to the Council over the past years in relation to the proposal to install a Vietnamese Monument of Gratitude on a site within the City of Vincent.

Ordinary Meeting of Council	Outcome
14 July 2009	The Council approved 'in principle' installation of the Vietnamese monument at Weld Square and NOTED that the location of Hyde Park is not supported by the Heritage Council of WA.
27 July 2010	The Council approved further investigation in relation to the location of the Vietnamese Monument in either Robertson Park or Wade Street Reserve.
9 November 2010	The Council approved 'in principle' to locate the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park and to CONSULT with the local community surrounding Robertson Park for a period of twenty-one (21) days seeking their views in relation to the proposals and obtain comments from the Heritage Council of Western Australia with respect to the proposal.
22 March 2011	After considering the comments received from the community, the Council approved the installation of the Vietnamese Boat People Monument of Gratitude, 'Option 2' within Robertson Park.
26 June 2012	The Council approved in principle the installation of the Vietnamese Boat People Monument of Gratitude, within the Wade Street Reserve, subject to undertaking consultation with the Vietnamese Community and the adjoining residents.

Ordinary Meeting of Council	Outcome
4 December 2012	<p>The Council resolved as follows:</p> <p><i>“That the Council;</i></p> <ol style="list-style-type: none"> 1. <i>APPROVES IN PRINCIPLE the initial design concept for the Vietnamese Monument of Gratitude to be located on Wade Street Reserve as shown in Appendix 9.4.2; and</i> 2. <i>NOTES that upon receipt of a more detailed Concept Plan of the Monument, the matter will be further reported to the Council.”</i>
18 December 2012	<p>The Council approved ‘in principle’ the final design of the Vietnamese monument to be located on Weld Square Reserve and authorised to advertise the design for public comment for twenty-one (21) days from 8 – 29 January 2013.</p>

DETAILS:

The Vietnamese Community in Australia (WA Chapter) is a voluntary not-for-profit organisation representing Vietnamese residents in WA. After significant fundraising within the community, they are commissioning an artwork as a “Thank You” monument which the community is donating to the City of Vincent as a token of gratitude. The work is to be installed on the Wade Street Reserve located on the corner of Wade, Ruth and William Streets, Perth.

Coral Lowry’s work has been chosen by the Vietnamese community. The sculptural work has been inspired by the bravery of those who embarked on such a highly dangerous and uncertain journey of desperation. This strength and determination has contributed to the valued contribution to our community, locally and within Western Australia.

The design focus for this particular work has been based on timeless simplicity and strength of form. The wave plinth carries a stylized boat shape precariously balancing at the top edge, creating a sense of tension and precariousness within the two elements of the sculpture. Lighting will be directed at this point to create a dynamic focal point at night. The bold timeless form will take this memorial artwork into the future.

The vertical 3D artwork will rise to approximately 5.5 metres, being significant enough to be viewed from the road and also comfortably accessible to visitors of the memorial.

Durability and low maintenance has influenced the materials chosen to fabricate this artwork so that this memorial work will last well into the future.

To accompany the vertical artwork, the Artist would like to propose that a path be laid to encourage people into the park to experience the journey and gain insight into the memorial. Panels laid across the width of the path at intervals would serve to give people an insight into the history of the Boat People, leaving Vietnam, of settling in a new country to the present day and even future visions. There are possibilities to fund this part of the project through sponsorship, in particular the didactic panels. Text for the inlay panels could be written in both Vietnamese and English. Final wording would be decided upon through close consultation with Vietnamese community representatives. The Vietnamese community has met Coral Lowry twice following the signing of the contract for their input and direction.

The ground base of the sculpture will be circular and in bronze or copper inserts to replicate the Vietnamese traditional drum as a concrete footing of 200 millimetres. This will keep the base of the artwork protected from water seep and from the grass encroaching into the footing.

The vessel previously atop the sculpture has been modified. It will be a stylised Vietnamese boat and in bronze finish using an Axotyl metal finish. There will be some texture to show the planks of the boat and some 3D elements when viewed from different angles.

The Vietnamese Community's circular symbol written in Vietnamese text will also be placed somewhere on the stainless steel face. In English on the opposite side, the text will read "The Vietnamese Monument of Gratitude". As a subtle element, it is suggested that the best spot for this design element is up high away from any interference. There will be a degree of relief in the texture of these 300 millimetre circles; it will be welded on as 2 millimetre stainless steel plate.

The maquette shows a strong vertical 5.5 metre 3D sculpture funded by the project budget with an optional separately funded concrete path with inset signage. The text for the panels would be decided in consultation with key stakeholders and may appear in both Vietnamese and English. It is a possibility that to fund this part of the project, community members might be invited to sponsor a panel.

Symbolism:

The use of the bronze drum is a platform for the work and anchors the sculpture as Vietnamese. The Ngọc Lũ drum is regarded as one of the most important and prominent artefacts of the Dong Son culture of the Bronze Age, a civilization that flourished in around the 2nd to 3rd century BCE in the Red River Delta of Vietnam.

The wave is projecting forward, an indication of a long journey. At the request of the community, the boat is shaped as the small traditional Vietnamese fishing vessels.

The tenuous angle of the boat as it cuts across the wave shows its precarious position exposed to the elements and the greater unknown.

The drum symbol sits at the base of the sculpture as a platform.

INDICATIVE TIMELINE:

Schedule of Works:

Concept presentation	5 November 2012
Commence design development	14 November 2012
Artwork fabrication	1 February – 1 April 2013
Artwork installation	16 – 22 June 2013

CONSULTATION/ADVERTISING:

Further consultation was undertaken in accordance with the City's Community Consultation Policy No. 4.1.5 – clause 7 relating to 'Non-Statutory and General Consultation' for a period of twenty-one (21) days. The consultation period was from 8 January to 29 January 2013.

Summary of Consultation

IN FAVOUR: 10
AGAINST: 1
OTHER: 1

Distributed 389 and 12 responded – a response rate of 3.08%.

In Favour of the monument

- Beautiful;
- Very impressive; and
- I have no objection to the proposal.

Related Comments *against* the monument

- Total waste of money. Design ugly. Should not be using ratepayer's money for this.

Other Comments in relation to the monument

- We think 5.4 metres is too high in relation to the surrounding properties;
- No indication given to the positioning of the monument;
- Stainless steel is not rustless steel; and
- 24 hour parking meters should be installed on Wade Street to stop people parking all day.

LEGAL/POLICY:

Community Consultation Policy No. 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Low: The majority of the reaction to the monument is in favour.

STRATEGIC IMPLICATIONS:

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

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

1.1.4(b) *Continue to implement both minor and major improvements in public open spaces and progressively extend the wetlands heritage trail/greenway and develop a City "Greening Plan" including the continual beautification and landscaping of public open space, roads and carparks, and other City owned land."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

As indicated in the previous report presented to the Council, all costs associated with any additional feature lighting and the design, construction and installation of the monument will be borne by the Vietnamese Community. The City could assist with any minor reserve reinstatement works following the completion of the works. The proposed artwork requests a path to be installed which will need to be costed.

COMMENTS:

At this stage, there is no approval on the proposed paving in addition to the monument, but further liaison with Technical Services on the placement and installation of the monument, and Parks Services about any additional landscaping and paving will take place.

9.4.4 Angove Street Festival – Application for Occasional Liquor License

Ward:	North	Date:	22 February 2013
Precinct:	North Perth Centre; P9	File Ref:	CMS0110
Attachments:	001 – Map of proposed licensed area		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Arts and Creativity Coordinator J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES:

1. The Angove Street Festival to be held on Sunday, 7 April 2013 from 10am to 5pm; and
2. The event to include a licensed area which will operated from 12noon to 5pm, subject to compliance with the City’s Policy No. 1.1.8 – ‘Festivals’, Policy No. 3.8.3 – ‘Concerts and Events’ and conditions as determined by the Chief Executive Officer

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of the report is to approve the date of the event and a small licensed area that will form part of the Angove Street Festival.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 June 2012, the following was resolved in part;

“That the Council;

1. *APPROVES the following festival events funding as part of the City of Vincent Festivals Programme for 2012/2013:*

<i>Festival/Event</i>	<i>Amount Allocated</i>	<i>Source</i>
<i>Leederville</i>	<i>\$50,000</i>	<i>Festival Funding</i>
<i>Angove Street</i>	<i>\$40,000</i>	<i>Festival Funding</i>
<i>Beaufort Street *</i>	<i>\$40,000*</i>	<i>Festival Funding</i>
<i>Perth International Jazz Festival</i>	<i>\$10,000</i>	<i>Festival Funding</i>
<i>WA Youth Jazz Orchestra</i>	<i>\$6,000</i>	<i>Festival Funding</i>
<i>Unallocated Festival and Community Events Funding</i>	<i>\$80,000</i>	<i>Festival Funding</i>

* *NOTES that the City has already approved at the Ordinary Meeting of Council held on 10 April 2012 (Item 9.4.2) a \$20,000 contribution to the Beaufort Street Network Inc. to assist in organising the 2012 Beaufort Street Festival.*

2. *AUTHORISES the following festivals to take place in 2012/2013:*
 - 2.1 *The Beaufort Street Network Inc. to organise the "Beaufort Street Festival" to be held on Saturday, 17 November 2012, from 12pm to 10pm and the Festival Bar until midnight;*
 - 2.2 *The North Perth Business and Residents Group (The North Perth Group) to organise the Angove Street Festival to be held on Sunday, 24 March 2013;*
 - 2.3 *WA Youth Jazz Orchestra to organise a festival to take place at a date to be advised;*
 - 2.4 *WA Ellington Jazz Club to organise a 'Perth International Jazz Festival' to take place at a date to be advised; and*
 - 2.5 *The Leederville business owners to organise a festival to take place at a date to be advised;*

4. *AUTHORISES that the festival events detailed in clause 2 above shall be subject to the following conditions to the satisfaction of the Chief Executive Officer:*
 - 4.1 *The sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
 - 4.2 *'Event Fees' for the festivals shall be waived;*
 - 4.3 *A bond up to a maximum of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;*
 - 4.4 *A suitable traffic, risk management and event site plan shall be submitted to the City at least two (2) months prior to the event at the expense of the organisers;*
 - 4.5 *The event organisers shall comply with the conditions of use and fees imposed, including Environmental Health and other conditions;*
 - 4.6 *The event organisers shall ensure full consultation with businesses and residences within the event perimeter and at a minimum of a five hundred (500) metre radius outside of the event perimeter to ensure that the festival is representative of and attuned to the local businesses;*
 - 4.7 *The activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;*
 - 4.8 *Acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report;*
 - 4.9 *The funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and*
 - 4.10 *Compliance with the City's Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy 1.1.8 'Festivals' and Policy 3.8.3 'Concerts and Events';"*

The Angove Street Festival organisers, pSquared Communications and the North Perth Business and Residents Group, have provided an update of the site plan and festival event details. Local business 'The Classroom' has applied to the Festival Organiser to have a small licensed area at the Festival. The Festival Organisers would like to have a small licensed area to add value and interest at their event.

The area will be located on the northern corner of Angove and Woodville Streets, opposite Fiorentina's Cafe. The Classroom have requested to serve beer on tap and simple mixed drinks. The area will be fenced off, have security present to check ID and all staff serving within the area will have Responsible Service of Alcohol certificates. The indicative measurements of the licensed area are fifteen meters by fifteen meters and will be decoratively fenced off. The organisers hope to provide some diversity in the event. The area will be a relaxed haven.

At one of the Summer Concerts held in Hyde Park on 3 February 2013, a trial of a licensed area was set up on the grounds in response to feedback from previous concerts requesting the idea. The area was fenced off, had security checking identification and provided beer, wine, premixed drinks and soft drinks. Concert goers who used the area did so without incident. They still laid down their picnic blankets and food, but chose to buy alcohol and sit within the licensed area. Apart from one complaint, the event was incident free and some positive feedback in relation to the licensed area was received.

CONSULTATION/ADVERTISING:

A letter box drop will be undertaken for the streets adjoining Angove Street notifying residents and business of the Festival.

LEGAL/POLICY:

- Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- Policy No. 3.8.3 – Concerts and Events.

RISK MANAGEMENT IMPLICATIONS:

Low: The concern of street drinking should be abolished if festival goers wishing to drink have enough designated areas to do so. Security for the licensed area, cooperation between the City and the event organisers and being a family focussed event, will keep risk implications low.

STRATEGIC IMPLICATIONS:

The City of Vincent's 'Plan for the Future'; *Strategic Plan 2011 – 2016*, Objective 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:

The event will be an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

The City will work with the event organisers to ensure our message of sustainability is promoted at the event together with recycle sulo bins.

FINANCIAL/BUDGET IMPLICATIONS:

The Angove Street Festival has a \$40,000 contribution from the City of Vincent. The organisers are not seeking additional funding to hold the licensed area.

COMMENTS:

Angove Street Festival is a small community based festival. 'The Classroom' offers cooking and cocktail making classes and has won many hospitality awards. It aims to be a relaxed haven where people can sit down and have a beverage.

9.2.7 Money and Monger Streets, Perth – Street Verge Trees – Progress Report No. 1

Ward:	South	Date:	20 February 2013
Precinct:	Beaufort (13)	File Ref:	TES0234
Attachments:	<p>001 – Arboriculturalist J. Epps - report dated 6 February 2013 002 - Arboriculturalist J. Epps - report – Addendum Letter dated 10 February 2013 003 – Survey, Inspection and Maintenance Schedule – SIMS – Monger St – by J. Epps 004 - Survey, Inspection and Maintenance Schedule – SIMS – Money St – by J. Epps 005 – Power point presentation 14 February 2013 006 – Plan No.3030 - CP-01A Monger Street Perth 007 – Plan No.3030 – CP – 01B – Money Street, Perth 008 – Plan No.3030 – CP – 01C – Site Plan 009 - Plan No. 3030-CP-02 - Additional trees recommended for planting 010 – Photograph - Tree No. 1 - recommended for removal – adjacent 235 Beaufort Street 011 – Photograph - Tree No. 5 – recommended for removal – opposite No. 5 Monger Street 012 – Photograph - Tree No. 6 – recommended for removal – adjacent No. 10 Monger Street 013 – Photograph - Tree No. 8 – recommended for removal – adjacent no. 22 Monger Street 014 – Photograph - Tree No. 25 – recommended for removal – adjacent No. 53 Lindsay Street 015 – Photograph - Tree No. 4A – recommended for removal – adjacent No.46 Money Street 016 - Dr Paul Barber (ArborCarbon) – report 017 – Photograph – Example of correctly pollarded London Plane Trees</p>		
Tabled Items:	As per list above		
Reporting Officers:	K Godfrey, Parks Services Technical Officer J van den Bok, Manager Parks and Property Services. John Giorgi; Chief Executive Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Arboricultural Report (“the report”) - dated 6 February 2013 and Addendum letter dated 10 February 2013, prepared by consultant Arboriculturalist Jonathan Epps concerning the London Plane street verge trees located in Money and Monger Streets, Perth, as shown in Appendix 9.2.7 – (attachments 001, 002, 003 and 004);
2. **APPROVES IN PRINCIPLE** “the Proposed Works”, in Money Street and Monger Street Perth, as shown in Plan No. 3030 CP-01A and No. 3030 CP-01B, as shown in Appendix 9.2.7 (attachments 006, 007 and 009) as follows:

2.1 Trees recommended to be removed:

MONGER STREET No.	TREE NO	REASON REMOVAL	FOR	APPENDIX NO.
Adjacent 235 Beaufort Street	1	Dead		10

Opposite No. 5	5	Structurally unsound	11
Adjacent No. 10	6	Structurally unsound	12
Adjacent No. 22	8	Structurally unsound	13
Adjacent No. 53 Lindsay Street	25	Structurally unsound	14
MONEY STREET No.	TREE NO	REASON FOR REMOVAL	APPENDIX NO.
Adjacent No. 46	4A	Severe decay/ potential Public Liability	15

2.2 Replacement Trees

2.2 Replacement London Plane trees (*Platanus acerifolia*), using suitably advanced stock, to be planted in Winter 2013, in locations in close proximity to the trees recommended for removal, as listed in Clause 2.1 above;

2.3 Additional Trees to be planted;

Additional trees of suitably advanced stock of London Plane trees (*Platanus acerifolia*) as identified by the City's Officers, in consultation with the arboriculturalist consultant, to be planted in Winter 2013, in the following locations, as shown in Appendix 9.2.7 (attachment 009);

	STREET
2.3.1.	Adjacent 402,406 William Street
2.3.2	Adjacent 46 Monger Street
2.3.3	Adjacent 44 Monger Street
2.3.4	Adjacent 32 Monger Street
2.3.5	Adjacent 28 Monger Street
2.3.6	Adjacent 24 Monger Street
2.3.7	Adjacent 12 Monger Street
2.3.8	Corner Lindsay and Monger Street
2.3.9	Corner Money Street and Washing Lane
2.3.10	Corner Money and Newcastle Street
2.3.11	Adjacent No. 1 Money Street
2.3.12	Adjacent No. 4 Money Street
2.3.13	Adjacent Unit 7 No. 14 Money Street
2.3.14	Adjacent Unit 36, 14 Money Street
2.3.15	Adjacent No. 17 Money Street
2.3.16	Adjacent No. 23 Money Street

2.4 Remove four (4) Stout Paperbarks located in Money Street, Perth to be replaced with London Plane trees;

2.5 Implement the re-pollarding program in Money and Monger Streets, Perth, as recommended in the report (refer to Appendix 9.2.7 – attachment 017);

3. AUTHORISES the Chief Executive Officer to:

3.1 **ADVERTISE** the "the Proposed Works" as detailed in Clause 2 above and the Arboriculturalist Report dated 6 February 2013 and Addendum letter by Jonathan Epps- dated February 2013, for a period of thirty (30) days, seeking public submissions;

- 3.2 Write to all residents, land owners and Business Proprietors in Money and Monger Streets regarding "the Proposed Works" and and the Arboriculturalist Report and Addendum letter by Jonathan Epps- dated 10 February 2013; and seeking submissions within 30 days;**
- 3.3 INVESTIGATE the following:**
- 3.3.1 The nomination and any subsequent implications of including Money and Monger Streetscapes in the State Register of Heritage Places (State Register);**
- 3.3.2 The financial/cost implications for the implementation of the Consultant Arboriculturalist Recommendations and the Council Decision;**
- 3.3.3 Strategies/Remedial treatments available to be carried out to the trees in order to promote growth and to better improve their health and vigour;**
- 3.3.4 Strategies to protect and enhance the StreetScape in Money and Monger Street; and**
- 4. NOTES the cost to underground the power in Monger Street (north side only) is approximately \$300,000; and**
- 5 RECEIVES a further report, no later than May 2013, after the close of community consultation to consider any submissions received and to review the findings of the City's investigations.**

COUNCIL DECISION ITEM 9.2.7

Moved Cr McGrath, 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 advise Council of the recommendations of the further arboricultural report completed in relation to the street verge trees located within Money and Monger Streets Perth and seek approval in principle to implement the consultants recommendations in the report and to carry out community consultation for a period of thirty (30) days.

BACKGROUND:

Previous Reports to the Council:

This matter has previously been reported to the Council on numerous occasions as follows;

Ordinary Meeting of Council 8 February 2005:

At the Ordinary Meeting of Council held on 8 February 2005 a report titled Proposed Traffic Management and Streetscape Improvements Money & Monger Streets, Perth was presented to Council.

The Council resolved (in part) as follows:

- “(v) NOTES the comments in relation to the possible replacement of existing trees as outlined in the report;*
- (vi) CONSULTS with residents/businesses in Money and Monger Streets for a period of 21 days to determine the level of support for the replanting between existing trees with a suitable species and the gradual removal of the existing trees; and*
- (vii) RECIEVES a further report at the conclusion of the consultation period on the Traffic Management proposal for Monger Street and Robinson Avenue and feedback on the tree management proposal.”*

Ordinary Meeting of Council 12 April 2005:

The purpose of this report was to advise the Council of the results of the Community Consultation on traffic management improvement proposal for Monger Street and Robinson Avenue and the street tree management proposal for Money and Monger Streets, Perth.

The Council resolved (in part) as follows:

- “(ii) NOTES that the results of the Community Consultation on the Street Tree Management Proposal revealed that the majority of respondents were against the proposal as presented;*
- (iii) DOES NOT carry out any tree removals in either Money or Monger Streets and continues to monitor, assess and manage the existing tree stock to promote their longevity and minimise the risk, and that should the removal of any specific tree be required in the future, the matter be reported to the Council prior to any further action being undertaken.”*
- (vii) REPLACES any tree that may need to be removed in the future (on expert advice), in both Money and Monger Streets, with a mature London Plane tree (*Platanus acerifolia*) specimen.”*

Ordinary Meeting of Council 18 December 2013:

The purpose of this report was to advise the Council regarding the current state of all the street verge trees located within Money and Monger Streets and to obtain approval to remove the trees that are in severe decline and undertake a staged removal/replacement of the remaining trees.

The Council resolved (in part) as follows:

- “3. REQUESTS:*
 - 3.1 a further independent report be obtained from another Arboricultural expert in relation to these trees;*
 - 3.2 the City’s Administration to take all appropriate action to protect the public and to minimise the City’s liability, including but not limited to erecting barricades and appropriate signage around those trees identified as a serious risk;*
 - 3.3 an on-site public meeting be held with residents, owners, occupiers and business proprietors during the week 13-16 February 2013;*
 - 3.4 the Chief Executive Officer, write to all residents, owners, occupiers and business proprietors advising them of the public meeting and of the potential risk/danger;*
 - 3.5 that the undergrounding of power lines be investigated as an option; and*
- 4. NOTES that in the event that any tree is to be removed in Money and Monger Streets, Perth it will be replaced with mature London Plane trees (*Platanus acerifolia*) – as per Council decision of 12 April 2005; and*

5. *Requests a further report be submitted to the Council no later than the second meeting in February 2013."*

DETAILS:

Following the resolution of the Council at its Ordinary Meeting held on 18 December 2012 in relation to the Money and Monger Street trees, Arboriculturalist Jonathan Epps was engaged to undertake a further professional assessment of the trees and provide advice on their condition, risk, potential rehabilitation and to recommend a program of works to ensure they are perpetuated for future generations.

Arboricultural Assessment February 2013 – Jonathan Epps

An inspection of the trees was undertaken over two (2) week period. The arboriculturalist climbed the trees individually to assess their condition. A plan was also formulated that simply identified each tree with a number in numerical order up and down each respective street. ie. Monger Street – Tree 1 to 32 & Money Street Tree 1A to 30A.

The report and attached Survey, Inspection and Maintenance Schedule Survey (SIMS) Appendix 9.2.7 – 001,002 and 003 was presented to the City's officers dated the 6 February 2013 and a further addendum specifically in regard to Tree No. 4A in Money Street provided and dated 10 February 2013. The following general recommendations were outlined:

- 1 *Carry out all proposed tree work in winter 2013 – includes ASAP work which MUST be carried out.*
2. *Implement repollard/selective repollard program.*
3. *Repollard subject trees in Monger Street – Tree Nos 4,7,9,10,11 & 12 annually – trees under power lines - consider removal of these trees within 10-15 years.*
4. *Consider replanting empty tree sites and subject trees to be removed with 'cuttings' collected and grown on at a growers/nursery to retain provenance.*
5. *Reinspect subject trees in January 2015 – all sites.*
6. *Listing of all retained subject trees in Municipal Heritage Inventory of the City of Vincent.*
7. *Initiate listing of all retained subject trees in State Heritage Register – this report should be forwarded to the Heritage Council of WA for their consideration.*

Consultant Arboriculturalist Recommendation No. 1

- "1. *Carry out all proposed tree work in winter 2013 – includes ASAP work which MUST be carried out."***

Officer Comments:

This recommendation is supported.

Tree Removals – for condition assessment refer to SIMS survey at - Appendix 9.2.7

Arboriculturalist Jonathan Epps has recommended the removal of five (5) trees in Monger Street Nos. 1,5,6,8 & 25 and one (1) tree in Money Street No, 4A. (See attached plan Appendix 9.2.7

Monger Street

Tree No 1 is dead. The remaining three (3) trees Nos. 5,6,8 & 25 located under powerlines on the northern side of the road have been assessed as structurally unsound. In addition tree No 25 on the southern side of the street has an upper stem large cavity, is in decline and is assessed as not suitable for repollarding.

In John Bank's arboricultural report he also recommended the removal of the same trees as Jonathan Epps in addition to several others that Jonathan Epps now maintains can be saved.

Money Street

Following a further inspection by Jonathan Epps, Tree No 4A outside Money Street has been recommended for removal, as it has severe decay and "it is likely to become a public liability at some point in the (near) future". It should be noted that removal was also recommended by Arboriculturalist John Banks.

At the community forum held on 14 February 2013 a vote was called for the removal and replacement (with London Planes) of the remaining four (4) Stout Paperbarks located in Money Street. The majority of attendees were in agreeance with this proposal.

Officers concur that the trees located in Monger Street are in decline and being located under powerlines have very poor form or aesthetic value. New specimens can be planted and nurtured/pruned correctly from day one to ensure they add to the future value of the streetscape. In view of the advice by Jonathan Epps it is recommended that trees Nos. 1,5,6,8 & 25 be listed for removal.

In view of the poll undertaken by the Mayor at the community forum it is also recommended that, subject to community consultation, the four (4) remaining Stout Paperbarks be listed for removal and replaced with London Plane trees during the winter 2013 season.

Consultant Arboriculturalist Recommendation No. 2

"2. Implement repollard/selective repollard program." – refer to attachment 017

Officer Comments:

This recommendation is supported.

Re-pollarding program

Arboriculturalist Jonathan Epps has recommended a staged repollarding program be implemented in both Monger and Money Streets commencing in the winter of 2013 and progressing over the next 10 years. The program has been prioritised so that the trees most susceptible to branch failure are pollarded initially.

Generally trees that have been pollarded should be repollarded on a regular basis. Whilst pollarding seems drastic to many, London Plane trees can produce new leaders up to 3 metres in length over one year, therefore a pollarded tree can regenerate quite quickly.

Monger Street

Jonathan Epps has recommended that the trees on the northern side of the road be repollarded annually and has provided a program that repollards the all other trees based on priority and where possible a staggered approach implemented so that not any one major part of the streetscape is devoid of foliage.

Money Street

Jonathan Epps has provided a program that repollards the trees based on priority and where possible a staggered approach has been implemented so that not any one major part of the streetscape is devoid of significant foliage.

The repollarding program is a practicable and effective alternative to the implementation of what was previously seen as a drastic measure that would result in large sections of Money Street resembling a 'moonscape,' devoid of foliage until new trees had grown. The repollarding program should reduce the risk, by reducing the ever increasing weight/stresses of branches on trees that have been identified as susceptible to failure due to cavities and decay evident.

As noted above, pollarded London Trees regenerate very quickly, providing a canopy that will provide shade and maintain some aesthetic value within the streetscape, yet reduce the stress on the tree by reducing the existing weight and overall risk of branch failure given the condition as identified by the arboricultural consultant.

Consultant Arboriculturist Recommendation No.3

- “3. Repollard subject trees in Monger Street – Tree Nos 4,7,9,10,11 & 12 annually – trees under power lines - consider removal of these trees within 10-15 years.”**

Officer Comments:

This recommendation is supported.

As stated above, Arboriculturist Jonathan Epps has recommended a staged repollarding program be implemented in Monger Street commencing in the winter of 2013 and has provided a program that repollards trees based on priority and where possible a staggered approach implemented so that not any one major part of the streetscape is devoid of foliage. In addition as also recommended all trees under powerlines should be removed and replaced with new trees over the next 10 years. This recommendation is supported as any new trees can be pruned correctly from day one and hopefully will develop into naturally shaped mature trees when the power lines along the northern side of Monger Street are undergrounded.

Consultant Arboriculturist Recommendation No.4

- “4. Consider replanting empty tree sites and subject trees to be removed with ‘cuttings’ collected and grown on at a growers/nursery to retain provenance.”**

Officer Comments:

This recommendation is supported.

At the Ordinary Meeting of Council held on 12 April 2005 and 18 December 2012 the Council resolved to replace any trees removed from Money and Monger Street with mature London Plane trees (*Platanus acerifolia*)

Officers concur that a planting program should be implemented as soon as practicable in winter 2013, either with new trees sourced in consultation with the arboriculturist or with specimens grown on from cuttings from existing trees.

As noted above it is also recommended that the four (4) remaining Stout Paperbarks be listed for removal and replaced with London Plane trees to provide a consistent planting theme.

Consultant Arboriculturist Recommendation No.5

- “5. Reinspect subject trees in January 2015 – all sites.”**

Officer Comments:

This recommendation is supported.

In view of the cavities and identified and the decay present in some of the subject trees, particularly in Money Street the Officers support this recommendation

Consultant Arboriculturist Recommendation No.6

- “6. Listing of all retained subject trees in Municipal Heritage Inventory of the City of Vincent.”**

Officer comments:

This Recommendation is supported and it should be noted that both Monger and Money Streets are currently included in the City's 'Trees of Significance' Inventory.

City of Vincent – Trees of Significance inventory

TPG Landscape Architecture was engaged by the City (previously the Town) in 1997 to undertake the compilation of a *Trees of Significance Inventory*. The project resulted in the Council adopting the *Trees of Significance Inventory* which included 25 listings (some listings included groups of trees). **Monger Street and Money Street are included on this list.**

In order to protect the trees listed on the '*Trees of Significance*' Inventory an Amendment to the City's Town Planning Scheme (TPS) No. 1 was gazetted, resulting in the following:-

Clause 21:

“The removal, destruction of and/or interference with any tree(s) listed on the Town of Vincent Trees of Significance Inventory contravenes the Scheme unless Planning approval has been obtained from the Council.”

The London Plane Trees located on Money Street and Monger Street are subject to this clause of the City's Town Planning Scheme No.1.

The City's Strategic Planning Services are currently reviewing the City's Significant Tree Policy to provide greater clarity in terms of the management of places on the City's Significant Tree Inventory.

Consultant Arboriculturist Recommendation No.7

“7. Initiate listing of all retained subject trees in State Heritage Register – this report should be forwarded to the Heritage Council of WA for their consideration.”

Officer Comments:

This recommendation is **conditionally supported**, however requires further investigation.

At the Public Forum held on 14 February 2013, the City's Mayor and Chief Executive Officer were provided with a copy of, the application by Glen McLeod submitted to the Heritage Council of Western Australia for consideration of the trees to be entered on the State Register of Heritage Places in the short time available, it is considered that the Application, has addressed the criteria that is prescribed by the State Heritage Office, however opportunity exists for it to be further substantiated. This could be achieved if the trees were listed on the City's Municipal Heritage Inventory (Heritage List), by providing further justification supporting the cultural heritage value of the trees. The City's Town Planning Scheme No. 1 and associated Policy No. 3.6.5 relating to Heritage Management – Amendments to the City's Municipal Heritage Inventory (MHI) outlines the process to enable this.

The actual process for consideration for listing on the State Register of Heritage Places is governed by the Heritage Act of Western Australian 1990 and the final decision rests with the Minister. This Act prescribes that the Local Government must be notified and provided the opportunity to comment during the minimum 6 week advertising period, and are given the opportunity to provide a deputation to the Heritage Council. In addition to this, as the trees are effectively vested in the City, should the registration be supported by the Minister then this information is detailed as a memorial on any land titles. Furthermore for situations where works are proposed to any place on the State Register of Heritage Places, the City as the owner, public authority and decision maker is obliged assist the State Heritage Office in the preservation of the State Register places, and shall not take any action that might affect to a significant extent a registered heritage place.

Community Forum

A Community forum was held on Thursday 14 February 2013 commencing at 6pm at the Vietnamese Buddhist Temple in Money Street Perth. Thirty five (35) persons were in attendance.

An outline of the site history and background pertaining to previous Council resolutions was provided and the arboricultural consultant then outlined his assessment process and recommendations.

Questions were then invited from the attendees. Issues raised or matters noted were as follows:-

- Some residents have engaged Dr Paul Barber (ArborCarbon) to review the former streetscape report. A copy is attached as Appendix 9.2.9 to this report.
- “This is not just about tree health, risk assessment & safety it's about heritage, amenity, town planning and good governance.
- An application has been made to the State Heritage register.
- Trees are listed on the City's 'Trees of Significance' register.
- “Evidence that the risk of getting killed by a tree is 1 in 10,000,000”.
- Jonathan Epps advised that risk assessments are generally undertaken on 'maiden' trees not previously pollarded trees.

- “Trees make a mess, clog gutters cause flooding of roads, these trees used to be pruned on both sides of the road every year.”
- “In going forward let’s look at underground power.”
- Mayor and CEO advised that we are looking at an underground submission to State Government.
- Congratulations to Jonathan on differences on initial arboricultural report recommendations and to the community.
- “Main issues are risk and amenity value going forward.”
- Trees cannot support the weight and decay, will ultimately get worse.
- “Think of alternative treatments; increase the vitality of the tree.”
- “Diagnose problems of the tree(s) and then do something about that.”
- Poll in regards to replacing the existing Paperbarks was undertaken. – General support.
- Source of stock for replacement trees is critical.
- Discussion ensued in regard to tree planting and the most suitable size for trees to be planted.
- “London Plane trees will live in excess of 300 years, however the urban environment is harsh and their longevity shortened to a degree.”
- CEO advised on process from here on. Reports available on website as of next Wednesday 20 February 2013.
- Officers report to OMC 26 February 2013.
- Recommendation will include that we go out to consultation.
- Mayor indicated that this meeting has clarified and provided direction on many issues.
- Dr Paul Barber was invited to address the attendees.
- It was suggested that the Council should investigate the planting of mature London Plane trees in selected locations, particularly in close proximity to those trees recommended for removal in Money and Monger Streets, prior to the trees being actually removed. This would allow the new trees to grow and removal of the decayed trees could be deferred for up to five (5) years.

Planting of Additional Trees – New Locations – Identified by City’s Officer

Following the Public Forum held on 14 February 2013, the City’s Officers, in consultation with the arboriculturist, have identified locations where an additional sixteen (16) London Plane trees can be planted. These are shown below:

	STREET
2.3.1.	Adjacent 402,406 William Street
2.3.2	Adjacent 46 Monger Street
2.3.3	Adjacent 44 Monger Street
2.3.4	Adjacent 32 Monger Street
2.3.5	Adjacent 28 Monger Street
2.3.6	Adjacent 24 Monger Street
2.3.7	Adjacent 12 Monger Street
2.3.8	Corner Lindsay and Monger Street
2.3.9	Corner Money Street and Washing Lane
2.3.10	Corner Money and Newcastle Street
2.3.11	Adjacent No. 1 Money Street
2.3.12	Adjacent No. 4 Money Street
2.3.13	Adjacent Unit 7 No. 14 Money Street
2.3.14	Adjacent Unit 36, 14 Money Street
2.3.15	Adjacent No. 17 Money Street
2.3.16	Adjacent No. 23 Money Street

Tree Report provided by Glen McLeod and Daniel Colgan - Residents of Money Street

Information was received at the above community forum from resident Glen McLeod by way of a report compiled by Dr Paul Barber (ArborCarbon) which provided a review of the former arboricultural report provided to the City by arboriculturalist John Banks. Refer to Appendix 9.2.7 (attachment 016).

Dr Barber has concluded that the Banks report lacked sufficient detail to evaluate the Risk of Harm (RoH) for the London Plane trees in Monger and Money Street. It was advised that numerous proven strategies were available to retain trees. It was outlined that the primary

reason for tree removal is often the RoH and in the case of Monger and Money Street this risk has not been correctly evaluated. It was recommended that a Tree Health Management Strategy would result in the retention of most trees over the next twenty years.

Officer's comments:

Officers are satisfied that the assessment process by Jonathan Epps has been undertaken stringently and carefully in weighing up 'risk' versus 'retention'. The alternative recommendations in regard to the repollarding program are practicable, will reduce risk and allow the existing mature trees to be retained within the streetscape for a longer period of time. In addition the replanting program will allow new trees to mature, before further tree removals are required.

Undergrounding of Power – Monger Street – Northside

The City has in the past applied for State Underground Power Program (SUPP) funding as a Localised Enhancement Project (LEP). The submission was based upon a streetscape enhancement project by reducing the severe pruning required for those trees under the power-lines (in addition to improving the street lighting and power supply reliability). However the City's most recent submission in Round Five (5) was unsuccessful (as reported to Council at its Ordinary Meeting of 18 December 2012).

If the City were to consider either fully or pre-funding the works the general rule of thumb to underground Low Voltage (LV) power-lines, such as those in Monger Street, is \$1,000 per linear meter. Therefore a preliminary estimate for Monger Street, William Street to Beaufort Street, and including a portion of Lindsay Street north, is in the order of \$300,000.

There are no funds available for this project and further investigations would be required if the Council wishes to pursue this matter.

CONSULTATION/ADVERTISING:

Local residents/businesses in Money and Monger Streets will be advised of the Council resolution and consulted in accordance with the Council's Consultation Policy.

LEGAL/POLICY:

Delegated Authority 9.2 "Street Trees – Management, Planting, Pruning & Removal".

Council Policy No. 2.1.2 "Street Trees":

Clause 6 (ii) (b): *Street Tree Removal*

The tree(s) has been assessed by the City as structurally weak and/or dangerous, placing the public at risk or jeopardising safety".

RISK MANAGEMENT IMPLICATIONS:

High: In their current condition some of the trees could have serious public liability implications for the City, should they collapse and/or cause injury and/or property damage. In addition, the tree roots are damaging the footpath/road surfacing. Failure to act and provide a "duty of care" to the public will also potentially jeopardise the City's Insurance Policy. Failure to take appropriate action will result in the trees continuing to decline in health and vigour in the future.

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:

The existing tree species located in Monger and Money Street Perth Street is the London Plane Tree (*Platanus acerifolia*) and whilst the City is promoting the use of native trees it is recommended that the London Plan tree species be replanted if/when due to the strong views of residents/business owners whom wish to retain the existing aesthetic values of the streetscape.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the arborculturalist report is estimated at \$12,500.

Should the removal and replanting of any London Plane trees in Monger and Money Street be undertaken at some future point, all costs associated with this work can be (approximately \$3,500 per tree for removal and up to \$500 per tree for replanting) can be sourced from the Street Tree maintenance budget.

However, if the re-pollarding program is implemented it would be prudent to engage the services of a qualified tree surgeon who has had extensive experience with this type of work. This is likely to be expensive and not an activity that has been allowed in the current budget, however given the significance and value of retaining the trees in Monger and Money Street, a cost that is particularly worthwhile.

In view of the above, staff are currently obtaining a cost of implementing the re-pollarding program so this can be included in future budgets if approved by Council following the consultation period.

COMMENTS:

The Council has adopted a philosophy for the "Greening of the City". The City's administration have almost finalised a Greening Plan and this will include StreetScapes and Street Trees. This matter is proposed to be reported to the Council in the next few months.

The City's administration recognises that removal of any street trees should be avoided wherever possible, however the City has a "duty of care" to ensure that the Council is made aware of the potential risks and liability, which may occur with street trees. For information the City receives a number of claims each year concerning claims from falling branches/street trees and the City's process and inspection procedures are well documented.

Whilst it has been noted that the risk of injury from a tree falling/collapsing is relatively small, nevertheless this can occur. The City has engaged two (2) independent arborculturalist and both have recommended removal of trees and remedial action to be taken. It is therefore important that the Council consider the recommendations and act appropriately. Failure to do so will expose the City to unnecessary potential liability and risks.

It has been noted in a previous report that there is "no right or wrong approach" in terms of timing when it comes to the removal/replacement of these trees, however in view of the second arborculturalist report and recommendations, it is strongly recommended that the Council approve of the Officer Recommendation.

9.1.2 No. 119 (Lot 500; D/P 66716) Claisebrook Road, corner of Chelsea, Edward and Somerville Streets, Perth – Proposed Demolition of Existing Building and Construction of Three-Storey Mixed Use Development Comprising Three (3) Commercial Tenancies, Five (5) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	15 February 2013
Precinct:	East Perth Redevelopment Authority – Claisebrook Road North; P15	File Ref:	PRO5890; 5.2012.481.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 1 November 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, **APPROVES** the application submitted by B Spaseski on behalf of the owners B & Z Spaseski for Proposed Demolition of Existing Building and Construction of Three-Storey Mixed Use Development Comprising One (1) Commercial Tenancy, Four (4) Offices, Five (5) Multiple Dwellings and Associated Car Parking at No. 119 (Lot 500; D/P 66716) Claisebrook Road, corner of Chelsea, Edward and Somerville Streets, Perth, and as shown on plans stamp-dated 1 November 2012, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 4 Chelsea Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. The doors, windows and adjacent floor areas on the ground floor fronting Edward Street, Claisebrook Road and Somerville Street shall maintain an active and interactive relationship with these streets;
3. The maximum gross floor area of commercial tenancy A shall be limited to 164 square metres;
4. The maximum gross floor area of commercial tenancy B shall be limited to 684.2 square metres;
5. The maximum gross floor area of commercial tenancy C shall be limited to 123.7 square metres;
6. Continuous and complementary awnings being provided over the Edward Street, Claisebrook Road and Somerville Street footpaths in accordance with the City’s Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Edward Street, Claisebrook Road and Somerville Street;

7. The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;
8. The owner(s), or the applicant on behalf of the owner(s), shall comply with the East Perth Redevelopment Scheme Planning Policy No. 1.9 relating to Public Art, including:
 - 8.1 Within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$20,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,000,000); and
 - 8.2 In conjunction with the above chosen option;
 - 8.2.1 Option 1 –

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

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

OR
 - 8.2.2 Option 2 –

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

“8.3 The art contribution is to be utilised to achieve further articulation and design treatment of the external facades of the building on both Edwards and Sommerville Streets.”
9. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:
 - 9.1 Amended Plans

Amended plans are required demonstrating the following:

 - “9.1.1 The commercial tenancy on the ground floor shall provide visually permeable, openable bi-fold doors or equivalent for the entire length of the windows fronting to Somerville Street and the remaining windows to Edward Street are to be openable (within the lot boundary); and”
 - 9.1.2 All external windows to the multiple dwellings are to be openable;

9.2 Construction Management Plan

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

9.3 Acoustic Report

Prepare and submit an Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation. 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;

9.4 Transport Noise Assessment

Due to the developments close proximity to Graham Farmer Freeway the applicant is required to undertake a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning".

The applicant shall be responsible for all costs in implementing all the recommendations in the report;

9.5 Refuse Management

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

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

Commercial:

1 x mobile garbage bin per unit; and

1 x paper recycle bin per unit, or per 200 square metres of floor space;

9.6 Schedule of External Finishes

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

9.7 Section 70 A Notification under the Transfer of Land Act

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

The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

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

10.1 Car Parking

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

10.2 Residential Car Bays

A minimum of four (4) and two (2) car bays shall be provided for the residents and visitors respectively. The six (6) car parking spaces shall be clearly marked and signposted accordingly;

10.3 Visitor Bays

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

10.4 Commercial Car Parking

10.4.1 Fourteen (14) car parking spaces for the commercial component shall be clearly marked and signposted;

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

10.5 Bicycle Parking Facilities

Two (2) bicycle bays for the residents of the development shall be provided;

10.6 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted; and

10.7 Clothes Dryer

Each multiple dwelling shall be provided with screened outdoor area for clothes drying; and

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

ADVICE NOTES:

1. No stormwater is to be discharged onto the Graham Farmer Freeway Reserve;
2. With regards to condition 1, the owners of the subject land should obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;
3. With regards to conditions 3 and 4, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
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 Chelsea Street, Edward Street, Claisebrook Road and Somerville Street;
5. All signage that does not comply with the East Perth Redevelopment Authority Scheme No. 1 requirements relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

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

Moved Cr Maier, Seconded Cr Buckels

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

“That Clause 9.7 be amended to read as follows:

9.7 Section 70 A Notification under the Transfer of Land Act

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

- (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby state roads and or highways, commercial and non-residential activities; and

- (b)** The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.2

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, APPROVES the application submitted by B Spaseski on behalf of the owners B & Z Spaseski for Proposed Demolition of Existing Building and Construction of Three-Storey Mixed Use Development Comprising One (1) Commercial Tenancy, Four (4) Offices, Five (5) Multiple Dwellings and Associated Car Parking at No. 119 (Lot 500; D/P 66716) Claisebrook Road, corner of Chelsea, Edward and Somerville Streets, Perth, and as shown on plans stamp-dated 1 November 2012, subject to the following conditions:

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- (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby state roads and or highways, commercial and non-residential activities; and
- (b) The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

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

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10.7 Clothes Dryer

Each multiple dwelling shall be provided with screened outdoor area for clothes drying; and

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

ADVICE NOTES:

1. No stormwater is to be discharged onto the Graham Farmer Freeway Reserve;
2. With regards to condition 1, the owners of the subject land should obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;
3. With regards to conditions 3 and 4, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
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 Chelsea Street, Edward Street, Claisebrook Road and Somerville Street;
5. All signage that does not comply with the East Perth Redevelopment Authority Scheme No. 1 requirements relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises five (5) dwellings and it is a three-storey development.

BACKGROUND:

History:

Date	Comment
25 August 2009	The Western Australian Planning Commission conditionally approved a subdivision application to amalgamate Lot 1 Chelsea Street, Perth and Lots 200, 201, 202 & 203 Claisebrook Road, Perth, into one (1) freehold lot; which was endorsed by the Western Australian Planning Commission on 6 April 2011.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the demolition of the existing buildings and construction of a three-storey mixed use development comprising three (3) commercial tenancies over three levels, five (5) multiple dwellings and associated car parking at No. 119 Claisebrook Road, corner of Chelsea, Edward and Somerville Streets, Perth.

The existing building is currently approved as light industry, which is proposed to be demolished. The proposed building is a three-storey mixed use building. The ground floor consists of a commercial tenancy which provides interaction with Edward Street, Claisebrook Road and Somerville Street. The first floor comprises one (1) commercial tenancy, with the second floor comprising one (1) commercial tenancy and five (5) multiple dwellings. The proposed multiple dwellings consist of one (1) two bedroom multiple dwelling and four (4) single bedroom multiple dwellings.

Landowner:	B & Z Spaseski
Applicant:	B Spaseski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Light Industry
Use Class:	Commercial, Office and Multiple Dwellings
Use Classification:	"Preferred Uses"
Lot Area:	774 square metres
Right of Way:	Not Applicable

ASSESSMENT:

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

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

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

Issue/Design Element:	Density/Plot Ratio
Requirement:	<p>Residential Design Codes Clause 7.1.1 A1 Plot Ratio: 1.0 (774 square metres)</p> <p>East Perth Redevelopment Authority Scheme No. 1 Clause 5.18.3 The plot ratio may be increased to a maximum of 1.5, provided that in any development having a plot ratio in excess of 1.0, not less than 50 per cent of the excess relevant floor area shall be dedicated to residential use.</p> <p>Plot Ratio: 1.5 (1,161 square metres) Minimum Residential Component: 193.5 square metres</p>
Applicants Proposal:	<p>Plot Ratio: 1.531 (1,184.61 square metres) Residential Component: 376.82 square metres</p>
Performance Criteria:	<p>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.</p>
Applicant justification summary:	<p><i>"It should be noted that the East Perth Redevelopment Authority Scheme No. 1 allows the plot ratio to be increased to 1.5, where "not less than 50 per cent of the excess relevant floor area shall be dedicated to residential use". From this interpretation, as the residential component comprises 228 square metres in area, which is greater than 50 per cent of the additional plot ratio (0.5 = 387 square metres), the plot ratio can be increased to 1.5, which further reduces the proposed variation.</i></p>
	<p><i>The proposal complies with the height and commercial setback requirements and therefore a minor increase in plot ratio of 0.05 in not considered to adversely impact the streetscape or the locality and it is still considered to be consistent with the objectives for the Precinct.</i></p> <p><i>Furthermore, the design offers articulate facades through varying facade treatments and features that minimise the bulk of the building onto the streetscape and onto the adjoining properties."</i></p>
Officer technical comment:	<p>The proposal three-storey mixed use development complies with the Performance Criteria in this instance as the proposed building is at a bulk and scale which is in keeping with the East Perth Redevelopment Authority Scheme No. 1. Further to this, it is considered that the proposed building is consistent with both the existing and desired future built form of the locality.</p> <p>The proposal comprises a plot ratio which is 0.031 (23.61 square metres) greater than permitted under Clause 5.18.3 "Maximum Plot Ratio – 1.0" of the East Perth Redevelopment Authority Scheme No. 1; where the design has taken into consideration the spatial setting and existing character of the locality.</p>

Issue/Design Element:	Density/Plot Ratio
	<p>When taking the height, setbacks and open space into consideration, it is evident that the built form is consistent with the desired outcome for the locality. The East Perth Redevelopment Authority Scheme No. 1 provides for a maximum built form which could comprise a four-storey building height, a non-residential use and have nil setbacks to all boundaries. In light of this, the proposed three-storey mixed use development comprising nil setbacks to all boundaries; it consistent with the bulk and scale permitted under the East Perth Redevelopment Authority Scheme No. 1 and is consistent with the future desired built form of the locality.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum Height: 7 metres Average Height: 6 metres Length: 20.13 metres</p>
Applicants Proposal:	<p><u>North-western boundary</u> Maximum Height: 11.4 metres Average Height: 11.3 metres Length: 33.2 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. <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 is 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.
Applicant justification summary:	<p><i>“The proposal involves a variation to the western side setback as it is not strictly in accordance with the Acceptable Development criteria of the R-Codes, relating to the length of the boundary wall. The performance criteria applicable to side and rear boundary setbacks states:</i></p> <p><i>“Buildings set back from boundaries or adjacent buildings so as to:</i></p> <ul style="list-style-type: none"> • <i>ensure adequate daylight, direct sun and ventilation</i>

Issue/Design Element:	Building Setbacks
	<p><i>for buildings and the open space associated with them;</i></p> <ul style="list-style-type: none"> • <i>moderate the visual impact of building bulk on a neighbouring property;</i> • <i>ensure access to daylight and direct sun for adjoining properties; and</i> • <i>assist with the protection of privacy between adjoining properties.</i> • <i>side boundary setbacks to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions.”</i>
	<p><i>The proposed development is adjacent to an existing commercial building on the western boundary, with the development not impeding on any natural light or ventilation for any adjoining property as the orientation of the site will result in any shadow cast falling over the street. Given the ability to build up to and above three storeys in the immediate area, and the largely commercial/industrial nature of the area at present that promotes buildings up to the boundary, the proposal is not considered to have an adverse impact in terms of building bulk.</i></p>
	<p><i>Furthermore, a recent development at No. 32 Edward Street involves a parapet wall in excess of 7 metres to the side boundary, similar to what is being proposed. It should also be noted that in the majority of areas throughout the City, where a commercial development is proposed, it is not required to have any side or rear setbacks, except where it adjoins a residential area, and therefore if the same development were proposed in a different area, the subject variation would not exist.”</i></p>
Officer technical comment:	<p>The proposed boundary wall complies with the Performance Criteria in this instance as it provides for adequate daylight, direct sun and ventilation to the adjoining property, with it also moderating the impact of building bulk on the adjoining property.</p> <p>The proposed boundary wall is located along the north-western boundary, which provides for adequate direct sun to both the subject site and adjoining property. The proposed building is clear of the northern aspect of the adjoining property (being No. 4 Chelsea Street); therefore access to winter sun is not compromised. As the subject site is located to the south-eastern side of No. 4 Chelsea Street, it does not compromise the south-westerly breeze for the adjoining property.</p> <p>The proposed building comprises large openings to both the commercial use on the ground floor and offices on the first floor, as well as balconies and major openings to the apartments on the second floor; which take advantage of the northern sun. The proposed boundary wall aids in protecting the building from the afternoon summer sun, as there is no glass facing west. The proposal comprises large areas of glass to the southern facade, which allows heat to escape.</p>

Issue/Design Element:	Building Setbacks
	<p>It is considered that the proposed boundary wall does not result in an undue visual impact on building bulk on the adjoining property in this instance as the existing building at No. 4 Chelsea Street, is currently built to south-eastern, south-western and north-western boundaries. As there are no major openings or courtyards on the adjoining property which face the proposed building, it does not result in any undue visual impact with regard to building bulk. Further to this, in the instance that the adjoining property at No. 4 Chelsea Street is redeveloped, it provides the potential for this site to have a boundary wall which would adjoin the proposed building. This provides the potential for a building to incorporate a number of the design for climate aspects which are outlined within the Explanatory Guidelines of the R-Codes.</p> <p>As the proposed boundary wall does not incorporate any major openings, with the major openings of the development facing Chelsea Street, Edward Street, Claisebrook Road and Somerville Street, it does not result in any detrimental impact with regards to visual privacy. It is also noted that the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>
	<p>As the proposal comprises commercial on the ground floor and office on the first floor, these setbacks are to be in accordance with the East Perth Redevelopment Scheme No. 1. The proposed boundary wall for the non-residential component complies with Clause 2.2.4 "Setback" of the East Perth Redevelopment Scheme No. 1, as it stipulates that <i>a zero setback for development (other than residential) is applicable.</i></p> <p>In light of this, it is considered that the proposed building does not result in an adverse impact between the subject site and adjoining property.</p>

Issue/Design Element:	Solar Access
Requirement:	<p>Residential Design Codes Clause 7.4.2 A2 Does not overshadow more than 50 per cent of the outdoor living area on the adjoining properties.</p>
Applicants Proposal:	Shadow falls over the Chelsea Street, Edward Street and Graham Farmer Freeway road reserves.
Performance Criteria:	<p>Residential Design Codes Clause 7.4.2 P2 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:</p> <ul style="list-style-type: none"> • outdoor living areas; • major openings to habitable rooms; • solar collectors; or • balconies or verandahs.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as it does not result in the overshadowing of an adjoining residential property.</p> <p>The subject site adjoins one property along the north-</p>

Issue/Design Element:	Solar Access
	<p>western boundary, which will not be overshadowed by the proposed development.</p> <p>As the shadow cast by a building is calculated from the shadow cast at midday on 21 June, it will fall to the south of the building. As the shadow cast by the proposal falls over the Chelsea Street, Edward Street and Graham Farmer Freeway, it is compliant with the Performance Criteria.</p>

Issue/Design Element:	Essential Facilities
Requirement:	<p>Residential Design Codes Clause 7.4.7 A7.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres, for each multiple dwelling.</p>
Applicants Proposal:	Stores have a minimum dimension of 1.43 metres
Performance Criteria:	<p>Residential Design Codes Clause 7.4.7 P7 Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are:</p> <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of the locality.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as it is adequate for the needs of residents, without being detrimental to the amenity of the locality.</p> <p>As outlined in the Explanatory Guidelines of the R-Codes, when determining compliance with the Performance Criteria there are a number of aspects to take into consideration, including their location, the scale of the development and screening the stores from the street and adjoining properties.</p> <p>The proposed stores are adequate for the needs of the residents as they are located on the second floor, with four (4) accessed via the lobby and one (1) via the balcony of the dwelling it is provided for; therefore the stores are easily accessible for each of their respective multiple dwellings.</p> <p>The location of the stores has been integrated into the layout of the proposed development as they are located away from the main activity areas of the development. Whilst the stores are located away from the main activity areas, the location is safe as the area will be provided with lighting and they are within the lobby area for the multiple dwellings. Further to this, it is noted that as the residential stores are located away from the non-residential uses it ensures that they are unable to be utilised by non-residents.</p> <p>As the stores are located within the centre of the building, they are not visible from the surrounding streets or the adjoining property, therefore having no impact on the amenity of the locality.</p>

Commercial Car Parking	
Requirement:	<p>Perth Parking Policy <u>Maximum number of car parking bays</u> 200 car bays per hectare</p> <p>Lot size: 774 square metres $774/10,000 = 0.0774$ $200 \times 0.0774 = 15.48$</p> <p>Maximum: 15 car bays</p>
Applicants Proposal:	14 car bays proposed

Residential Car Parking	
Requirement:	<p>Residential Design Codes Clause 7.3.3 A3.1 As a minimum requirement on-site parking spaces are to be provided in accordance with the following, rounded up to the nearest whole number.</p> <p><u>Small Multiple Dwellings</u> (>75 square metres or 1 bedroom) 0.75 spaces per dwelling Four (4) single bedroom dwellings proposed $4 \times 0.75 = 3$ spaces</p>
	<p><u>Medium Multiple Dwellings</u> (75-110 square metres) 1 space per dwelling One (1) medium dwelling proposed $1 \times 1 = 1$ space</p> <p><u>Large Multiple Dwellings</u> (>110 square metres) 1.25 spaces per dwelling Nil</p> <p><u>Visitors</u> 0.25 spaces per dwelling Five (5) multiple dwellings proposed $5 \times 0.25 = 1.25$ spaces</p>
Applicants Proposal:	<p>Five (5) multiple dwellings proposed comprising four (4) small multiple dwellings and one (1) medium multiple dwelling.</p> <p><u>Residents Parking</u> 4 car spaces proposed</p> <p><u>Visitor Parking</u> 2 car spaces proposed</p>

Bicycle Parking	
<p>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.</p> <p><u>Required</u> 5 dwellings proposed Residents: 1.67 spaces Visitors: 0.5 spaces Total: 2.17 spaces = 2 spaces</p> <p><u>Provided</u> There are two locations on the ground floor plan noted as containing bike racks, at the end of</p>	

Bicycle Parking

the car park along the Somerville Street boundary. These areas comply with AS2890.3 and will accommodate greater than 2 bicycle parking spaces.

It is noted that the number of required bicycle parking spaces is recommended as a condition of approval.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	16 November 2012 to 7 December 2012
Comments Received:	One (1) support

During the community consultation period the City received one response in relation to the proposed three-storey mixed use development. It is noted that the letter of support was from Main Roads, where they provided the following comments:

"Main Roads has no objections to the proposed development subject to the following conditions being imposed:

- 1. No stormwater is to be discharged onto the Graham Farmer Freeway reserve.*
- 2. Due to the developments close proximity to Graham Farmer Freeway the applicant is required to undertake a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning".*

The noise report shall special consideration in addressing noise amelioration measures for two-storey dwellings.

The applicant shall be responsible for all costs in implementing all the recommendations in the report."

The abovementioned conditions are recommended conditions of approval, in accordance with the comments received by Main Roads Western Australia.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

- 1. Improve the activation of the street by increasing the commercial tenancy along Somerville Street. This may be achieved by decreasing the number of car bays to the maximum permitted by the City of Vincent.*
- 2. The proposal does not meet the design criteria requirements to enable the Design Advisory Committee to support a density bonus.*
- 3. Improve the relationship of tenancy space at ground level with the introduction of external covered space. Build back from the boundary at ground level; increase the height of the building to increase office or residential space to balance the reduced footprint and loss of ground level area.*
- 4. Increase natural light and ventilation to the apartment bathrooms and kitchens with the introduction of openable windows.*
- 5. Improve cross ventilation to both apartments.*

6. Provide details of the proposed landscaping as noted in the Design Report.
7. Review the design of the proposed concrete sun-shading to eliminate thermal bridging.

Applicant's Response to Design Advisory Committee Comments:

1. The commercial tenancy along Claisebrook Road has been increased by an additional 10 square metres with the lobby built on the boundary to incorporate an extension to the commercial tenancy facade that effectively reflects a lengthening to the glazed facade and its overall interaction with the street.

Additionally, the facade to Chelsea Street was amended to enhance its interaction to the street. The openings to Chelsea Street provide design treatments that assimilate openings provided in the balance of the building, however ventilation grills are to be fitted that incorporate perforated artwork, in accordance with the public art provisions of the East Perth Redevelopment Scheme, to enhance the interaction between the car parking area and Chelsea Street.

It must also be mindful that the adjoining property at Lot 501 Chelsea Street is designed with their vehicle access driveway to the development from Chelsea Street and therefore the subject property does not warrant the provision of additional commercial space along this street, but rather the above-mentioned design treatments enhance the overall interaction between buildings and Chelsea Street.

With regards to the suggestion that the number of car parking bays should be reduced, it should be noted that the proposed development provides a maximum number of car parking in accordance with the City of Perth Parking Policy, where no minimum numbers are stipulated.

Planning Requirement	Proposed
Car Parking (Perth Parking Policy) <u>Commercial requirement:</u> Category 4 – maximum 200 bays per hectare Lot area 774 square metres $774/10,000 \times 200 = 15$ bays	Commercial requirement – 15 bays
Car Parking (Residential Design Codes) <u>Multiple Dwellings</u> <75 square metres – 0.75 per dwelling x 5 dwellings = 3.75 bays or 4 bays <u>Visitor Bays</u> 0.25 x 5 dwellings = 1.25 bays or 1 bay	5 bays
Total required = 20 car bays	Total proposed = 20 car bays

In light of the above, the proposed development does not exceed the maximum number of required car parking bays and therefore is in compliance with the provisions of the Perth Parking Policy.

2. As addressed on page 4 of this report, the application of a density bonus in development within the Claisebrook Road North Design Guidelines, relates solely on the provision of a minimum 50 per cent of the additional plot ratio area above 1.0 as residential, of which is clearly presented as compliant.

No provisions within the Guidelines necessitate the density bonus to be founded on design merit, notwithstanding that the development is designed in keeping with the general and specific design elements within the Guidelines.

Therefore, the Design Advisory Committee have no strategic framework in place in which would affect the application of the density bonus in this case.

Notwithstanding this, given its strategic location within the Precinct area and its visual presence from the Graham Farmer Freeway, delivering a superior design to ensure a high quality development is achieved is a priority for my client, and something that is achieved.

Orientation towards 3 streets has provided the opportunity to include extensive glazing to all floors to the 3 elevations with recessed panels to the Chelsea Street elevation significantly articulating the facade and enhancing its overall appearance and interaction with the street. The use of varying materials and additional depth created by the top floor balconies delivers a superior design that reflects the intent of the Guidelines.

No back-end facades are proposed, with all elevations designed with significant glazing delivering interactive facades to all streets. The incorporation of feature artwork panels as previously addressed will assist in delivering a high quality design that will effectively contribute towards the altering streetscape through redevelopment of the area.

3. *The Guidelines stipulate a zero front setback to all streets for non-residential uses.*

The Guidelines stipulate a zero front setback to all streets for non-residential uses and aims to achieve a consistent built form with the surrounding streetscapes. The desired setbacks aim to maintain the prevailing nil setbacks provided by the warehouse style buildings with a solid and tight built form, accommodating retail, commercial and light industrial uses.

The recommendations of the Design Advisory Committee are not believed to be in keeping with the provisions of the Guidelines, excluding the unnecessary and unsubstantiated financial burden a reduced footprint and increased building height would impose on the landowner.

Considerable effort has been placed on achieving a design that is in keeping with the provisions of the Guidelines, City of Perth provisions and the Residential Design Codes to ensure that the development is consistent with the prevailing streetscape.

4. & 5. *The attached amended plans provide for 5 x 1 and 2 bedroom multiple dwellings in lieu of the larger 2 dwellings originally proposed. 3 of the 5 dwellings have provision for extensive cross ventilation within the units, with all dwellings installed with additional skylights to bathrooms where natural light is not available.*
6. *The provision of landscaping is not a requirement of the Guidelines, particular with the provision for nil setbacks to all street and boundaries.*
7. *The proposed concrete awnings have been removed from the design as indicated in the attached amended plans.*

The Design Advisory Committee has reviewed the amended plans and notes the following:

The Design Advisory Committee does not support the revised design and has the following comments:

1. *The revised design does not meet the standard required for the Design Advisory Committee to support a density bonus.*
2. *The original 7 Design Advisory Committee recommendations need to be addressed.*
3. *Car parking should be accessed from Chelsea Street to enable future extension of active uses along Somerville Street.*

4. *Access to light, ventilation and views to Apartment E is below acceptable and must be improved.*
5. *Elevational treatment and articulation should be improved.*
6. *Check compliance of emergency access for residential units.*
7. *Openable windows should be introduced to allow cross ventilation and climate control.*
8. *Check compliance with Section J for sun shading on the north and east elevations.*
9. *Check the operation of the lift in relation to front and side access at counter heights.*
10. *Check the stair as above.*

The City's Officers met with the applicant on Thursday, 31 January 2013, to discuss the comments received from the City's Design Advisory Committee. The applicant agreed to aspects of the Design Advisory Committees comments being conditions of approval, where they are governed by planning legislation.

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

1. The 0.5 density bonus to the plot ratio is permitted as of right under Clause 5.18.3 "Maximum Plot Ratio – 1.0" of the East Perth Redevelopment Authority Scheme No. 1, provided that not less than 50 per cent of the excess relevant floor area is dedicated to residential use.

As the proposal comprises 376.82 square metres of residential, where a minimum of 193.5 square metres is required, the permitted plot ratio is automatically increased to 1.5. The proposed variation to the plot ratio comprises 23.61 square metres, which is outlined in the tables above.

2. The commercial tenancy on the ground floor will provide visually permeable, openable doors to Somerville Street to aid in activating the street, which is recommended as a condition of approval.

It is noted that the East Perth Redevelopment Authority Scheme No. 1 provides for a nil setback to the street frontages.

It is recommended that a condition of approval be applied which requires all external residential windows to be openable which will aid in improving ventilation to each of the multiple dwellings.

Landscaping is not required to be provided for the development under the East Perth Redevelopment Authority Scheme No. 1 or the Residential Design Codes.

3. Access via Chelsea Street is not preferred by the applicant.

The subject site has a lot frontage of 10.4 metres to Chelsea Street, in the instance vehicle access was required via Chelsea Street it would be on the intersection of Chelsea Street and Edward Street, which is not considered to be safe in use.

4. As outlined in above, it is recommended that a condition of approval be applied which requires all external residential windows to be openable which will aid in improving ventilation to the multiple dwellings.

It is noted that as the kitchen cannot achieve direct light, the dwellings comprise an open plan to allow the maximum amount of light to be accessed in each of the multiple dwellings.

5. In accordance with the East Perth Redevelopment Scheme Planning Policy No. 1.9 relating to Public Art, it is a condition of approval that public art is to be provided to the value of one per cent of the estimated total cost of the development. The facade treatment is able to be incorporated in the art contribution, provided it meets with the relevant requirements of the East Perth Redevelopment Scheme Planning Policy No. 1.9, which will aid in providing further articulation to the building.
6. Emergency access relates to requirements under the Building Code of Australia which is not a matter considered under planning law. When a Building Permit application is lodged, the City or the certifier will be required to ensure compliance with the relevant requirements.
7. As outlined in above, it is recommended that a condition of approval be applied which requires all external residential windows to be openable which will aid in improving ventilation to the multiple dwellings.
8. Compliance with Section J for sun shading on the northern and eastern elevations relates to requirements under the Building Code of Australia which is not a matter considered under planning law. When a Building Permit application is lodged, the City or the certifier will be required to ensure compliance with the relevant requirements.
9. The operation of the lift in relation to front and side access at counter heights, relates to requirements under the Building Code of Australia which is not a matter considered under planning law. When a Building Permit application is lodged, the City or the certifier will be required to ensure compliance with the relevant requirements.
10. The specifications of the stairs relate to requirements under the Building Code of Australia which is not a matter considered under planning law. When a Building Permit application is lodged, the City or the certifier will be required to ensure compliance with the relevant requirements.

LEGAL/POLICY:

The following legislation and policies apply to the proposed demolition of existing building and construction of three-storey mixed use development comprising three (3) commercial tenancies, five (5) multiple dwellings and associated car parking at No. 119 Claisebrook Road, Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- East Perth Redevelopment Authority Scheme No. 1; and
- Perth Parking Policy.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

Economic Development

2.1 Progress economic development with adequate financial resources

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The subject site comprises a 100 per cent non-permeable surface. As there is no vegetation proposed, there may be potential issues with regards to retention of storm water on-site, which significantly increases the likelihood of sites to flood.	
	There are conditions of approval recommended to improve the design of the dwellings to provide for adequate light and ventilation to each of the multiple dwellings. It is noted that these conditions of approval have been discussed and agreed upon with the applicant.

SOCIAL	
Issue	Comment
The proposed commercial and office uses provide for access to a wider range of services to the local community; with the proposed multiple dwellings providing for an increase in housing diversity as it provides housing for smaller households within the City, which are anticipated to grow and become a significant proportion of the households.	

ECONOMIC	
Issue	Comment
The construction of the building will assist in creating employment opportunities. In addition, the proposed commercial and office land uses 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

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the proposed three-storey mixed use development is not considered to have an undue impact on the amenity of the locality. This is due to the building being within the permitted building height and the proposed plot ratio being in keeping with the bulk and scale permitted under the East Perth Redevelopment Authority Scheme No. 1; therefore it is consistent with the desired future built form of the locality.

The proposed mixed use development addresses each of the respective street frontages, being Chelsea Street, Edward Street, Claisebrook Road and Somerville Street, which will create urban vitality through the commercial use on the ground floor having an active and interactive relationship with Chelsea Street, Edward Street, Claisebrook Road and Somerville Street. The combination of the commercial use on the ground floor, offices on the first floor and offices and multiple dwellings on second floor, will not only contribute to the pedestrian flow of the locality but also provide natural surveillance to the locality throughout the day and night.

CONCLUSION:

In view of the above, the application is supportable as it complies with the East Perth Redevelopment Authority Scheme No. 1, the Perth Parking Policy and the Performance Criteria of the Residential Design Codes. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.6 Amendment No. 85 to Planning and Building Policy Manual – Rescission of Existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4 and Proposed Draft Policy relating to Parking and Access

Ward:	Both Wards	Date:	15 February 2013
Precinct:	All Precincts	File Ref:	PLA0199
Attachments:	001 – Existing Policy No. 3.7.1 002 – Existing Policy No. 3.7.2 003 – Existing Policy No. 3.7.3 004 – Existing Policy No. 3.4.4 005 – Draft New Policy No. 3.7.1 relating to Parking and Access		
Tabled Items:	Nil		
Reporting Officers:	C Roberts, Senior Strategic Planning Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **INITIATES Amendment No. 85 to the Planning and Building Policy Manual as shown in Appendices 001, 002, 003, 004 and 005, relating to:**
 - 1.1 **Rescission of the following existing Policies:**
 - 1.1.1 **No. 3.7.1 relating to Parking and Access;**
 - 1.1.2 **No. 3.7.2 relating to Loading and Unloading;**
 - 1.1.3 **No. 3.7.3 relating to Car Stacking Systems; and**
 - 1.1.4 **No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way; and**
 - 1.2 **Adoption of a new draft Policy No. 3.7.1 (Attachment 5) relating to Parking and Access;**
2. **AUTHORISES the Chief Executive Officer to advertise the rescission and adoption of the policies outlined in recommendation (1) in accordance with Clause 47 of Town Planning Scheme No. 1; and**
3. **NOTES that the following Notices of Motion have been responded to in this report and addressed in the new policy No. 3.7.1 relating to Parking & Access:**
 - 3.1 **OMC 4 December 2012 – Raised by the Mayor Hon. Alannah MacTiernan in relation to car stackers; and**
 - 3.2 **OMC 18 December 2012 – Raised by Councillor Topelberg in relation to cash-in-lieu of parking.**

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2.2.5 on page 9 in the Parking and Access Policy No: 3.7.1 be deleted as follows:

~~2.2.5 Any car parking shortfalls proposed for new building developments with an estimated value over \$3million, are required to pay double the prescribed fee adopted in the City of Vincent Fees and Charges for Cash-in-lieu; and”~~

Debate ensued.

AMENDMENT 1 PUT AND LOST (4-5)

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

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

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Carey

“That Clause 2.3.4 on page 9 in the Parking and Access Policy No: 3.7.1 be amended to read as follows:

2.3.4 To encourage active ground floor uses (boutique retail cafés, small bars, restaurants) does not include licenced premises in the City’s town centres (refer to Maps 1-5 in Appendix 1 of this policy), the City may consider a further 20% Adjustment Factor reduction in addition to those stated in Clause 1.4 and the Adjustment Factor Table, where it can be clearly demonstrated by the applicant that:”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (8-1)

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

Against: Cr Wilcox

Debate ensued.

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2.2.5 on page 9 in the Parking and Access Policy No: 3.7.1 be amended to read as follows:

2.2.5 Any car parking shortfalls proposed for new building developments with an estimated value over ~~\$3million~~, **\$10million** are required to pay double the prescribed fee adopted in the City of Vincent Fees and Charges for Cash-in-lieu; and”

Debate ensued.

AMENDMENT 3 PUT AND LOST (4-5)

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

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

Debate ensued.

Cr Harley departed the Chamber at 7.17pm.

Debate ensued.

Cr Harley returned to the Chamber at 7.18pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Buckels

That the item be DEFERRED for further consideration and to allow Council Members to submit comments concerning the Draft Policy, prior to reporting back to the Council.

PROCEDURAL MOTION PUT AND CARRIED (5-4)

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

The Presiding Member Mayor Hon. Alannah MacTiernan requested that the amendments carried at this meeting to be incorporated into the Draft Policy to be reported to the Council

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's consent to rescind the City's existing local planning policies relating to parking and access, vehicle loading and unloading, car stackers, and vehicle access to dwellings via a right-of-way, and adopt a consolidated Parking and Access Policy that aligns with the City's Car Parking Strategy for advertising.

The report also provides outcomes of research undertaken to address the Notices of Motion at the Ordinary Meetings of Council on 4 December 2012 and 18 December 2012 relating to car stackers and cash-in-lieu of parking respectively.

BACKGROUND:

The Council at its Ordinary Meeting held on 9 March 2010 adopted the Car Parking Strategy (CPS) and Precinct Parking Management Plans (PPMP). These documents provided a number of recommendations for the City to consider in the implementation of the CPS. A number of these recommendations have resulted in an extensive review of the City's existing policy framework relating to Parking and Access.

History:

Policy No. 3.7.1 relating to Parking and Access

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.1 relating to Parking and Access.
20 November 2001	The Council at its Ordinary Meeting resolved to adopt Amendment No. 1 to the Planning and Building Policy Manual which included a minor amendment to Policy No. 3.7.1 relating to Parking and Access.

Date	Comment
24 September 2002	As a result of the Council adopting the original Car Parking Strategy at its Ordinary Meeting held on 12 February 2002, some amendments to Policy No. 3.7.1 were required. Therefore, the Council at its Ordinary Meeting held on 24 September 2002 resolved to adopt Amendment No. 6 to the Planning and Building Policy Manual.
26 October 2004	The Council at its Ordinary Meeting resolved to adopt Amendment No. 10 to the Planning and Building Policy Manual which included amendments to Policy No. 3.7.1 relating to Parking and Access. These amendments included the amendment of the car parking ratio for Club Premises, Hall, Hotel, Nightclub, Place of Assembly and Tavern and the addition of the definition of 'Public Floor Area'.
23 May 2006	The Council at its Ordinary Meeting resolved to adopt Amendment No. 21 to the Planning and Building Policy Manual which included amendments to Policy No. 3.7.1 relating to Parking and Access. This amendment related to provisions for cash-in-lieu for car parking.
12 August 2008	The Council at its Ordinary Meeting resolved to adopt Amendment No. 52 to the Planning and Building Policy Manual which included minor amendments to Policy No. 3.7.1 relating to Parking and Access. This amendment was for the addition of a Small Bar land use parking ratio.
9 March 2010	The Council at its Ordinary Meeting resolved to adopt an amended Car Parking Strategy and associated Parking Precinct Management Plans.
11 May 2010	The Council at its Ordinary Meeting resolved to adopt a Car Parking Strategy Implementation Plan which included the requirement to amend the City's Parking & Access Policy No. 3.7.1.

Policy No. 3.7.2 relating to Loading and Unloading

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.2 relating to Loading and Unloading.

Policy No. 3.7.3 relating to Car Stacking Systems

Date	Comment
14 April 2009	The Council at its Ordinary Meeting resolved to adopt the Policy No. 3.7.1 relating to Car Stacking Systems.

Policy No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-way

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.2 relating to Vehicle Access to Dwellings via a Right-of-way.

Notice of Motion – OMC 4 December 2012 – Car Stackers

At the Ordinary Meeting of Council held on 4 December 2012, a Notice of Motion was raised by the Mayor, Hon. Alannah MacTiernan as follows:

“That the Council REQUESTS:

1. *A review of the City of Vincent Policy 3.7.3 – “Relating to Car Stacking Systems”;*

2. *The report to include, but not limited to the following information;*
 - 2.1 *A comparison of the City of Vincent's requirements with those of the City's' of Perth, Subiaco and the Town of Victoria Park.*
 - 2.2 *Consider whether the City's policy should reduce focus on the requirements of four wheel drive vehicles, in favour of standard size vehicles;*
 - 2.3 *A review and justification of each of the standard conditions that are imposed on developments using a car stacker;*
 - 2.4 *Any other relevant information; and*
3. *That a report be submitted to Council no later than February 2013."*

A response to this Notice of Motion has been included in the form of new draft Parking & Access policy provisions 3.6, 5.1, 5.2, 5.3 and 5.4. Officer comment has been provided in relation to the Notice of Motion outlining the research undertaken to arrive at the proposed policy provisions.

Notice of Motion – OMC 18 December 2012 – Cash-in-Lieu

Furthermore, at the Ordinary Meeting of Council held on 18 December 2012, a Notice of Motion was raised by Councillor Topelberg as follows:

"That the Council SUPPORTS IN PRINCIPLE:

1. *To amend the City's Parking and Access Policy No. 3.7.1, as follows;*

Clause 11

Cash-in-lieu of parking is to be considered where non-residential developments have a shortfall of parking according to the requirements outlined in the Land Use Parking Requirement Table, as modified according to Clause 10. The City may accept money for this shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, including on-street parking where appropriate, or to provide alternative transport/parking options, including the provision of bicycle facilities; and

The policy provision is not to be seen to be replacing the developer's responsibility to provide on-site parking or bicycle parking facilities, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed. The provision of an adequate supply of parking is the intent of this provision and, as such, the following matters apply:

- (a) *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), alternative transport solutions (including bike racks) in the near future, within 400 metres of the subject development; and*
- (b) *the contribution is to be held in a Trust Fund of the City for the purpose of providing and/or upgrading existing and proposed public parking facilities (including on-street parking and/or acquisition of land where appropriate), the contribution is to be held in a Trust Fund of the City for the purpose of providing and/or upgrading existing and proposed public parking facilities (including on-street parking and/or acquisition of land where appropriate), as well as alternative transport facilities, including bicycle parking in the area. Contributions may consist of cash or land, or a combination of both, and are to be made to the Trust Fund prior to the issue of a Building Licence for the development. Alternative arrangements may be made for payment subject to the City's agreement; and*

2. *REQUESTS that a report be submitted to a Council Meeting in February 2013, concerning the proposal.*

A response to this Notice of Motion has been included in the form of new draft Parking & Access policy provisions 2.2 and a new definition of 'Transport Infrastructure'. Officer comment has been provided in relation to the Notice of Motion outlining the research undertaken to arrive at the proposed policy provisions.

Previous Reports to Council:

There have been no previous reports to the Council in relation to Amendment No. 85 relating to the rescission of Local Planning Policy Nos. 3.7.1, 3.7.2, 3.7.3, and 3.4.4 and the draft new policy No. 3.7.1 relating to Parking and Access.

DETAILS:

Recommendations from Car Parking Strategy (CPS) and Precinct Parking Management Plans (PPMP)

Recommendation	Clause in Strategy	Implementation in Parking and Access Policy No. 3.7.1
Promote 'shared' or publicly available parking in preference to single user parking.	Clause 4.8 (CPS) & Clause 4.1 (PPMP)	It is proposed to amend the requirements relating to Reciprocal Parking and Shared Parking in the new policy and promote these concepts as an alternative way in dealing with car parking shortfalls. Refer to proposed clauses 1.5 and 1.6 of the new draft policy, detailed comments are provided under 'new draft Parking and Access Policy' section of this report.
Apply CPTED principles in the design of off-street parking facilities.	Clause 4.8 (CPS) & Clause 4.11 (PPMP)	Requirements for lighting are proposed for all car parking areas that are located at the rear of a building and are not visible from the street. Refer to proposed clause 3.1.2 and Figure 1 of the new draft policy.
Determine an appropriate amount per space for cash-in-lieu and allow flexibility in how the resulting funds are best spent.	Clause 4.8 (CPS) & Clause 4.2 (PPMP)	The PPMP prepared by Luxemore Parking Consulting, advises that there are two basic approaches to setting cash-in-lieu fees. The first is to calculate an appropriate fee on a case by case basis for each development or change in land use and the second is to charge a uniform fee for all projects. The PPMP indicates that the case by case approach is complicated, time consuming and expensive to administer. Therefore, in line with the recommendations of the PPMP, the City's Officers do not propose a market value formula to calculate the cash-in-lieu payment and the cash-in-lieu fees will be a uniform fee as stated in the current fees and charges. In terms of where the cash-in-lieu money is spent, it is proposed to delete existing clauses relating to where the cash-in-lieu money will be spent and alternatively redefine where expenditure may occur, to include all 'Transport Infrastructure'. Refer to the proposed definition of 'Transport Infrastructure' in the definitions section of this report, and proposed clause 2.2 of the new draft policy.
All applications for developments seeking more than 50 parking spaces will be required	Clause 4.7 (PPMP)	In response to this recommendation the City's Officers have proposed that where the total number of commercial car bays is greater than 50 car bays, the number of car bays in excess of 50,

Recommendation	Clause in Strategy	Implementation in Parking and Access Policy No. 3.7.1
to follow a discretionary resource consent process.		is reduced by 50 percent. Refer to proposed clause 1.4 of the new draft policy.
Require a parking control and management plan to be provided by developers together with their application for all developments requiring more than 10 spaces.	Clause 6.2 (CPS) & Clause 4.6 (PPMP)	The City's Officers consider that the requirement for a Parking Management Plan is too onerous for developments with 10 or more spaces. In light of this, it is proposed that this plan be required for developments in excess of 20 car bays. Refer to section 5 of the new draft policy.
More emphasis on TravelSmart and other alternative transport initiatives.	Clause 9 (CPS)	The City's Officers have researched several ways in which alternative transport initiatives can be included in the policy. Most of the research that was found was giving workplaces a reduced parking if they ran programs to ensure that the employees were using other modes of transport (than the car) to get to work. However, this is very difficult to apply at the development application stage as for new buildings, the developer can nominate a land use for a certain tenancy, but the actual business that will move into the tenancy is unknown until the building has completed construction. Given these difficulties in applying and enforcing such initiatives, it is considered best to leave this out of the policy and research this further with the TravelSmart Officer.
Provision of design guidelines for multi-storey and prominent car parks to provide for good urban form.	Clause 9 (CPS)	In response to this recommendation the City's Officers have proposed development requirements for multi-deck parking facilities. Refer to proposed clause 3.3 of the new draft policy.
Amalgamate the existing parking ratios into fewer categories.	Clause 9.2 (CPS) & Clause 3.4.3 (PPMP)	In response to this recommendation the City's Officers have reduced the number of land uses from 94 to 52 land uses. Refer to 'Non-residential Parking Requirement Table' in Section 1 of the new draft policy.
Clause 11(xi) and 11(xii) be deleted from the Parking and Access Policy.	Clause 9.3 (CPS) & Clause 4.2 (PPMP)	Clause 11(xi) states that after 10 years, if cash-in-lieu money received for parking shortfalls has not been spent by the City, it should be returned back to the applicant/owner and clause 11(xii) states that any applicant that has applied for cash-in-lieu can obtain free parking passes. In response to this recommendation, this clause has been deleted from the proposed new policy.
More motorcycle parking spaces can be introduced in car parks.	Clause 4.8 (PPMP)	The City's Officers have proposed that for every 15 car bays required, the 15 th car bay shall be replaced with two scooter/motorcycle bays. Refer to proposed clause 1.9 of the new draft policy. In addition to this, the City's Technical Services Officers are currently investigating the addition of motorcycle/scooter/bicycle bays in the City's Town Centres.

Recommendation	Clause in Strategy	Implementation in Parking and Access Policy No. 3.7.1
Provision of additional bicycle parking	Clause 4.9 (PPMP)	In response to this recommendation, several additional land uses with bicycle requirements have been added to the Bicycle Parking Requirements Table. In addition, parking requirements for vehicles and bicycles have been bundled in the 'Non-residential Parking Requirement Table' for ease of assessment and to bring to the forefront the requirement to provide bicycle parking rather than an afterthought in building design.

Proposed Draft New Policy No. 3.7.1 relating to Parking and Access

Summary

In addition to incorporating the requirements of the City's CPS and PPMP's, in summary, the new draft policy 'Parking and Access' policy achieves the following:

- Relays all relevant provisions from the City's existing local planning policies:
 - No. 3.7.1 relating to Parking and Access;
 - No. 3.7.2 relating to Loading and Unloading;
 - No. 3.7.3 relating to Car Stacking Systems; and
 - No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way.
- Deletes all provisions in the abovementioned policies that are already outlined in the Residential Design Codes (R-Codes) and relevant Australian Standards, contributing to the City achieving a more succinct planning framework, without losing important requirements, assisting in streamlining the planning process.
- Proposes deletion of the problematic 'previously approved shortfalls' section of the policy relating to how car parking is assessed, and rationalises/relaxes non-residential parking requirements.
- Introduces provisions that allow the City to relax parking requirements where sites exhibit significant features worthy of retention (that would otherwise be lost due to obligation to comply with onsite parking provisions).
- Introduces provisions allowing the City to waiver parking requirements in ground floor tenancies in its 5 town centres (District Centre zones only) in order to promote street activation and local economic development where the applicant can clearly demonstrate site constraints prohibit compliance with parking requirements and the use will be harmonious with its local surroundings.
- Clarifies the City's requirements with respect to the development of mechanical parking devices (car stacking systems) and provides a set of guidelines for the submission of Parking Management Plans. The City's draft requirements are based on research in response to the Notice of Motion by the Mayor, Hon. Alannah MacTiernan at OMC 4 December 2012.
- Broadens how the City may spend cash-in-lieu payments for parking shortfalls. The City's draft requirements are based on research in response to Councillor Topelberg's Notice of Motion at OMC 18 December 2012.
- Rationalises the consolidated Parking & Access policy into the following structure:
 - Introduction
 - Objectives
 - Definitions
 - Policy Statement
 1. Onsite parking provision
 2. Parking shortfall
 3. Design and Location of Parking
 4. Vehicle Access
 5. Parking Management Plans

The following detailed comments on each clause of the new policy have been divided into the above categories for ease of reference and understanding.

Introduction

Proposed Clause	Comment
Introduction	The introductory statement to the policy sets a broad scene for the intent of the policy, and outlines when the policy applies to development applications, including statements derived from the City's existing four (4) parking policies and the CPS.

Objectives

Proposed Clause	Comment
Policy objectives	<p>The policy objectives have been relayed and consolidated from the existing four (4) parking policies and CPS. The objectives have been rationalised for succinctness, and two new objectives (six and seven) have been added as follows:</p> <p>6. To provide a set of guidelines for the equitable acceptance of cash-in-lieu contributions for onsite car parking spaces not provided for in a development.</p> <p>7. To provide a set of guidelines for the submission of Parking Management Plans to ensure satisfactory operation of parking facilities.</p> <p>These objectives have been added in order to consolidate the City's position on cash-in-lieu and introduce the requirement for developers to submit a Parking Management Plan in certain circumstances (i.e. where car stackers are proposed). These matters are discussed in further detail in relevant sections of this report.</p>

Definitions

Definition	Comment
End of Trip Facilities are facilities which enable cyclists to shower and change at the beginning or end of their journey to and from work. The facilities include separate male and female change rooms, showers and storage lockers.	The definition of End of Trip Facilities has been rationalised and relayed from the existing Parking and Access policy. Refer to 'End of Trip Facilities' section of this report for further detail.
Net Lettable Area (NLA) means the area of all floors within the internal finished surfaces of permanent walls of a building, but excludes all stairs, toilets, cleaner's cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, alfresco areas located off-site, lobbies between lifts facing other lifts serving the same floor, areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building, and areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.	The definition of Net Lettable Area (NLA) has been relayed from the existing Parking and Access policy. The definition is required as a technical assessment tool relating to the 'Non-residential Parking Requirement Table'.

Definition	Comment
<p>Persons is the number of persons approved for a licensed premises or public building under the provisions of the Health Act (WA) 1991 and Health (Public Buildings) Regulations.</p>	<p>The definition of Persons has been relayed from the definition of 'Maximum number of persons' in the existing policy. The definition is required as a technical assessment tool relating to the 'Non-residential Parking Requirement Table'.</p>
<p>Public Floor Area (PFA) means the publicly accessible areas at premises such as bars, lounges, dining areas, function areas, beer gardens and areas predominately used for entertainment and the like, and excludes alfresco areas located off-site, areas occupied by lifts, stairways, ramps, escalators, passages, hallways, corridors, lobbies, fixtures, kitchens, stages, sanitary areas, and staff areas including those staff areas behind counters.</p>	<p>The definition of Public Floor Area (PFA) has been relayed from the existing Parking and Access policy. The definition is required as a technical assessment tool relating to the 'Non-residential Parking Requirement Table'.</p>
<p>Reciprocal Parking means parking facilities serving separate uses or a mixed use development are shared, but not concurrently.</p>	<p>The definition of Reciprocal Parking has been relayed from the existing Parking and Access policy. Refer to 'Reciprocal Parking' section of this report for further detail.</p>
<p>Shared Parking means parking facilities on one site shared concurrently by a mixed use development or separate developments.</p>	<p>The definition of Shared Parking has been relayed from the existing Parking and Access policy. Refer to 'Shared Parking' section of this report for further detail.</p>
<p>Transport Infrastructure means the works and undertakings described below for the purpose of providing public transport infrastructure, walking and cycling infrastructure, parking infrastructure and demand management:</p> <ol style="list-style-type: none"> 1. Public transport stops, shelters and stations, signs, public transport lands, vehicles, track and catenary, priority signals and any associated works/designs. 2. Paths, signs, bikes, end of trip facilities (showers and lockers), pedestrian and cycling crossing and any associated works/designs. 3. On and off street parking bays, parking machines, parking signs, shelters and any associated works/designs and technologies. 	<p>The proposed new definition of Transport Infrastructure outlines the types of transport infrastructure the City can spend money received from cash-in-lieu payments on. It is considered that all transport infrastructure should be encompassed as per the definition given that the use of cars are only one form of transport, and the City needs to promote alternative transport modes which can be achieved through spending of cash-in-lieu money on alternative transport. This definition addresses Councillor Topelberg's Notice of Motion at the Ordinary Meeting of Council on 18 December 2012 to include bicycle racks in the definition outlined in the previous Parking & Access policy and is discussed in further detail in the 'cash-in-lieu' section of this report.</p>

1. Onsite Parking Provision

Proposed Clause	Comment
1.1 Dwellings	This clause reinforces that car, bicycle and visitor parking for residential development shall be in accordance with the R-Codes. The City's current four (4) parking policies (proposed to be rescinded) do not provide any additional requirements to the R-Codes. Deletion of repetitive clauses will contribute to a more simplified parking policy and streamlined planning process, without loss of statutory robustness.
1.2 Non-residential and mixed use developments	This clause reinforces that car, bicycle and visitor parking for commercial development (renamed to non-residential which captures the spectrum of all uses that are not residential and do not operate for commercial gain) is to be in accordance with the Non-residential Parking Requirement Table.
1.3 End of Trip Facilities	This clause relates to the provision of end-of-trip-facilities. This is proposed to generally remain the same as the existing policy, in a more succinct form.
Non-residential Parking Requirement Table	<p>The number of land uses in the Non-residential Parking Requirement Table has been reduced from 94 to 51. The proposed table is consistent with the land use table and the definitions in Town Planning Scheme No. 1. Most of the land uses that are proposed to be removed from the policy are land uses that fit under a broader land use in the Scheme. For example, a Liquor Store, Travel Agency and Hairdresser Premises are all classified as 'shop'.</p> <p>Proposed Additional Land Uses</p> <ul style="list-style-type: none"> • Bed and Breakfast • Educational Establishments • Motel • Fast Food Outlet • Lodging House • Motor Vehicle Wash • Pet Shop/Pet Meat Shop • Institution • Motel <p>Proposed Land Uses to be Removed</p> <ul style="list-style-type: none"> • Aged or Dependent Persons Dwellings • Ancillary Accommodation • Art and Craft Centre • Boat Sales and Hire Premises • Caravan Park • Child Family Care Centre • Education Centre • Health Club • Hospital • Medical Centre • Nursing Home • Amusement Facility • Animal Boarding • Art Gallery • Building Society • Caravan Sales and Hire Premises • College • Grouped Dwelling • Video Shop • Landscape Supplies • Multiple Dwelling • Park Home • Amusement Parlour • Animal Keeping • Beauty Therapist • Business College • Child Day Care Centre • Contractor's Yard • Hairdresser Premises • Home Store • Liquor Store • Museum • Plant Nursery

Proposed Clause	Comment																		
	<ul style="list-style-type: none"> • Pre-school • Resort • Retirement Village • Take-Away Food Outlet • University • Auction Mart • Real Estate Agency • Convenience Store • Salvage Yard • Travel Agency • Veterinary Clinic • Residential Building • Local Shop • Single House • Twenty-Three Hour Recovery Care Centre • Veterinary Hospital 																		
	<p>Proposed Modifications to Parking Ratios</p> <p>The following parking ratios have been modified as follows:</p>																		
	<table border="1"> <thead> <tr> <th data-bbox="517 743 683 792">Land Use</th> <th data-bbox="687 743 831 792">Existing Ratio</th> <th data-bbox="836 743 995 792">Proposed Policy</th> <th data-bbox="1000 743 1362 792">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 799 683 1346">Club Premises</td> <td data-bbox="687 799 831 1346">1 bay per 3.8m2 of PFA or 1 bay 4.5 persons approved whichever is the greater.</td> <td data-bbox="836 799 995 1346">1 bay 5 persons.</td> <td data-bbox="1000 799 1362 1346">The maximum number of persons approved for the site is issued in accordance with the Health Act 1911 and is subject to a number of factors. In order to provide consistency throughout the service sections of the City, is most appropriate to calculate the number of car bays based on the Maximum Accommodation Certificate. This car parking requirement has been decreased to 5 persons as 5 persons are able to fit in the average car.</td> </tr> <tr> <td data-bbox="517 1352 683 1742">Consulting Rooms</td> <td data-bbox="687 1352 831 1742">3 bays per consulting room</td> <td data-bbox="836 1352 995 1742">3 spaces per consulting room or consultant, whichever is the lesser.</td> <td data-bbox="1000 1352 1362 1742">The City has come across a number of applications for consulting rooms, where there may be more than one consulting room, however one consultant working at the practice. For example, a physiotherapist has a number of equipment machines that are for different purposes and may need several rooms to fit the equipment.</td> </tr> <tr> <td data-bbox="517 1749 683 2018">Dry Cleaning Premises</td> <td data-bbox="687 1749 831 2018">1 bay per 20m2 NLA</td> <td data-bbox="836 1749 995 2018">1 bay per 30m2 NLA</td> <td data-bbox="1000 1749 1362 2018">Dry-cleaning premises generally have a very high turnover of customers, in that it is unlikely a customer will be at the premises for longer than 10 minutes. In light of this the car parking requirements are proposed to be decreased.</td> </tr> </tbody> </table>			Land Use	Existing Ratio	Proposed Policy	Comments	Club Premises	1 bay per 3.8m2 of PFA or 1 bay 4.5 persons approved whichever is the greater.	1 bay 5 persons.	The maximum number of persons approved for the site is issued in accordance with the Health Act 1911 and is subject to a number of factors. In order to provide consistency throughout the service sections of the City, is most appropriate to calculate the number of car bays based on the Maximum Accommodation Certificate. This car parking requirement has been decreased to 5 persons as 5 persons are able to fit in the average car.	Consulting Rooms	3 bays per consulting room	3 spaces per consulting room or consultant, whichever is the lesser.	The City has come across a number of applications for consulting rooms, where there may be more than one consulting room, however one consultant working at the practice. For example, a physiotherapist has a number of equipment machines that are for different purposes and may need several rooms to fit the equipment.	Dry Cleaning Premises	1 bay per 20m2 NLA	1 bay per 30m2 NLA	Dry-cleaning premises generally have a very high turnover of customers, in that it is unlikely a customer will be at the premises for longer than 10 minutes. In light of this the car parking requirements are proposed to be decreased.
Land Use	Existing Ratio	Proposed Policy	Comments																
Club Premises	1 bay per 3.8m2 of PFA or 1 bay 4.5 persons approved whichever is the greater.	1 bay 5 persons.	The maximum number of persons approved for the site is issued in accordance with the Health Act 1911 and is subject to a number of factors. In order to provide consistency throughout the service sections of the City, is most appropriate to calculate the number of car bays based on the Maximum Accommodation Certificate. This car parking requirement has been decreased to 5 persons as 5 persons are able to fit in the average car.																
Consulting Rooms	3 bays per consulting room	3 spaces per consulting room or consultant, whichever is the lesser.	The City has come across a number of applications for consulting rooms, where there may be more than one consulting room, however one consultant working at the practice. For example, a physiotherapist has a number of equipment machines that are for different purposes and may need several rooms to fit the equipment.																
Dry Cleaning Premises	1 bay per 20m2 NLA	1 bay per 30m2 NLA	Dry-cleaning premises generally have a very high turnover of customers, in that it is unlikely a customer will be at the premises for longer than 10 minutes. In light of this the car parking requirements are proposed to be decreased.																

Proposed Clause	Comment			
	Nightclub	1 bay per 3.8m2 of PFA or 1 bay 4.5 persons approved whichever is the greater.	1 bay per 7 persons approved for the site.	Given a nightclub is a licensed premises, a Maximum Accommodation Certificate is required to be issued by the City's Health Services. In order to provide consistency throughout the service sections of the City, it most appropriate to calculate the number of car bays based on the Maximum Accommodation Certificate. This car parking requirement has been decreased to 7 persons to reflect that a significant proportion do not drive to a nightclub.
	Place of Worship	1 bay per 3.8m2 of PFA or 1 bay 4.5 persons approved whichever is the greater.	1 bay per 5 persons approved for the site.	Refer to comments for 'Club Premises'.
	Serviced Apartments	1 bay per bedroom or 1 bay per 3 beds provided.	1 bay per apartment	Serviced apartments can cater for any number of people per apartment, therefore it becomes difficult to determine how many beds are actually in the apartment. Given serviced apartments are generally for guests staying in Perth from another city, it is unlikely that all the guests will have a car. In light of this, it is considered that 1 car bay per apartment is appropriate.
	Shop	1 bay per 15m2 GFA	1 bay per 20m2 NLA	There has been concerns raised that 1 bay per 15 sqm for a shop is too high compared to parking requirements for other land uses (e.g. Office). A review of shop parking requirements from other local governments has determined that 20 sqm is generally applied in the inner city Councils.
	Small Bar	1 bay per 3.8m2 of PFA or 1 bay 4.5	1 bay per 7 persons.	Given a small bar is a licensed premises, a Maximum Accommodation Certificate is required to be

Proposed Clause	Comment			
		persons approved whichever is the greater.		issued by the City's Health Services. In order to provide consistency throughout the service sections of the City, it most appropriate to calculate the number of car bays based on the Maximum Accommodation Certificate. This car parking requirement has been decreased to 7 persons given the nature of the use.
	Tavern	1 bay per 3.8m2 of PFA or 1 bay 4.5 persons approved whichever is the greater.	1 bay per 7 persons.	Given a tavern is a licensed premises, a Maximum Accommodation Certificate is required to be issued by the City's Health Services. In order to provide consistency throughout the service sections of the City, it most appropriate to calculate the number of car bays based on the Maximum Accommodation Certificate. This car parking requirement has been decreased to 7 persons given the nature of the use.
1.4 Adjustment factors	<p>Clause 1.4 relates to the Car Parking Adjustment Factors that can be applied to the car parking requirement. The proposed changes to the Car Parking Adjustment Factors table are:</p> <ul style="list-style-type: none"> • Adjustment No. 2 has been amended to read <i>"the proposed development is within 400 metres of a Primary Distributor or District Distributor (A or B)"</i>. This has been amended from <i>"400 metres of a bus stop"</i>. Given the inner city location of the City of Vincent, every property within the City of Vincent is located within 400 metres of a bus stop. Therefore an adjustment of 0.85 is applied to every planning application. • Adjustment No. 4a has been amended from 50 metres to 200 metres. For this adjustment to be applied the development basically has to abut a public car park. In order for this adjustment to be more widely used, it is appropriate to amend this to 200m to reflect a more realistic walking catchment. <p>In addition, a recommendation from the City's CPS was to review the parking requirements for developments that have a commercial car bays in excess of 50 car bays. As a way to address this recommendation, this clause also states that where the total number of commercial car bays (after adjustment factors and previously approved shortfalls) is greater than 50 car bays, the number of car bays in excess of 50, shall be reduced by 50 percent. This is to ensure that an oversupply of car bays for a commercial development does not occur, further encouraging the use of alternative transport for workers in commercial uses.</p>			
1.5 Reciprocal parking	Reciprocal Parking requirements are relatively similar in the existing and proposed parking policy, however have been reworded to be clearer in terms of how to calculate reciprocal parking.			

Proposed Clause	Comment
1.6 Shared parking	The Shared Car Parking Requirements are relatively similar in the existing and proposed parking policy; however a Table has been added to assist with calculation of peak demand.
1.7 Special Purpose Bays	This clause relates to provisions of specific purpose bays and is an amended version of clause 8 of the existing policy. This clause states that where the total commercial net lettable area is 1000m ² or more, at least one bay will be set aside and marked exclusively for service delivery and/or courier vehicles. This clause was provided in the existing policy, however has been amended to include reference to developments with an NLA of 1000m ² or more. Part 2 of this clause requires a child care facility and a school to provide a setting down and picking up area for children, at the front of the school and child care facility, to be exercised on a case-by-case basis, depending on the nature of use, site constraints and scale of development.
1.8 Bays for Disabled Persons	This clause reinforces the provision for bays marked exclusively for use of drivers with disabilities, is to be provided in accordance with the National Construction Code and relevant Australian Standards.
1.9 Scooter/ Motorcycle bays	<p>The provision for developments to include scooter/motorcycle parking is a recommendation from the Car Parking Strategy and is proposed to be introduced into the draft amended policy. The City's Officers have proposed that for every 15 car bays required (after adjustment factors and previously approved shortfalls), the 15th car bay shall be replaced with two scooter/motorcycle bays. The Australian Standards for scooter/motorcycle bays indicated that 1 scooter/motorcycle is exactly half the width of a car bay, therefore the replacement of 1 car bay with 2 scooter/motorcycle bays, will not result in the redesign of a car park.</p> <p>The City's Officers have researched motorcycle/scooter ownership based on the 2001 and 2006 census data (2011 census did not provide data regarding motorcycle/scooter ownership). The 2001 census data confirms that within the City of Vincent (boundaries prior to 2007 boundary changes), residents living in the City owned 4396 cars and 428 motorcycle/scooters. This data indicates that the number of motorcycle/scooters is approximately 10 percent of the number of car bays. As the 2006 census data did not provide data on motorcycle/scooter ownership, only for cars, it was difficult to determine the increase. However, data for the method of travel to work was collected in both 2001 and 2006. In 2001, 6817 people travelled to work as a car driver and 61 people travelled to work on a scooter or motorcycle. In 2006, 7578 people travelled to work as a car driver and 133 people travelled to work on a scooter or motorcycle. Therefore, this data indicates that people travelling to work as a car driver increased by approximately 10 percent, whilst people travelling to work on a motorcycle/scooter increased by approximately 54 percent. This data, along with other factors, such as increases in fuel and traffic, gives an elusive estimate that motorcycle/scooter ownership and use had significantly increased and that developments should be providing for this vehicle use.</p>
Example of a Car Parking Calculation	This clause provides an example of a car parking calculation using clauses 1.1, 1.2 and 1.4 for clarity of policy application.

2. Parking Shortfall

Proposed Clause	Comment
2.1 Refusal of applications	<p>This proposed clause 2.1 consolidates provisions contained in the existing policy No. 3.7.1 and relates to development applications involving both excessive car parking and car parking shortfalls in relation to proposed provisions 1.1 and 1.2, and how they may be treated. Where a car parking shortfall is proposed the City may approve the variation in terms of the provisions of the policy relating to Reciprocal Parking and/or Cash-in-Lieu for car parking.</p>
2.2 Cash-in-lieu of Car Parking	<p>Clause 11 in the existing policy No. 3.7.1 relates to cash-in-lieu for car parking. Under this clause there are 12 provisions relating to cash-in-lieu. Some of these existing provisions are procedural and are not required to be stated in the new draft policy. Clauses 11)i), iii), iv), vii), ix), x), xi) and xii) are therefore proposed to be removed.</p> <p>The intent and introductory statements to the cash-in-lieu provisions are proposed to be carried over from the existing policy, with the exception of the definition of matters which the City may spend cash-in-lieu money, which has been modified in response to Councillor Topelberg's Notice of Motion on 18 December 2012 where Council resolved to support in principle the inclusion of "bicycle facilities" and "transport facilities" as possible expenditure items for monies held in the City's cash-in-lieu of parking account.</p> <p>Current policy provisions allow the City to spend this money on nearby parking facilities and associated land. The Notice of Motion by Councillor Topelberg to include bicycle and transport facilities raised further administrative enquiry into the matter. It became apparent that both locally and nationally a broader approach to expenditure of cash-in-lieu of parking money to include alternative transport options has been a recent trend. This has occurred in view of the recognised sustainability benefits associated with alternative transport and to demonstrate the recognised need for government to play a leading role in supporting a shift toward more sustainable modes by providing alternative infrastructure.</p> <p>It is therefore recommended that 'transport facilities' and 'bicycle facilities' be included in the matters which Council may spend cash-in-lieu money on, however, it is proposed the definition be further refined and rationalised to include all 'Transport Infrastructure' as follows:</p> <p>Transport Infrastructure means the works and undertakings described below for the purpose of providing public transport infrastructure, walking and cycling infrastructure, parking infrastructure and demand management:</p> <ol style="list-style-type: none"> 1. Public transport stops, shelters and stations, signs, public transport lands, vehicles, track and catenary, priority signals and any associated works/designs. 2. Paths, signs, bikes, end of trip facilities (showers and lockers), pedestrian and cycling crossing and any associated works/designs. 3. On and off street parking bays, parking machines, parking signs, shelters and any associated works/designs and technologies. <p>The definition of 'Transport Infrastructure' is consistent with Councillor Topelberg's Notice of Motion, but provides the technical clarity required to alleviate any potential community misconceptions of Council's intent with broadening the scope of expenditure. The proposed definition is also consistent with other nearby local authorities who have also recognised the need to broaden the scope of allowable expenditure of their cash-in-lieu accounts to include alternative transport infrastructure.</p>

Proposed Clause	Comment
<p>2.3 'Change of use' or additions and alterations to an existing use</p>	<p>When the Parking and Access Policy is applied to development applications for infill development of vacant sites or where demolition is approved, onsite parking (or cash-in-lieu payments) should be provided in full in accordance with the Non-Residential Parking Requirement Table, following application of Adjustment Factors. In these instances, the City should not entertain site constraints as reasons to vary parking requirements for a development.</p> <p>However, in relation to development applications proposing to change the use of an existing building, and/or additions/alterations to floorspace of the existing building to accommodate the proposed use, often sites do not physically exhibit space to provide the parking required for the new use. In these instances, there is a risk of the City losing valuable community assets (buildings, trees) because the developer has an obligation to comply with parking requirements, the physical space does not exist onsite to provide parking, and/or the business is small and does not have the capital funding to pay cash-in-lieu. In addition, as land uses are changed and approved by the City over time, often an accumulation of approved parking shortfalls exists for sites.</p> <p>Currently the City calculates parking for such applications, generally, as follows:</p> <ul style="list-style-type: none"> • Calculate the number of parking bays required for the various uses on the site using the Land Use Parking Requirement Table; • Apply relevant Adjustment Factors to the figure arrived at; • Apply 'previously approved shortfall' section of policy; • Consider reciprocal, combined or cash-in-lieu payments. <p>The draft provisions of 2.3 relating to development applications proposing a change of use or addition/alteration to an existing use are proposed to delete the currently problematic "previously approved shortfall" clause of the existing Policy No. 3.7.1 Parking and Access, for the following reasons:</p> <ul style="list-style-type: none"> • Building the "previously approved shortfall" of parking into the development assessment procedure has the clear intent of reducing parking requirements on a developer, to acknowledge previous car parking concessions granted to the site. However, the method of calculation creates the unusual situation that the higher the previously approved shortfall, the greater the parking concession that is applied to a development. Therefore, if a site exhibits a history of parking shortfalls, paradoxically with the current assessment method, it is more likely to satisfy the City's parking requirements. • The State Administrative Tribunal has invited the City to reconsider this method of assessment on two occasions (<i>Govardhan and Town of Vincent [2008] WASAT 196</i> and <i>Jones and Town of Vincent [2009] WASAT 180</i>). • The City's Planning Services staff have advised that this aspect of the assessment has been problematic, and is highly time consuming (involving searches of records for approvals, often which do not exist) and when records are found they are unclear or are challenged by applicants. • The only mention of 'previously approved shortfalls' in the existing policy is a table named 'Shortfall Car Parking Calculation Table'. This table makes no mention of how to properly calculate the previously approved shortfalls. In light of this, the procedure is proposed to be deleted and replaced with Clause 2.3 of the new policy. <p>An audit of the City's development approvals relating to 'previously approved shortfalls' in the last three years on Beaufort Street demonstrates the impact of the 'previously approved shortfall' aspect of</p>

Proposed Clause	Comment
	<p>development assessment. Since 2010, the cumulative total of onsite car bays required for developments on Beaufort Street is 645. This was reduced by 200 bays (to 445) through application of 'Adjustment Factors'. Adjustment Factors are relevant to a parking assessment as they outline relevant alternatives to parking in proximity to a site that may allow a reduction in parking, therefore the adjustments are justified.</p> <p>However, of the 445 car bays cumulatively generated by these developments on Beaufort Street, a further 130 bay reduction has been allowed by the City on the basis of 'previously approved shortfalls' (with 315 bays therefore being required from the original figure). Building into the assessment the City's previous concessions granted for a site prejudices applications and in fact gives an advantage to sites with a previously approved shortfall, over those who have complied with the City's parking requirements.</p> <p>The provisions of 2.3 have been developed as a replacement to this clause, as follows:</p> <p><i>"2.3 In determining the parking requirement for applications involving a change of use or additions to an existing approved use, the following shall apply:</i></p> <p><i>2.3.1 Where there is a change of use from one use to another use and a greater ratio of parking is required, parking shall be calculated on the basis of the difference between the current requirement for the existing use and proposed use, as per 1.1 and the Non-residential Parking Requirement Table of this policy."</i></p> <p>This provision provides a fair, equitable and simple solution (linked to the Non-residential Parking Requirement Table rather than history of approvals for a site) to calculate parking demand for sites where there is a change of use, and calculates the impact of the proposed new use compared to the current approved use.</p> <p><i>"2.3.2 The parking requirement for additional floorspace to existing approved floorspace shall be calculated for the additional floorspace only."</i></p> <p>This clause applies to proposals adding floorspace to an existing development, and reinforces that the City will not assess parking requirements for existing floorspace (where no change of use is proposed) as this was calculated and considered as part of a previous development application. Recalculating parking requirements for existing floorspace is essentially revisiting and re-assessing a previous approval for the City, which does not reasonably relate to the development for which approval is sought (i.e. the additional floorspace only).</p> <p><i>"2.3.3 Additional floorspace and a proposed change of use to an existing development (where a greater ratio of parking is required) will require parking on the basis of the difference between the requirement for the existing use plus the parking requirement for the additional floorspace."</i></p> <p>This clause clarifies that both Clauses 2.3.1 and 2.3.2 apply in the event a change of use and additions/alterations to an existing development.</p> <p><i>"2.3.4 To encourage active ground floor uses (boutique retail, cafés, small bars, restaurants) in the City's town centres (refer to Maps 1-5 in Appendix 1 of this policy), the City may consider a further 20% Adjustment Factor reduction in addition to those stated in</i></p>

Proposed Clause	Comment
	<p><i>Clause 1.4 and the Adjustment Factor Table, where it can be clearly demonstrated by the applicant that:</i></p> <p><i>2.3.4.1 The site cannot reasonably accommodate onsite parking required for the development due to the presence of an existing building and/or significant trees worthy of retention and protected under the City's Town Planning Scheme.</i></p> <p><i>2.3.4.2 The proposed use is small scale (less than 80m² NLA), will complement existing uses in the immediate area and will positively contribute to local character; and</i></p> <p><i>2.3.4.3 It is clearly demonstrated by the applicant that the proposal will not unduly cause roadway or footpath congestion due to the traffic demand generated by activities on the site.</i></p> <p><i>The City may still refuse a development on the basis of non-compliance with car parking requirements, regardless of whether these provisions have been met."</i></p> <p>The inclusion of Clause 2.3.4 allows the City to vary its parking requirements where the applicant can demonstrate the appropriateness of the use to its context in accordance with Clauses 2.3.4.1 – 2.3.4.3. This allows the City to vary its parking requirements on a case-by-case basis, and applies only to ground floor tenancies in the City's centres (which for clarity are included as maps as Appendix 1) to encourage activation of vacant tenancies, and allow appropriate active small boutique business to locate in Centres that would otherwise choose to locate elsewhere, based on inability to provide onsite parking. The Clause only applies to the maps shown in Appendix 1 as these areas exhibit public parking facilities that can accommodate any potential spillover of parking generated.</p> <p>The final sentence clarifies that the City will not exercise Clause 2.3.4 'as-of-right', but instead as means to allowing appropriate local economic development that would not otherwise be able to occur due to non-compliance with parking requirements.</p>

3. Design & Location of Parking

Proposed Clause	Comment
3.1 Layout and Dimensions of Parking	This clause reinforces that car and motorcycle/scooter bays are to be constructed in accordance with Australian Standard 2890.1 (off-street parking). Part 2 of this clause requires that car parking for a development is to be located at the rear or beneath the building and Figure 1 has been added to illustrate conceptually what is required in terms of location of above ground parking in relation to the street.
3.2 Open Air Parking	<p>Clause 3.2 of the proposed policy relates to Open Air Car Parking. There are three parts to this clause which provides requirements for this land use. These are:</p> <ul style="list-style-type: none"> • All car bays should be design in accordance with the Australian Standards; • The car park should be landscaped at a rate of one tree per four car bays; and <p>The perimeter of all open-air car parks are to be landscaped by a planting strip of at least 1.5 metres wide.</p>

Proposed Clause	Comment
	<p>This clause requires all open-air parking areas that are visible from a street, to be landscaped at a rate of one tree per eight car bays. An additional clause 3.2.2 requires the perimeter of open air car parking areas that are visible from the street to be landscaped with a planting strip of at least 1.5 metres.</p>
<p>3.3 Multi Deck Parking</p>	<p>Clause 3.3 of the proposed policy relates to Multi-Deck Car Parking. There are four parts to this clause which provides requirements for this land use. These are:</p> <ul style="list-style-type: none"> • All car bays should be design in accordance with the Australian Standards; • A multi-deck car park is required to incorporate active land uses along the ground floor street frontage; • Multi-deck car parks are to be designed and finished to complement the existing adjacent buildings; and <p>The height and setbacks of a multi-deck car park is to be consistent with the relevant precinct policy.</p>
<p>3.4 Temporary Parking</p>	<p>This clause states that <i>“The City of Vincent may support the use of land or buildings for temporary car parking facilities in the case of special events or circumstances relating to a particular or regular use of a site. Planning Approval from the City of Vincent will be required and the application will be assessed in accordance with the requirements of this policy and special conditions of approval may apply”</i>. This clause has been relayed from the City’s existing policy No. 3.7.1 relating to Parking and Access.</p>
<p>3.5 Paid Parking and Time Limited Car Parks</p>	<p>In recent times, the City has received a number of planning applications for vacant sites to be used as car parks. There are no current development requirements or controls for these land uses, and as such Clause 3.5 is proposed.</p> <p>The City has also received a number of planning applications for car parks to be used as paid parking. Like applications for car parks, the City has no existing requirements for these situations. This clause states that Planning Approval will be required where parking is proposed for an on-site private car park and this will be assessed on a case-by-case basis. This clause includes a number of aspects that will be considered by the Council in the application. These are:</p> <ul style="list-style-type: none"> • <i>“Location of the proposed paid car park;</i> • <i>Surrounding land uses;</i> • <i>Existing car parking issues within the area;</i> • <i>The structure of the fees;</i> • <i>Time periods of paid parking restrictions; and</i> • <i>Proposed length of use operation.”</i>
<p>3.6 Mechanical Parking Devices (Car Stackers)</p>	<p>As current Australian Standards for off-street parking (AS2890.1) do not prescribe specifics for mechanical parking devices (car stackers), there has been a degree of uncertainty on what standards are considered appropriate in relation to the determination of development proposals involving their use.</p> <p>The Notice of Motion by the Mayor, Hon. Alannah MacTiernan at the Ordinary Meeting of Council on 4 December 2012 raised the issue, and the matter has since been researched, including review by the City’s internal Car Parking Working Group. The recommended Clause 3.6 provisions for mechanical parking devices (car stackers) complement AS2890.1 in addressing practical and operational issues not covered by the standard. A detailed response to the Notice in Motion is outlined below.</p>

Proposed Clause	Comment
	<p>1. <i>A review of the City of Vincent Policy 3.7.3 – “Relating to Car Stacking Systems”;</i></p> <p>Planning and Technical Services have collaboratively reviewed the City’s existing Policy No. 3.7.3 – Relating to Car Stacking Systems (which is proposed to be rescinded and consolidated into the new Parking and Access policy), and developed Clause 3.6 and Section 5 of the draft Parking and Access policy through a series of workshops in January/February 2013. The new draft provisions provide fair and reasonable guidelines and are not considered onerous requirements for developers. Prescriptive requirements have been agreed as necessary to include in the policy are justified as follows:</p> <p><i>“3.6.1.1 Minimum car bay width: 2.9m”</i></p> <p>As a car stacker involves a platform that generally does not exist for a regular car bay, or in the case of pit (excavated) car stacker bay, the regular car bay width outlined in AS2890.1 is not sufficient to safely and comfortably allow entry/exit to a vehicle.</p> <p><i>“3.6.1.2 Minimum car bay opening width: 2.5m”</i></p> <p>This is as per AS2890.1 and reiterates that no mechanical aspect of the car stacker is to intrude into the opening width, which would not be an issue in a regular car bay scenario.</p> <p><i>“3.6.1.3 Minimum car bay length: 5.2m”</i></p> <p>This allows for less length than AS2890.1, which requires 5.4m length. This allows a concession as vehicles may protrude slightly over the front and back of the stacker bay which differs from an at-grade car bay scenario.</p> <p><i>“3.6.1.4 Minimum height clearance: 2.0m for the entry level of the stacker.”</i></p> <p>This allows for less height than AS2890.1, which requires 2.2m height. This allows a concession for developers to reduce the floor to ceiling height of the building to accommodate a car stacker. The height clearance still allows for the majority of 4WD vehicles to meet dimensions.</p> <p><i>“3.6.1.5 Car weight capacity: Preferred 2,500kg, Minimum 2,000kg</i></p> <p><i>Where a car stacker weight is less than 2.5 tonnes, a s70A notification under the Transfer of Land Act will be required to advise future owners and occupiers of the limitation.”</i></p> <p>The majority of vehicles will be accommodated by a 2,500kg car stacker. If an applicant wishes to propose a reduced capacity car stacker to hold lighter, more sustainable vehicles, the City should allow a 2,000kg capacity car stacker however a notification should be placed on the Certificate of Title advising current and future owners of the limitation.</p>

Proposed Clause	Comment
	<p><i>“3.6.1.6 Aisle (manoeuvring) width: Preferred 7m, Minimum 6m</i></p> <p><i>Where a car stacker proposes an aisle width less than 7m, a s70A notification under the Transfer of Land Act will be required to advise future owners that multiple manoeuvres may be required to enter and exit the car stacker bay.”</i></p> <p>The nature of many car stackers is such that when entering/exiting the car bay, a vehicle must be travelling directly forward so the wheels correlate with the lifting device. This differs from a regular car bay where a vehicle can still be in a turning motion in order to fit into the car bay. This has a consequence of requiring a greater vehicle manoeuvring width to achieve efficient and comfortable access. The aisle width may be reduced to 6m however this will require a several point turn, in this case a notification should be placed on the Certificate of Title advising current and future owners of the access limitation.</p> <p><i>“3.6.1.7 All vehicle queuing areas being located onsite.”</i></p> <p>Regular car bays do not require queuing areas as car stackers do. This clause ensures the City’s roadways and crossovers are not congested by vehicles awaiting car stacker access.</p> <p><i>“3.6.1.8 Fully screened from the street and adjoining properties.”</i></p> <p>Car stackers shall be screened from view from streets and adjoining properties to protect the visual amenity of local area.</p> <p><i>“3.6.1.9 A minimum of 20% of all onsite car bays shall be provided without requiring the use of a mechanical parking device (car stacker).”</i></p> <p>This clause ensures car bays such as short term bays, loading/unloading bays, disabled bays, and other special purpose bays will be provided with convenient access.</p> <p><i>“3.6.1.10 Mechanical parking devices (e.g. car stackers) shall be for tenants/owners and not visitors of a development, and be maintained as operational for the life of the building, including in the event of a power failure”</i></p> <p>This detail is to ensure all car bays the City approves are accessible and useable and will be reinforced to be shown in a Parking Management Plan which will form a condition of development approval.</p> <p><i>“3.6.1.11 All pit and/or rotating mechanical parking devices (car stackers) will be required to be fitted with sliding doors/safety barriers.”</i></p> <p>This clause puts the onus on the applicant to ensure safety is considered where rotating (side-to-side) and pit (excavated) car stackers are proposed, as these pose a higher safety risk than a regular two bay above ground vertical car stacker.</p> <p>2. <i>The report to include, but not limited to the following information;</i></p>

Proposed Clause	Comment
	<p data-bbox="517 264 1362 327">2.1 <i>A comparison of the City of Vincent's requirements with those of the City's' of Perth, Subiaco and the Town of Victoria Park.</i></p> <p data-bbox="517 356 1362 752">The City of Vincent is the only local authority out of the City of Perth, City of Subiaco and Town of Victoria Park with a dedicated local planning policy relating to car stackers. Other Council planning policies remain silent on the technology. Further research, including searches of Council Minutes and conversations with technical officers at each of the above Councils, confirmed that developer requirements for car stackers are generally negotiated on a case-by-case basis, and are considered as "alternative parking arrangements" in planning policies. The City of Perth and Town of Cambridge require proposals of this nature to be accompanied by a Parking Management Plan, which requires developers to consider how parking will operate in the development upfront, in order to minimise potential long-term liabilities for the City.</p> <p data-bbox="517 786 1362 999">As Parking Management Plans are a recognised method of appropriately addressing the operation of car stackers within parking areas, it is proposed to be a requirement for all development applications proposing their use in the City of Vincent (content requirements outlined in Section 5). This puts the onus on the developer to propose solutions to the issue upfront rather than the City imposing requirements through conditions of development approval.</p> <p data-bbox="517 1093 1362 1182">2.2 <i>Consider whether the City's policy should reduce focus on the requirements of four wheel drive vehicles, in favour of standard size vehicles;</i></p> <p data-bbox="517 1216 1362 1671">The recommended provisions 3.6 of the new draft Parking and Access Policy do not discriminate against any vehicle type, instead they provide a suitable guide to ensure that car stacking systems are comfortable and safe in use relative to dimensions and manoeuvring width requirements for standard car bays outlined in AS2890.1. The majority of four wheeled vehicles would be able fit comfortably in a car stacker compliant with the draft provisions 3.6.1. Notwithstanding, this matter has been resolved by introducing "preferred" and "minimum" standards in regard to car bay dimensions, aisle widths, and weights. Where the applicant does not comply with preferred dimensions, the new policy No. 3.7.1 relating to Parking and Access states a section 70A notification on title, pursuant to the Transfer of Land Act, will be required as a condition of planning approval to notify current and prospective owners of the specific parking limitations resulting from the use of car stackers.</p> <p data-bbox="517 1704 1362 1767">2.3 <i>A review and justification of each of the standard conditions that are imposed on developments using a car stacker; and</i></p> <p data-bbox="517 1800 1362 2013">The proposed provisions 3.6.1 and 3.6.3.1, when read in conjunction with section 5 (Parking Management Plan) requirements, will ensure operational issues associated with parking areas are addressed upfront by developers, eliminating the need for multiple conditions to be applied to development approvals. Instead, a single condition of approval will apply requiring compliance with the Parking Management Plan accompanying the application.</p>

Proposed Clause	Comment
	<p>The proposed provisions of 3.6.3.2 provides justification for the City to require a notification on title as a condition of development approval relating to the owner's operational responsibilities for car stackers. This approach will be more efficient than the City's previous approach of requiring legal agreements between the City and landowners where car stackers are proposed, as legal agreements require renewal in the event of the land being sold. This imposes an unnecessary long-term administrative cost to the City, and it is considered notification on title pursuant to section 70A of the Transfer of Land Act is more appropriate, as the notification runs with the land in the event of transfer and achieves the same purpose.</p> <p><i>2.4 Any other relevant information.</i></p> <p>The City's officers contacted <i>Standards Australia</i> to ascertain whether any standards had been drafted to address issues associated with car stackers that are not covered in AS2890.1. The City was advised there is no current proposal to introduce specific standards for car stackers.</p> <p>As a result, Clause 3.6 introduces design considerations for Mechanical Parking Devices (car stackers) that are necessary to be included in the Parking and Access policy to ensure that the intent of Australian Standard 2890.1 is upheld and local amenity is not unduly disrupted.</p>
3.7 Adjoining Development	<p>This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.</p> <p>A new provision 3.7.2 is added which states "<i>the City may apply conditions of approval in relation to parking and access to ensure the protection of the amenity of adjoining development</i>".</p> <p>This consolidates the City's ability to protect the amenity of adjoining properties through applying conditions of development approval that address minor amenity impacts of parking facilities on adjoining properties (rather than refusing an application based on minor non-compliance).</p>

4. Vehicle Access

Proposed Clause	Comment
4.1 Dwellings	This clause reinforces that vehicle access to dwellings is to be in accordance with the R-Codes and relays relevant provisions from the City's existing policy 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-way.
4.2 Non-residential and mixed use developments	This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.
4.3 Traffic Movement	This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.
4.4 Signposting	This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.
4.5 Landscaping	This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.
4.6 Lighting	This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.
4.7 Safety	This clause is relayed from the City's existing Policy No. 3.7.1 relating to Parking & Access.

5. Parking Management Plans

Proposed Clause	Comment
5.1 Requirement for a Plan	The requirement for a Parking Management Plan is introduced to deal predominantly with mechanical parking devices (car stackers), however is proposed to be required to accompany all non-residential applications that propose twenty (20) or more parking bays (including change of use to existing car parking bays). A Parking Management Plan is a strategy for developers, property owners or business proprietors to commit to, prior to establishing a parking facility onsite or commencing a change of use. The tool is to help manage parking demand by identifying future users of a parking area and planning for their respective needs to compel property developers to think more carefully about how their proposal will function.
5.2 Information to be included	This clause outlines what is required within a Parking Management Plan to ensure the City has adequate information to ascertain operational suitability of the parking aspect of development proposals. The proposed "Information to be included" has been derived from current City of Perth and Town of Cambridge submission requirements for Parking Management Plans.
5.3 Notification of specific parking bays on planning approval	This clause aims to ensure that the car bays provided in a development, particularly mixed use developments, are adequately allocated according to use and demand. This will also assist the City in dealing with the compliance issue of businesses leasing their parking bays to tenants, leaving no onsite parking for customers.
5.4 Amendments to an approved Plan	This clause clarifies that a Parking Management Plan forms part of a planning approval and any change of use of parking bays is to be submitted to the City as an amended development application.

CONSULTATION/ADVERTISING:

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

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, the City's Business E-News Newsletter, other inner-city Local Councils, the City's Parking Consultants, local developers and planning consultants, the Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

LEGAL/POLICY:

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

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1* and associated Policies;
- *Residential Design Codes of Western Australia;*
- *City of Vincent Car Parking Strategy;* and
- *City of Vincent Precinct Parking Management Plans.*

RISK MANAGEMENT IMPLICATIONS:

Low: The development requirements outlined in the new Parking and Access policy are predominantly derived from the City's four (4) existing policies relating to parking. Given these policies have been in effect for a considerable period of time, the consolidated policy is considered relatively low risk. Further, as the City's proposed new Parking and Access Policy is to be read in conjunction with Australian Standard 2890.1 and Residential Design Codes, its requirements are not standalone, further lowering risk.

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:

It is considered that the proposed amendment and rescission of existing policies support a more sustainable approach to reduce vehicles and promote a mix of other transport modes and shared parking initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

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

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

COMMENTS & CONCLUSION:

The proposed Policy No. 3.7.1 relating to Parking and Access includes appropriate changes to the existing local planning framework in relation to parking, in order to:

- Accommodate recommendations of the City's Car Parking Strategy;
- Address the Mayor Hon. Alannah MacTiernan's Notice of Motion on 4th December 2012 (relating to car stackers); and
- Address Councillor Topelberg's Notice of Motion on 18th December 2012 (relating to cash-in-lieu of parking).

It is recommended the existing policy No. 3.7.1 Parking and Access, No. 3.7.2 Loading and Unloading, No. 3.7.3 Car Stacking Systems and No. 3.4.4 Vehicle Access to Dwellings via a Right-of-way be rescinded, and the draft policy 3.7.1 relating to Parking and Access be adopted by Council for advertising.

9.1.8 Amendment No. 108 to Planning and Building Policies – Amendments to Policy 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	PLA0147
Attachments:	001 – Draft Amended Policy No. 3.4.8 - Development Guidelines for Multiple Dwellings in Residential Zones		
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 Draft Amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; and
2. **AUTHORISES** the Chief Executive Officer to advertise the Draft Amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, as shown in Appendix 9.1.8, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Maier, Seconded Cr McGrath

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

“That Clause 1 be amended to read as follows:

1. **ADOPTS** the Draft Amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones subject to the policy being amended as follows; and

1.1 Amend Clause 2.3.1 of the Policy as follows:

“For all Multiple Dwelling Developments which are three storeys and above, and adjoin a property to the rear zoned below R60, and are located on a Major Road and/or on a site more than 1000 square metres the following provisions apply:”

1.2 New Clause 2.3.2 be inserted to the Policy to read as follows:

“Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.”

Debate ensued.

Cr Carey departed the Chamber at 9.27pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.28pm.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Buckels

“That Clause 2.3.1 (b) in the Residential Development Policy be amended to read as follows:

2.3.1 (b) The maximum height limit for the rear portion of the building shall be the same as the height limit for the adjoining rear residential property within 6 metres of the rear boundary of the adjoining/neighbouring rear property. If there is a Row of Way between the two properties the measurement of the 6 metres is to include the width of the Right of Way. If additional storey’s above the allowable height limits indicated for areas zoned R60 or above are proposed then there maybe requirement for these storey’s to be setback further than the minimum 6 metres.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.8

That the Council;

1. **ADOPTS** the Draft Amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones subject to the policy being amended as follows;

1.1 **Amend** Clause 2.3.1 of the Policy as follows:

For all Multiple Dwelling Developments which are three storeys and above, and adjoin a property to the rear zoned below R60, the following provisions apply:

1.2 **New Clause 2.3.2 be inserted to the Policy to read as follows:**

Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity; and

2. **AUTHORISES** the Chief Executive Officer to advertise the Draft Amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, as shown in Appendix 9.1.8, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1, subject to:

2.1 **That Clause 2.3.1 (b) in the Residential Development Policy being amended to read as follows:**

“2.3.1 (b) The maximum height limit for the rear portion of the building shall be the same as the height limit for the adjoining rear residential property within 6 metres of the rear boundary of the adjoining/neighbouring rear property. If there is a Row of Way between the two properties the measurement of the 6 metres is to include the width of the Right of Way. If additional storey’s above the allowable height limits indicated for areas zoned R60 or above are proposed then there maybe requirement for these storey’s to be setback further than the minimum 6 metres.”

PURPOSE OF REPORT:

The purpose of this report is to enable Council to consider proposed Amendments to Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones to ensure residential amenity is retained where lots containing multiple dwellings abut residential zones.

BACKGROUND:

Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones was developed and adopted by the City on 28 October 2008. The Policy was amended 9 August 2011 following amendments to the Residential Design Codes of Western Australia (R Codes) in November 2010 that provided greater feasibility for development of Multiple Dwellings on residential properties coded above R 30. The substantial change to the R Codes was the inclusion of a new Part 7 setting out design elements requirements for multiple dwellings in areas with a coding of R30 or greater and within mixed use developments and activity centres.

Currently there are no guidelines which control the rear interface of large scale developments proposed on Major Roads, as these were removed in the last amendment to the Policy which was endorsed by the Council at its Ordinary Meeting held on 20 November 2012. The reason being, that the wording in the previous clause was ambiguous and was difficult to apply in the development assessment process. Amendment No. 108 has been initiated to reintroduce a clause addressing the rear interface between multiple dwellings of three storeys and above which are located along Major Roads and/or on sites of 1000 square metres where they adjoin properties that are zoned below Residential R60, that are only permitted a height limit of 2 storeys.

History:

Date	Comment
28 October 2008	Council adopted Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.
22 November 2010	Amendments to State Planning Policy 3.1: Residential Design Codes (Variation 1) Gazetted.
9 August 2011	Council adopted amended Policy 3.4.8 Multiple Dwellings in Residential Zones.
20 November 2012	Council resolved to adopt amended Policy 3.4.8 Multiple Dwellings in Residential Zones.

Previous Reports to Council:

This matter was previously reported to the Council on the 20 November 2012.

The Minutes of Item 9.1.7 from the Ordinary Meeting of Council held on 20 November 2012 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

The proposed amendments to Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones are explained in the table below:

Clause Amendments	Comments
<p>2.3.1 For all Multiple Dwelling Developments which are 3 storeys and above, adjoin a property to the rear zoned below R60, and are located on a Major Road and/or on a site of more than 1000 square metres the following provisions apply:</p> <p>(a) A rear setback of a minimum of 1.5 metres in width shall be provided and the setback shall be landscaped to include trees at a maximum of 3 metre spacing; and</p> <p>(b) The maximum height limit for the rear portion of the building shall be the same as the height limit for the adjoining rear residential property within 6 metres of the rear boundary of the adjoining/neighbouring rear property. If there is a Row of Way between the two properties the measurement of the 6 metres is to include the width of the Right of Way.</p>	<p>To reduce the impact which large scale multiple dwelling developments incur on smaller scale residential buildings a 'staggering of the entire building envelope' has been prescribed through clear and concise provisions that can be readily understood by an Applicant and through the development assessment process.</p> <p>Prescribing a height limit of 2 storeys within the rear 6 metre rear interface of 6 metres will alleviate the impost of scale to which larger developments of multiple dwellings have on adjacent properties with a zoning below Residential R60.</p> <p>An area of 1.5 metres of soft landscaping is also advised to further reduce the impact of multiple dwellings.</p> <p>The Rear Interface Diagram, which can be viewed in the attached draft amended policy, conveys the staggering to a maximum of 2 storeys within the 6 metre rear interface with 1.5 metres landscaping to further soften the impact of the proposed new Multiple Dwelling Development, to the rear residential property.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Medium: The amendments proposed aim to reduce the risks associated with poor quality development applications both in regards to information provided and in regards to the proposed design of the development.

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:

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

ENVIRONMENTAL	
Issue	Comment
In regards to the policy additional landscaping requirements which ensures that multiple dwellings include within their required open space areas, landscaped areas and soft landscaped areas which will increase tree and vegetation coverage and reduce areas of hard paving which has heat impacts.	
The policy also makes the requirement to address solar access to improve the environmental performance of dwellings and provide the potential to reduce reliance on mechanical heating and cooling.	

SOCIAL	
Issue	Comment
The policy amendments proposed aim to improve streetscape design and landscape design which both provide tangible benefits to the community in both streetscape enmity and safety through increased passive surveillance.	

ECONOMIC	
Issue	Comment
The policy encourages multiple dwelling developments of a quality which should have an economic benefit to the greater community and future owners.	

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: \$ 4,684
Balance: \$ 74,556

COMMENTS & CONCLUSION:

The City has experienced an increase in multiple dwelling development application since the amendment to the R Codes in November 2010, particularly in residential areas. Multiple dwelling developments proposed on Major Roads have increased development potential and therefore impact abutting lots. The proposed amendments will alleviate the extent to which these large developments impose themselves on abutting residential lots by the introduction of requirements set out in clause 2.3 of the Draft Amended Policy.

In light of the above, it is requested that the Council adopt the amended Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones, in accordance with the Officer Recommendation.

9.1.9 Amendment No. 109 to Planning and Building Policies – Draft Amended Policy No. 3.5.13 relating to Percent for Public Art

Ward:	Both Wards	Date:	15 February 2013
Precinct:	All Precincts	File Ref:	PLA0198
Attachments:	001 – Draft Amended Planning and Building Policy No. 3.5.13, relating to Percent for Public Art 002 – Affected Developments		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, 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. 3.5.13 Percent for Public Art as shown in Appendix 9.1.9, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, having regard to any submissions; and
 - 2.2 **DETERMINES** the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

Moved Cr Topelberg, Seconded Cr Carey

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

“That Clause 1 be amended to read as follows:

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.13 Percent for Public Art as shown in Appendix 9.1.9, 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 Policy being amended as follows; and

1.1 Amend ‘Threshold Value’ definition to read as follows:

“ ‘Threshold Value means the amount determined by the Council at the commencement of each financial year setting the minimum amount for which developments are required to contribute to Percent for Art. The amount is determined annually and set out in the City’s Prescribed ‘Fees and Charges’, in accordance with the Consumer Price Index (Perth).’ ”

1.2 Amend the section 'The Determination of the Threshold Value' to read as follows:

"The Council shall determine the dollar amount to be used for the "Threshold value" as part of its budget process. The amount shall be determined annually and set out in the city's Prescribed "Fees and Charges". The Council shall consider use the Consumer Price Index (CPI) – Perth in making that determination, as a basis of its calculation."

1.3 Delete clause 1(ii) (c) of the Policy as follows:

c) Are located on a major road as identified in Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; or

1.4 Amend clause 1(ii) (d) of the Policy as follows:

"located on a site area of 1000 square metres or more and is zoned District Centre, Commercial, Residential/Commercial or Residential R60 and above."

1.5 Amend clause 1(iii) as follows:

"Notwithstanding clause 1(i) and 1(ii), an applicant shall not be required to provide or contribute any more than \$500,000 in public art costs. For developments with a Total Project Cost of greater than \$50,000,000 a minimum of \$500,000 will be invested in public art under the provisions of this policy."

1.6 Amend clause 4(ii) as follows:

"The City encourages Owners/Applicants to situate the Public Art on private property within the relevant development. However, the City may also consider proposals to install Public Art on public land as considered appropriate by the City abutting or adjacent to the site, such as in the road reserve or in another public place."

1.7 Add clause 4(i) (g) to read as follows:

"The Owner/Applicant must provide to the City a project receipt for the full amount of the contribution at the completion of the project."

Debate ensued.

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Harley

"That Clause 1 be amended to read as follows:

- 1. AUTHORISES the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.13 Percent for Public Art as shown in Appendix 9.1.9, 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 policy being amended as follows; and**

1.1 Amend Clause 1(ii) of the Policy as follows:

"Proposals for residential developments over the Threshold Value are to set aside a minimum of half of one per cent (0.5%) (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community, where they meet the following criteria:"

AMENDMENT 1 PUT AND LOST (1-8)

For: Cr Buckels

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

Debate ensued.

AMENDMENT 2

Moved Cr Buckels, Seconded Cr Harley

“That Clause 1 be amended to read as follows:

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.13 Percent for Public Art as shown in Appendix 9.1.9, 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 policy being amended as follows; and

1.2 Amend Clause 3(i) (a) of the Policy as follows:

~~“As per clause 1, a A minimum of 1.1% of the Total Project Cost;”~~

AMENDMENT 2 PUT AND LOST (1-8)

For: Cr Buckels

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

Debate ensued.

AMENDMENT 3

Moved Cr Maier, Seconded Cr Harley

“That Clause 1.2 be amended to read as follows:

1.2 Amend Clause 1(ii) of the Policy as follows:

~~“Proposals for residential developments comprising ten dwellings or more and which are over the Threshold Value are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community, where they meet the following criteria:~~

~~a) Comprise of ten (10) dwellings or more; and~~

~~b) With a height of three (3) storeys or more; and~~

~~c) Are located on a major road as identified in Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; or~~

~~d) located on a site area of 1000 square metres or more and is zoned District Centre, Commercial, Residential/Commercial or Residential R60 and above.”~~

Debate ensued.

AMENDMENT 3 PUT AND LOST (3-6)

For: Cr Harley, Cr Maier, Cr Pintabona

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

Debate ensued.

AMENDMENT 4

Moved Cr Maier, Seconded Cr Pintabona

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

3. **APPROVES** in principle to set the Threshold Value for the remainder of 2012/2013 at \$1,100,000.”

Debate ensued.

AMENDMENT 4 PUT AND LOST (3-6)

For: Mayor Hon. MacTiernan, Cr Maier and Cr Pintabona

Against: Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Topelberg, Cr Wilcox

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Buckels

COUNCIL DECISION ITEM 9.1.9

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.5.13 Percent for Public Art as shown in Appendix 9.1.9, 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 Policy being amended as follows;

- 1.1 Amend ‘Threshold Value’ definition to read as follows:

Threshold Value means the amount determined by the Council at the commencement of each financial year setting the minimum amount for which developments are required to contribute to Percent for Art. The amount is determined annually and set out in the City’s Prescribed ‘Fees and Charges’;

- 1.2 Amend the section ‘The Determination of the Threshold Value’ to read as follows:

The Council shall determine the dollar amount to be used for the “Threshold value” as part of it budget process. The amount shall be determined annually and set out in the city’s Prescribed “Fees and Charges”. The Council shall consider the Consumer Price Index (CPI) – Perth in making that determination;

- 1.3 Delete clause 1(ii) (c) of the Policy as follows:

~~c) Are located on a major road as identified in Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; or~~

- 1.4 **Amend clause 1(ii) (d) of the Policy as follows:**
Zoned District Centre, Commercial, Residential/Commercial or Residential R60 and above;
 - 1.5 **Amend clause 1(iii) as follows:**
For developments with a Total Project Cost of greater than \$50,000,000 a minimum of \$500,000 will be invested in public art under the provisions of this policy; and
 - 1.6 **Amend clause 4(ii) as follows:**
The City encourages Owners/Applicants to situate the Public Art on private property within the relevant development. However, the City may also consider proposals to install Public Art on public land as considered appropriate by the City; and
 - 1.7 **Add clause 4(i) (g) to read as follows:**
The Owner/Applicant must provide to the City a project receipt for the full amount of the contribution at the completion of the project; and
2. **After the expiry period for submissions:**
- 2.1 **REVIEWS the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, having regard to any submissions; and**
 - 2.2 **DETERMINES the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.**

PURPOSE OF REPORT:

The purpose of this report is to present the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art for consideration by the Council, and to seek the Council's approval to advertise the Draft Amended Policy.

BACKGROUND:

At the Ordinary Meeting of Council held on 4 December 2012 a Notice of Motion was put forth by the Council requesting a review of the City's Policy No. 3.5.13 relating to Percent for Art as follows:

"COUNCIL DECISION ITEM 10.2

That the Council;

1. *APPROVES IN PRINCIPLE to amend Policy No: 3.5.13 "Percent for Public Art" as follows:*
 - 1.1 *Clause 1 Policy Intent to read:*
"Proposals for residential developments of ten (10) or more dwellings and commercial or mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community"; and

2. *REQUESTS the report to include, but not limited to the following information;*
 - 2.1 *number of developments which will be affected;*
 - 2.2 *the possible effects of the proposed amendment (financial impact, staff resources/potential workload etc);*
 - 2.3 *any other relevant information; and*
3. *REQUESTS the Chief Executive Officer investigate the feasibility and impact of:*
 - 3.1 *the amount required being determined on a sliding scale similar to the State Government's policy; and*
 - 3.2 *recognising the reduced overheads where funds are aggregated by allowing a discount in the cash in lieu rate, and determining the circumstances when this might apply; and*
4. *REQUESTS that a report be submitted to the Council no later than February 2013."*

The above matters have been researched and the findings presented in the body of this report. Due to the findings presented, alternate amendments to the policy are presented by the Administration.

History:

Date	Comment
24 August 1998	The Council at its Ordinary Meeting adopted a Policy relating to Percent for Art.
27 March 2001	Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art was adopted by the Council at its Ordinary Meeting.
9 March 2004	The City's Policy No. 1.1.8 – Percent for Art Scheme was amended.
13 March 2007	The Council at its Ordinary Meeting resolved, to amend the City's Policy No 1.1.8 – Percent for Art Scheme.
24 July 2007	The Council at its Ordinary Meeting considered the City's Policy No. 1.1.8 – Percent for Art Scheme, and approved in principle the amendments.
22 April 2008	The Council at its Ordinary Meeting resolved to rescind Policy No. 1.1.8 – Percent for Art Scheme to rationalise the Policies into one document Policy No. 3.5.13 relating to Percent for Public Art.
24 June 2008	The Council at its Ordinary Meeting resolved to adopt the final version of Policy No. 3.5.13 – Percent for Public Art.
24 May 2011	The Council at its Ordinary Meeting resolved, to amend the City's Policy No 3.5.13 – Percent for Public Art.
4 December 2012	Through a Notice of Motion, the review of Policy No. 3.5.13 was requested.

Previous Reports to Council:

This matter to amend the City's Policy No. 3.5.13 relating to Percent for Public Art was previously reported to the Council on 24 May 2011. The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 24 May 2011 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

The Notice of Motion to initiate this current review of Policy No. 3.5.13 relating to Percent for Public Art can be found in the minutes of item 10.2 from the Ordinary Meeting of Council held on 4 December 2012 and 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 Council Decision item 10.2 from the Ordinary Meeting of Council held on 4 December 2012 the following research has been undertaken in relation to the suggested amendment to clause 1 of the policy shown in underline below.

“Proposals for residential developments of ten (10) or more dwellings and commercial or mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community”; and

2.1 Number of developments which will be affected;

From 1 January 2010, until the time of writing this report, five (5) development applications over the value of \$1,000,000 comprising ten (10) dwellings or more have been approved by the Council. Had the above amended clause been implemented, these developments would have been subject to the City’s Policy No. 3.5.13 - Percent for Public Art. The five developments are conveyed in attachment 002 of this report.

2.2 The possible effects of the proposed amendment (financial impact, staff resources/potential workload etc);

Financial Impact

The five aforementioned development applications would add a total of five art projects to the City. The sum of \$131,250 would have been contributed to local arts in the City of Vincent.

Staff Resources/Potential Workload

Currently the rate of applicants choosing to coordinate the art projects themselves is 91.66% compared to 8.33% of applicants electing to pay cash-in-lieu. Due to the high occurrence of applicants selecting to coordinate the art projects themselves staff resources are limited to liaison with the artist and developers to approve the art, rather than an officer managing the art project up to the point of installation. Therefore the workload and staff resources would be minimally impacted from the amendment to clause 1, should this same preference by applicants continue.

Financial Impact to Developers

The below table conveys three recent developments which convey that an increased amount of dwellings does not necessitate an increased amount in Total Project Cost. The developments conveyed below would suggest that the introduction of the clause ‘residential developments of ten (10) or more dwellings’ is unfair and contentious therefore further conditions have been recommended to demonstrate that the City is not imposing a contribution on every application rather the applications which are suitable.

Address	Development	Total Project Cost
112 Broome Street, Highgate	Eight (8) Grouped Dwellings	\$2,310,000
20 Monmouth Street, Mount Lawley	Nine (9), Two (2) Storey Townhouses	\$3,427,280
192 Claisebrook Road, Perth	Two-Storey Building Comprising Ten (10) Single Bedroom Multiple Dwellings and Associated Car Parking	\$1,650,000

3.1 The amount required being determined on a sliding scale similar to the State Government's policy

State Government Policy regarding Percent for Art Scheme is not a document that is available for another 14 years as cabinet minutes are subject to a 30 year embargo. According to the Minister for Planning; Culture and the Arts; Science and Innovation:

'There is not a published policy, the Percent for Art Scheme has been governed by Cabinet Minute 4.4 "Art of the State", since 28 May 1997.'

The State Governments Percent for Art Scheme, by review of annual report 2011 - 2012, operates with a sliding scale which is at the discretion of the State Government. Of the 19 projects commissioned, between 2011 and 2012, by the State seven projects art contribution ranged between 0.58% to 0.94% the other 12 projects being subject to the full 1%. The projects not subject to the full 1% ranged from \$7,960,500 to \$60,000,000, with no apparent pattern in the determination of percentage in relation to the Total Project Cost.

There are no other local governments which operate with a sliding scale however the Metropolitan Redevelopment Authority do have a 'Public Art Contribution Matrix' which has merit in relation to a maximum contribution amount, as outlined below:

Public Art Contribution Matrix	
Construction Cost	Contribution
less than \$1,000,000	Nil required.
\$1,000,000 - \$50,000,000	Public art with a minimum cost of 1% of construction cost; or 1% of construction cost contributed to the public art fund.
greater than \$50,000,000	Public art of a minimum cost of \$500,000 to be provided on site.

The above Public Art Contribution Matrix serves as a cap on the maximum amount an individual project would need to contribute to public art which in itself may be detracting from the stated objectives of the policy and in turn produce art which is disproportionate to the development it was intended to offset.

Determining the contribution amount by way of a sliding scale would be contentious and to the detriment of the policy's successful regulation since 1998. The maximum contribution amount will be appropriate to include as it will defer any contentious issues arising from justification of contribution amounts and thus has been included as clause 1iii) of the Draft amended Policy.

3.2 Recognising the reduced overheads where funds are aggregated by allowing a discount in the cash in lieu rate, and determining the circumstances when this might apply

A discount in cash-in-lieu (for instance 10%) would make more if not all applicants choose this option. Since 1 January 2010 thirty-six developments have been subject to the percent for public art policy. As conveyed in the table below only a small percentage of developers are opting for cash-in-lieu of Art.

Owner/Applicant selection of Option 1 or 2 since 1/1/10		
Option 1: Developer Coordinates Art	33	91.66%
Option 2: Cash-in-lieu	3	8.33%
	36	100%

The main concern of introducing a discount in the cash-in-lieu contribution amount would be the additional staff time required to manage projects up to the point of installation. Furthermore the aforementioned discount would detract from the stated objective of the policy. *'Establish new design partnerships between artists, architects and other professionals'*. The Policy's original and current intention is to provide an avenue for which artists can establish themselves in the industry and make connections within other industries to provide better outcomes for the end resulting development. To initiate and commission artists, and manage projects up to final installation should not be an extensive role of the Council.

An introduction of a discount for cash-in-lieu contributions would give the City more control in terms of the type and placement of art within the City however it would detract from the objectives that have made this policy successful and worthwhile since 1998.

Further to the above Clause 3iii) of the City's current policy states *'Any Public Art commissioned by the City under this Policy will be owned and maintained by the City.'* As aforesaid the City would have to commission artists and manage projects to the point of installation however the piece of art will then need to be maintained. The maintenance would produce an increased workload for the responsible officers and these costs would be solely incurred by the City.

In addition the aggregation of funds exists in the current policy as clause 3ii) *'Cash-in-lieu funds paid in relation to more than one development in close proximity may be accrued for more comprehensive or detailed Public Art projects as determined by the City'*. The poor rate of selection of option two have lead to the limited use of the aforesaid clause for creating larger scale projects with combined funds.

The discount in cash-in-lieu contribution has been reviewed and recommended to not be included in the Draft Amended Policy No. 3.5.13, however a new clause 1iii) has been added to set a maximum contribution amount, to defer any contentious issues arising from justification of contribution amounts, for Percent for Public Art.

POLICY CHANGES PROPOSED

Clause Amendments	Comments
1i) Proposals for commercial, non-residential , and mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.	The removal of <i>'non residential'</i> is necessary as this clause will need only relate to commercial and mixed residential/commercial developments whilst clause 1ii) will set the conditions for residential development.
1ii) Proposals for residential developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community, where they meet the following criteria: a. <u>Comprise of ten (10) dwellings or more; and</u> b. <u>With a height of three (3) storeys or more; and</u> c. <u>Are located on a major road as identified in Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; or</u> d. <u>located on a site area of 1000 square metres or more and is zoned District Centre, Commercial, Residential/Commercial or Residential R60 and above.</u>	The addition of the criteria, <i>'height of three storeys or more'</i> is to ensure that developments which are visual landmarks to the community require art to offset the larger scale of structures proposed. The inclusion of criterion, <i>'a site area of 1000 square metres or more'</i> is to ensure that large strategic development sites which are subject to contributing to Art in the City, regardless of existing on a major road. Proposals for developments along Major Roads are of a greater scale and also part of significant streetscape viewed by a large section of the community.

Clause Amendments	Comments
1iii) <u>Notwithstanding clause 1i) and 1ii), an applicant shall not be required to provide or contribute any more than \$500,000 in public art costs.</u>	A maximum contribution amount of \$500,000 is appropriate to include as it will defer any contentious issues arising from justification of contribution amounts for very large scale projects. This is felt an easier tool to manage outcomes rather than a sliding scale.
1iv) <u>Following the approval of the development application and prior to the commencement of development the owner/applicant is required to complete a statutory declaration submitted to the City stipulating the choice of:</u> <u>Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves</u> <u>Or</u> <u>Option 2: Owner/Applicant chooses to pay cash-in-lieu</u>	Planning Services Staff have recommended clause 1iv) due to applicants questioning the need for a Statutory Declaration during the approval process. Including this clause in the policy will clearly demonstrate the need for a Statutory Declaration to the applicants.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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In accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1 the Draft Amended Policy No. 3.5.13 will require advertising for 28 days.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: The amendments to the policy could incur budget and financial implications for the City in terms of an increase in Art projects in the City relating to residential developments which meet the criteria subjecting them to a contribution for Public Art.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
Nil.	
SOCIAL	
Issue	Comment
The current policy has significant impacts to social sustainability in the City. The amendments included in this report would continue to create work for local artists who provide cultural diversity which can be enjoyed and celebrated by the community.	
ECONOMIC	
Issue	Comment
The increase in work for artists provided by this policy will boost the local economy.	

FINANCIAL/BUDGET IMPLICATIONS:

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

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

The Council at its Ordinary Meeting on 22 April 2008 is the date the City instated the clause of \$1,000,000 into the existing Policy No. 3.5.13 relating to Percent for Public Art. The following table has been using data from the ABS, showing the yearly CPI increase as a percentage with the increases of the \$1,000,000 since 2008 along the bottom of the table.

	CPI percentage increases 2008 - 2012				
	2008	2008 – 2009	2009 – 2010	2010 – 2011	2011 - 2012
	-	2.5%	2.9%	3.3%	1.6%
Rise from \$1,000,000	\$1,000,000	\$1,025,000	\$1,054,725	\$1,089,530.90	1,106,963.30

The Policy has a definition of "Threshold Value" inserted into clause 1 of the Policy. This will then allow the Council to increase the amount on a yearly basis in accordance with the CPI through an update to the City's Fees and Charges without having to amend the Policy on a yearly basis.

It is also worth noting that prior to 2008 the City had two policies relating to this Percent for Art, namely Policy No. 1.1.8 – Percent for Art Scheme and the Local Planning Policy No. 3.5.13 relating to Percent for Public Art, which conflicted in terms of the development value at which the one (1%) percentage contribution for public art was required. This previous discrepancy is outlined in the extracts of the old policies below:

Policy No. 1.18 - Percent for Art Scheme noted that:

- (i) *Public buildings and works projects undertaken by the Town of Vincent over the value of \$500,00'; and*
- (ii) *'Private development projects over the value of \$1,000,000, whereas*

Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art, stated that 'over \$500,000 for proposals for commercial, non/residential, and/or mixed residential/commercial developments'.

These two old Policies were rationalised into the amended Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art in 2008, resulting in the one Local Planning Policy which the City has in operation today,

COMMENTS & CONCLUSION:

The City's Policy relating to Percent for Public Art has been a success since its inception in 1998. The policy and its conditions are rarely challenged as it has been widely accepted and supported by the community and applicants. The changes proposed should not be a detriment to the previous success that the policy holds.

The introduction of clause 1ii) to the policy will increase the amount of applications subject to Percent for Public Art. This will in turn increase the amount of public art in the City improving aesthetics and improving the local economy with increased employment of local artists and improved design outcomes of developments.

The introduction of a maximum contribution amount to be capped at \$500,000 proposed in clause 1iii) will defer any contentious issues arising from justification of contribution amounts for larger scale projects.

The introduction of clause 1iv) requiring applicants to complete a statutory declaration pertaining to their choice of option one or two will alleviate uncertainty in the approval process.

In light of the above it is requested that the Council approves advertising of the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art as the changes prescribed will not be of detriment to the successful operation of the Policy.

9.1.10 Draft Heritage Strategic Plan 2013-2017 – Advertising for Public Comment

Ward:	Both Wards	Date:	15 February 2013
Precinct:	All Precincts	File Ref:	PLA0088
Attachments:	001 – Draft Heritage Strategic Plan 2013-2017		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 advertise the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10, for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation; and
 - 2.2 report back to Council to adopt the final version of the Heritage Strategic Plan 2013-2017 taking into consideration any submissions received during the advertising period.

COUNCIL DECISION ITEM 9.1.10

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.01pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Buckels

That the item be DEFERRED for further consideration and be subsequently reported to the Ordinary Meeting of Council to be held on 12 March 2013.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

PURPOSE OF REPORT:

The purpose of the report is to present the Draft Heritage Strategic Plan 2013-2017 to the Council and to seek approval to advertise the document for public comment.

BACKGROUND:

The City's first Heritage Strategic Plan 2007-2012 was adopted by the Council at its Ordinary held on 11 September 2007. Since the adoption of the Heritage Strategic Plan 2007-2012, the City of Vincent has used this plan as the key guiding document to effectively manage heritage and implement the Key Result Areas identified within the plan.

The City's Heritage Services have reviewed the current Heritage Strategic Plan 2007-2012 and prepared the Draft Heritage Strategic Plan 2013-2017, which builds on the progress made by the City of Vincent since 2007 and sets clear goals for the next five years.

History:

Date	Comment
12 June 2007	The Council considered the Draft Heritage Strategic Plan 2007-2012 and resolved to defer the item to include proposed changes.
26 June 2007	The Council reconsidered and endorsed the Draft Heritage Strategic Plan 2007-2012 and authorised the Chief Executive Officer to advertise the Plan.
11 September 2007	The Heritage Strategic Plan 2007-2012 was adopted by the Council.

Previous Reports to Council:

This matter was previously reported to the Council on 12 June 2007 (Item 10.1.5), 26 June 2007 (Item 10.1.4) and 11 September 2007 (Item 10.1.4).

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

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2007

DETAILS:

Heritage management throughout the City of Vincent deals with aspects of asset management, town planning and community programs.

Key Achievements Since 2007

Since the adoption of the first Heritage Strategic Plan 2007-2012, the City has and continues to implement a number of actions which have been identified in the Key Result Areas in the Plan. The key achievements include:

Key Result Area 1 - COMMUNITY AND HERITAGE - Educating, Promoting and Celebrating Vincent Heritage

- Conducted annual talks and workshops to promote heritage, which covered researching the history of your home, repair and maintenance conservation techniques and historic garden design;
- Heritage Plaques program established to recognise and celebrate places of heritage interest;
- Building Design and Conservation Awards has been held biennially;
- Interpretive Panels have been prepared and installed at heritage places vested with the City; and
- Prepared a number of publications for the owners of the heritage listed properties, to promote a relationship with property owners and to inform heritage initiatives and conservation knowledge, which include:
 1. Yearly Heritage Newsletter;
 2. Yearly Heritage Calendars;
 3. Housing Style Information Brochures; and
 4. Researching the History of Your Home – A Brief Guide.

Key Result Area 2 - STATUTORY PROVISIONS AND POLICIES - A Major Responsibility of Council

- Policies relating to Heritage Management were reviewed in 2012, which covered the assessment of heritage places, development guidelines and procedure for properties to be entered on the Municipal Heritage Inventory; and
- Updated the City's Geographic Information System to illustrate locations of places included on Municipal Heritage Inventory; and
- Used the City's policies and scheme to effectively assess and determine development to heritage and adjacent properties.

Key Result Area 3 - FUNDING HERITAGE PLACES - Resourcing and Supporting Heritage Places and Programs

- Heritage Assistance Fund is running with two rounds each year to support property owners undertaking conservation works to their heritage places. Between 2007/08 and 2011/12, the City has allocated \$227,670 to 60 applications; and
- The City was granted \$7,272.73 and \$4,545.45 from the Department of Sustainability, Environment, Water, Population and Communities in 2012 for the two Public Workshops – Repair and Maintenance of Heritage Buildings, and the Heritage Plaques Program respectively.

Key Result Area 4 - COUNCIL PROPERTY AND HERITAGE - Asset Management and Leading by Example

- The Council has endorsed \$78,125 for 2012/2013 to 2015/2016 to finance the implementation of the proposed Interpretation Plan for the Anzac Cottage and was granted \$5,560 from the Lotterywest to develop an education package proposed in the Plan;
- Extensive conservation works have been undertaken to the heritage gates at the nib Stadium (formerly known as Perth Oval) to ensure that the gates are restored to their former glory; and
- The City purchased the State Heritage Listed No. 81 Angove Street, North Perth (formerly North Perth Police Station) in 2009, which is currently leased to a not-for-profit organisation. A business plan for the property is currently being prepared in relation to the use of the site.

Key Result Area 5 - HERITAGE EXPERTISE IN COUNCIL - Improving Knowledge and Services

- The City of Vincent was announced as the winners of the Heritage Council of Western Australia Awards for 2007, in the organization category for our successful Municipal Heritage Inventory (MHI) review project;
- The City of Vincent received a High Commendation for "Outstanding Heritage Practices by a Metropolitan Local Government" from the Heritage Council of Western Australia in 2011; and
- A new Local History and Heritage Advisory Group has been formed and plays an important role in encouraging and promoting local history and heritage.

Key Result Areas for 2013-2017

The Draft Heritage Strategic Plan 2013-2017 has been drawn from experiences and issues of heritage management in the City and the previous Heritage Strategic Plan 2007-2012. The existing five Key Result Areas have been reinforced by focusing on a more sustainable approach to heritage conservation and promoting adaptive re-use of heritage assets. The new goals addressed in the Key Result Areas comprise the following:

- Prepare Construction Waste Re-use and Management Guidelines to encourage re-use and recycling of building materials and construction waste;

- Establish a procedure to protect the values of the City's heritage assets identified for removal, disposal or sale;
- Undertake interactive educational workshops to demonstrate and assist landowners to conduct alterations and additions/repair and maintenance whilst maintaining the character and heritage;
- Develop Hi-Tech Self-Guided Walk materials for community members and tourists to download information to digital devices to discover the significance of heritage places;
- Continue to implement the Lacework Hire Program for Brookman and Moir Streets Precinct and other heritage building owners to hire lacework replica to assist in undertake conservation works; and
- Promote and optimise ecologically sustainable landscape treatments to heritage gardens.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Type:	<ul style="list-style-type: none"> • 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 other appropriate government agencies as determined by the City of Vincent; • Advertisement in local newspaper; • Council member notification; • Community Precinct Group notification; • Notice on the City's website; and • Copies displayed at City of Vincent Administration and Civic Centre and Library. • Circulated to Local History and Heritage Advisory Group
Comments Period:	28 days

Following advertising, the submissions will be reviewed by Heritage Services and presented to Council for final consideration.

LEGAL/POLICY:

City of Vincent Community Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the Council endorses the Heritage Strategic Plan 2013-2017 to be the City's guiding and strategic document to ensure that the City provide a quality services that enhances and celebrates our diverse history and community through identifying, conserving and promoting the cultural heritage of Vincent over the next five years.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

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

"1.2 The Environmental Sustainability Context

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

Strategic Planning and Heritage Publicity and Promotion

Budget Amount: \$12,000
Spent to Date: \$ 8,753
Balance: \$ 3,247

There are also other dedicated Heritage Management accounts that are allocated to various projects that stem from the Key Actions of the Heritage Strategic Plan. These will be reviewed as part of the 2013-2014 budget to align with the Heritage Strategic Plan 2013-2017.

COMMENTS & CONCLUSION:

Built on the solid platform the City has put in place in the past years, the Draft Heritage Strategic Plan 2013-2017 provides an overarching framework and strategic direction for heritage management at the City of Vincent over the next five years. This Heritage Strategic Plan foresees that the heritage fabric in the City of Vincent will play an important role in maintaining the integrity of the urban environment.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to advertise the Draft Heritage Strategic Plan 2013-2017.

9.2.1 Palmerston Street between Randall Street and Stuart Street, Perth - Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements – Progress Report No. 4

Ward:	South	Date:	15 February 2013
Precinct:	Hyde Park (12)	File Ref:	TES0172
Attachments:	001 – Plan No. 2778-CP-01G		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Acting Director Technical Services		
Responsible Officer:	R Lotznicker Director Technical Services		

Deputy Mayor Cr Warren McGrath declared an Proximity Interest in this Item.

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES;**

1.1 the previously approved the implementation of On Road Cycle Lanes, and other improvements for the section of Palmerston Street between Randall Street and Stuart Street, as shown on plan No. 2778-CP-01A, however following the receipt of a petition and representation from residents the previously approved plan has been revised to incorporate the residents' concerns; and

1.2 further consultation was undertaken from November 2012 to January 2013 on the 'revised' Plan No. 2778-CP-01G, which incorporated many of the resident's concerns; and

2. **APPROVES** the implementation of the On Road Cycle Lanes and associated works, as shown 'revised' Plan No. 2778-CP-01G estimated to cost \$150,000, as soon as practical to ensure that the City does not lose its Bikewest funding as it is considered the revised option is the best compromise to address residents concerns.

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Carey returned to the Chamber at 8.01pm.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Topelberg

“That Clause 2 be amended to read as follows:

That the Council;

- 1. NOTES that;**
 - 1.1** it previously approved the implementation of On Road Cycle Lanes, and other improvements for the section of Palmerston Street between Randall Street and Stuart Street, as shown on plan No. 2778-CP-01A, however following the receipt of a petition and representation from residents the previously approved plan has been revised to incorporate the residents’ concerns; and
 - 1.2** further consultation was undertaken from November 2012 to January 2013 on the ‘revised’ Plan No. 2778-CP-01G, which incorporated many of the resident’s concerns; and
- 2. APPROVES** the implementation of the On Road Cycle Lanes and associated works, as shown on ‘revised’ Plan No. 2778-CP-01G, excluding the one - way treatment, estimated to cost \$150,000, as soon as practical to ensure that the City does not lose its Bikewest funding as it is considered the revised option is the best compromise to address residents concerns, subject to the desirability of the one-way treatment being further assessed after a twelve (12) month period.

Debate ensued.

Cr McGrath Departed the Chamber at 8.13pm.

AMENDMENT PUT AND CARRIED (7-1)

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

(Cr McGrath had departed the Chamber as he had declared a Proximity Interest in the item.)

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

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

COUNCIL DECISION ITEM 9.2.1

That the Council;

- 1. NOTES that;**
 - 1.1** it previously approved the implementation of On Road Cycle Lanes, and other improvements for the section of Palmerston Street between Randall Street and Stuart Street, as shown on plan No. 2778-CP-01A, however following the receipt of a petition and representation from residents the previously approved plan has been revised to incorporate the residents’ concerns; and
 - 1.2** further consultation was undertaken from November 2012 to January 2013 on the ‘revised’ Plan No. 2778-CP-01G, which incorporated many of the resident’s concerns; and
- 2. APPROVES** the implementation of the On Road Cycle Lanes and associated works, as shown on ‘revised’ Plan No. 2778-CP-01G, excluding the one way treatment, estimated to cost \$150,000, as soon as practical to ensure that the City does not lose its Bikewest funding as it is considered the revised option is the best compromise to address residents concerns, subject to the desirability of the one-way treatment being further assessed after a twelve (12) month period.

PURPOSE OF REPORT:

The purpose of this report is to approval an alternative 'compromise' proposal for the proposed extension of the existing on road bicycle lanes along Palmerston Street between Randall Street and Stuart Street, Perth.

BACKGROUND:

Previous Reports to the Council:

Ordinary Council Meeting – 12 February 2013:

The report was to be considered at the above Ordinary Meeting of Council but was deferred pending a minor correction to the plan and additional information.

Ordinary Council Meeting – 5 April 2011:

This matter was considered by the Council where the following decision was made:

"That the Council

- (i) APPROVES IN PRINCIPLE the proposal for Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000 as shown on Plan No. 2778-CP-01.*
- (ii) LISTS an amount of \$150,000 for consideration in the draft Budget 2011-2012 for the proposed works;*
- (iii) NOTES that the Town will be applying for contributory Bikewest Funding for the cycling component of the project;*
- (iv) CONSULTS with affected residents in Palmerston Street regarding the proposal; and*
- (v) NOTES that a further report will be submitted to the Council at the conclusion of the consultation period."*

Special Council Meeting – 30 August 2011:

In accordance with clause (iv) of the Council decision on 5 April 2011 a total a forty four (44) letters were distributed to residents along Palmerston Street seeking their comments on the proposal. At the close of consultation on 2 May 2011 only six (6) responses had been received (representing a very low 14% response) with three (3) in favour of the proposal and three (3) against the proposal. The Director Technical Services also met a resident on site during the consultation period however they did not provide any formal comments.

A further report was presented to the Council where the following decision was made:

That the Council;

- "1. NOTES that the City applied for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program for funding for the Palmerston Street, Perth project however at the time of writing this report no information was available on the status of the City's funding application;*
- 2. APPROVES the implementation of the proposal for the Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000, as shown on 'revised' Plan No. 2778-CP-01A, which incorporates a number of comments received during the consultation period, subject to contributory funding being received from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program; and*
- 3. ADVISES the Palmerston Street residents of its decision."*

DETAILS:

Previous Objections to the proposal:

During the consultation period some residents advised that they strongly objected to the removal of the grassed verge. This was followed by numerous calls, including site meetings with several residents (on the eastern side of the street), requesting that their grass/landscaped verge be retained.

While some of the comments received during the consultation were incorporated in the revised plan the further comments received and representation from residents after the Council made its decision would have meant a total redesign, hence the project was placed on hold pending further investigation.

Petition – 22 August 2012:

On a petition signed by fourteen (14) residents from Palmerston Street was received opposing the removal of verges in Palmerston Street and requesting that further consultation occur to ensure that verges are kept. The petitioners also requested that adequate traffic calming measures be implemented as the increased volume and speed of traffic using this residential street, especially during peak hours, was causing problems for residents.

On road parking:

An assessment of the street indicated that approximately forty (40) parking spaces are available at present (between Randall Street and Stuart Street).

With the *current* approved Plan No. 2778-CP-01A the number of on road parking bays would be reduced by five (5) to thirty five (35) bays.

Construction constraints:

The initial plan was to implement a 'flush kerb' on the western side of the street and lower/reshape/plant the verge area to capture runoff from the road. It soon became evident that this would not be possible due the existence of a high pressure gas main and an old 'shallow' cast iron water main. It should be noted however that stormwater runoff from Palmerston Street is captured and flows into the created Wetland at the south east corner of Robertson Park.

Modified proposal:

Following the initial consultation the plan was modified, wherever possible, to incorporate some of the few comments received. It was considered that the resultant plan was a balance between the requirement to maintain a reasonable level of 'on road' parking, incorporate 1.5m wide cycle lanes while still maintain a two way traffic flow, and provide more 'greening'.

Following receipt of the petition a number of different alternatives were explored however due to the existing verge width, existing services, street verge trees etc there is no real scope to substantially change the layout, from what is basically an extension of what has previously being implemented north of Randall Street and south of Stuart Street.

Given the comments from the petitioners i.e. *opposing the removal of verges, the only way to practically achieve this is to reduce the number of on-street parking bays on the eastern side of the street.*

Therefore Plan No. 2778-CP-01G was prepared resulting in the available on road parking bays being further reduced to twenty six (26) i.e. *from forty (40) (existing) to twenty six (26) a net reduction of fourteen (14) parking bays.*

Officer Comments:

Palmerston Street forms part of the Perth Bicycle Network (Route NE4) and the City (then Town) previously implemented dedicated on road cycle lanes between Newcastle Street and Stuart Street and between Randall Street and Glendower Street.

Additional Information:

In the 'Super Tuesday' bicycle census conducted 6 March 2012 one hundred and five (105) cyclists were recorded using Palmerston Street between the hours of 7.00 and 9.00am placing it in the top 6 routes within the City (which includes the Principle Shared Paths).

This layout was approved by the Council (following recommendations by the LATM Advisory Group (now ITAG) and matches the existing layout in the section of Palmerston Street south of Newcastle Street (in the City of Perth).

The Officers have explored a number of different alternatives for the section of Palmerston between Stuart Street and Randall Street however due to the existing verge width, existing services, street verge trees etc there is no real scope to substantially change the layout. The revised alternative proposal as shown on plan No 2778-CP-01G will achieve what the majority of petitioners (and residents spoken with) are after including allowing for dedicated cycle lanes.

The only compromise being the on-road parking availability will be reduced however residents (and their visitors) would still be able to park on the verge areas.

Given the number of cyclists using Palmerston Street completing the 'missing link' will improve (cyclist) safety and may yet encourage more cyclists.

Traffic Calming:

The average weekday traffic volume in Palmerston is around 3,100 vehicles per day. The street was classified as a Local Distributor however the Council, some years ago reclassified it to an access road. Regardless of this it still functions as a local distributor hence the higher traffic (access road traffic threshold 3,000vpd).

The speeds also vary (85% speed Randal to Brisbane = 40.3kph and Brisbane to Stuart = 51.5kph) and the petitioners have requested that *adequate traffic calming measures be implemented as the increased volume and speed of traffic using this residential street.....*

While the speeds are not excessive, to be consistent with the treatment previously implemented in the other sections of the street it is recommended that low profile speed humps be installed on the approached to the existing roundabout at Brisbane Street and that a landscaped 'single lane slow point' (as currently exists between Stuart Street and Newcastle Street refer photo below) be installed as shown on plan No 2778-CP-01G.



Existing single lane slow point Palmerston Street between Newcastle and Stuart Street

Further Consultation on Revised Proposal (2778-CP-01G):

Further consultation was undertaken on 30 November 2012 where sixty eight (68) letters were distributed to residents along Palmerston Street seeking their comments.

At the close of consultation on 25 January 2012 (an extension of time was given for the consultation) only eight (8) responses were received (representing a very low response rate of 11.8%) with two (2) in favour and six (6) against the revised proposal.

Related Comments *In Favour* of the Proposal:

- I fully support the extension and completion of the bicycle lanes and the traffic calming speed humps on Palmerston Street.
- I supported the previous proposal too.

Related Comments *Against* the Proposal:

- 1 x against the proposal with no further comment.
- I wish to acknowledge positive changes made. I now lose less of my verge. I support the traffic calming initiative; I am opposed to having a portion of my verge removed.
- I object to the proposed changes that will reduce the parking in the street and is likely to make parking on the front verge outside my property even more difficult...should embayed parking be the result of this consultation process, I request that the profile of the curb is very low so that even small cars with low clearance can mount the kerb easily to park. The loss of 13 parking bays with this proposed plan will put additional pressure on parking in the street....
- The verge at the front of ... Palmerston is used for parking....there is not enough parking as it is so we do not agree with the removal of any parking spaces.
- Palmerston is a unique heritage property in the City of Vincent.....removing part of the verge takes away from the presence of the home... In 2013 PLC celebrates 100years and.Palmerston Street was the original college. They have approached to have 1300 kids outside the house in celebration. This will be an excellent PR opportunity for City of Vincent in showcasing type and significant of properties in the area. Maybe not the time to diminish street appeal....

- At the meeting of residents held here and attended by the Mayor last year, she definitely told us all that if we didn't want to lose our verges, we wouldn't. The current plan clearly goes against what she told us.

Officer Comments:

From the responses received it is evident that the respondents are divide between not wanting to lose on road parking and not losing the verge area however they seem to be ok with the proposal for the bike lanes.

The revised plan is considered to be a fair compromise between keeping as much verge space as possible, maintain as much on road parking as possible and still allowing residents to park on their verges.

CONSULTATION/ADVERTISING:

Residents in Palmerston Street will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Given that Palmerston Street in on the Perth Bicycle Network and is heavily used by cyclists on a daily basis the works are considered important to improve safety and amenity.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City applied for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program for funding for the Palmerston Street project. The estimated cost of the works is \$150,000 with the contribution from Bikewest of up to \$50,000.

COMMENTS:

Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4. The street is classified as an Access Road (in accordance with the Metropolitan Functional Road Hierarchy) i.e. should carry no more than 3,000 vehicles per day (vpd), have a posted speed limit of 50 kph, and provide access predominantly to residential properties. Further, as indicated in the main body of the report the 'Super Tuesday' bicycle census conducted 6 March 2012 one hundred and five (105) cyclists were recorded using Palmerston Street between the hours of 7.00 and 9.00am.

The revised proposal is very similar to the previous approved proposal i.e. the creation of 'on-road' cycle lanes similar to what currently exists either side of this section of street however the number of existing on road parking bays have been further reduced from forty (40) (existing) to twenty six (26) a net reduction of fourteen (14) parking bays.

In addition the design has been simplified by maintaining the existing kerb channel line on the east side of the street to allow for drainage flow, the speed hump locations have been changed and are proposed to now be low profile and a single lane slow point has been included.

It should be noted that various other options were explored. These included, but were not limited to, centre of road bike lanes, separate bike lane in the verge separated by a hedge etc. However these were just not feasible in this situation given the issues raised by a 'minority' of residents and the need to tie into the existing bike lanes north of Randal Street and south of Stuart Street.

It is therefore recommended that the Council adopts the revised proposal and implements the works as soon as possible.

9.2.2 Banks Reserve Pavilion – Proposed Building and Courtyard Upgrade – Approval In Principle

Ward:	South Ward	Date:	15 February 2013
Precinct:	Banks (15)	File Ref:	RES0008
Attachments:	001 – Concept Plans		
Tabled Items:	Nil		
Reporting Officers:	K Bilyk, Property Officer; J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the proposed upgrade of the building and courtyard at the Banks Reserve Pavilion, as shown on the attached concept plans SK01-SK05;
2. **AUTHORISES** the Chief Executive Officer to instruct the project Architect to prepare construction/working drawings and detailed specifications for the project;
3. **APPROVES BY AN ABSOLUTE MAJORITY TO** re-allocate the funds listed on the 2012/2013 budget (\$15,000) to be used for relocating the existing Dual Use Pathway (DUP) away from the Banks Reserve Pavilion building;
4. **LISTS FOR CONSIDERATION** an amount of \$202,350 in the draft 2013/14 budget to undertake the upgrade of the Banks Reserve Pavilion;
5. **NOTES** that a further report will be submitted to the Council for approval of the final plans, prior to May 2013: and
6. **ADVISES** the Banks Precinct Action Group of the Council’s decision.

Moved Cr Harley, Seconded Cr Pintabona

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

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

That the Council;

- ~~1. **APPROVES IN PRINCIPLE** the proposed upgrade of the building and courtyard at the Banks Reserve Pavilion, as shown on the attached concept plans SK01-SK05;~~
- ~~2. **AUTHORISES** the Chief Executive Officer to instruct the project Architect to prepare construction/working drawings and detailed specifications for the project;~~
1. **APPROVES BY AN ABSOLUTE MAJORITY TO** re-allocate the funds listed on the 2012/2013 budget (\$15,000) to be used for relocating the existing Dual Use Pathway (DUP) away from the Banks Reserve Pavilion building;
2. **LISTS FOR CONSIDERATION** an amount of \$202,350 in the draft 2013/14 budget to undertake the upgrade of the Banks Reserve Pavilion subject to a further report being received, no later than May 2013, concerning the feasibility of providing a café within the Banks Reserve Pavilion building;

3. **NOTES** that a further report will be submitted to the Council for approval of the final plans, prior to May 2013: and
4. **ADVISES CONSULTS** the Banks Precinct Action Group ~~of the Council's decision on the proposals.~~"

Cr McGrath returned to the Chamber at 8.15pm.

Debate ensued.

Cr Maier advised the Mover, Cr Harley that *he* wished to *change* Clause 4 of her Recommendation and *reword it, as shown below.* *The Mover* Cr Harley and The Seconder, Cr Pintabona agreed.

- "4. ADVISES CONSULTS** with the Banks Precinct Action Group and the broader community of the Council's decision on the proposals."

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY TO** re-allocate the funds listed on the 2012/2013 budget (\$15,000) to be used for relocating the existing Dual Use Pathway (DUP) away from the Banks Reserve Pavilion building;
2. **LISTS FOR CONSIDERATION** an amount of \$202,350 in the draft 2013/14 budget to undertake the upgrade of the Banks Reserve Pavilion subject to a further report being received, no later than May 2013, concerning the feasibility of providing a café within the Banks Reserve Pavilion building;
3. **NOTES** that a further report will be submitted to the Council for approval of the final plans, prior to May 2013: and
4. **CONSULTS** with the Banks Precinct Action Group and the broader community on the proposals.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval in principle for the upgrade of the Banks Reserve Pavilion, as shown on the attached conceptual plans. Further detailed design and development of the plans will need to be undertaken.

BACKGROUND:

The Director Technical Services attended a Banks Precinct Action Group meeting on Wednesday 21 November 2012 to outline several proposed projects within the Banks precinct including the refurbishment of the Banks Pavilion and courtyard.

Attendees responded well to the preliminary plans that were shown with some issues identified during discussions which included the dual use pathway (DUP) being too close to the building causing possible collisions/conflict for building and pathway users alike. There was also discussion in relation to having the main building courtyard fenced and secured when not in use.

DETAILS:

As a result of the discussions held at the Banks Precinct Action Group meeting the following items are proposed for the upgrade of the Banks Reserve Pavilion:

- Moving the dual use pathway (DUP) away from the main building.
- Upgrade of the general lighting in the pavilion and courtyard area.
- Installation of a monitored security system.
- New security fencing around the courtyard area which will be retractable to open the courtyard area to the river and improve views from the courtyard.
- New paving in the courtyard area.
- Shade sails to be installed in the courtyard area.
- Windows to be installed on the east end of the pavilion wall to provide views to the river from the hall. Security screens to be installed on the windows to prevent graffiti vandalism but not to inhibit views.
- Plumbing - upgrade of the toilet facilities improve the available amenities and to meet the current accessibility requirements.
- Additional store rooms to be built into the current facility.
- Painting

The following table details the indicative costings for the improvements considered necessary:

Project/Item	Indicative Cost
Plumbing	\$75,000
Additional storerooms	\$30,000
Shade sails	\$14,500
Painting	\$12,500
Paving – remove old install new	\$10,000
Architectural fees/plans	\$15,500
Fencing – remove old install new	\$9,500
Engineering consultancy fees	\$9,500
Windows, tinting and security screens	\$7,500
Miscellaneous items (bike racks etc.)	\$7,500
Acrod car bay	\$5,600
Lighting upgrade	\$3,500
Security system	\$1,750
Total Estimated cost.	\$202,350

Indicative Timeline

Item	Dates
Council approval of proposed upgrade	February 2013
Project architect to prepare detailed plans	March – April 2013
Council approval of plans	May 2013
Adoption of 2013/14 budget – funding approval	July 2013
Prepare Construction drawings/tender	August 2013
Advertise Tender	September 2013
Close Tender	October 2013
Award Tender	November 2013
Works commence	January – March 2014

It should be noted that due to the complexity of the work and the need to allow the various users to continue to operate, it will be necessary to be flexible in determining the timing of the “general works”.

CONSULTATION/ADVERTISING:

The Banks Precinct Action Group has been consulted with regards to the proposed upgrade and subject to approval will be shown final plans prior to the commencement of works on site.

LEGAL/POLICY:

Tenders will be advertised in accordance with the Local Government Act 1995.

RISK MANAGEMENT IMPLICATIONS:

Low: The proposed project is relatively minor in complexity and nature – therefore the risks are considered to be minimal.

STRATEGIC IMPLICATIONS:

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

Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Consideration will be made throughout the design process to ensure all sustainability options are considered within the design of the upgraded facilities.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$15,000 has been included on the 2012/2013 Annual Budget for the proposed refurbishment and Engineering Services have advised that the relocation of the DUP can be undertaken within this budget.

There are no funds on the 2012/2013 Budget for the upgrade works, therefore funds will need to be listed for consideration in the 2013/2014 Draft Budget.

COMMENTS:

The current layout of the Banks Reserve Pavilion has limited provision for universal accessibility within the pavilion area and the proposed works will address this issue. The proposed works will also improve the amenity provided at the pavilion and the overall look of the facility.

It is therefore recommended that the Council approve the proposed Banks Reserve Pavilion upgrade as outlined in the report.

9.2.3 City of Vincent 'Hyde Park Catchment Management Plan' - Adoption

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	RES0042
Attachments:	001 – Hyde Park Catchment Management Plan		
Tabled Items:	Nil		
Reporting Officer:	J Parker, Project Officer – Parks & Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the one (1) submission received during the consultation period, which has been incorporated into the Hyde Park Catchment Management Plan 2013; and
2. **ADOPTS** the City of Vincent 'Hyde Park Catchment Management Plan' – dated 2013, as shown in Appendix 9.2.3 (001), to be used as a guiding document for improving the quality of water flowing into the Hyde Park Lakes.

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Buckels

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

3. **A further report to be provided in three (3) months on an Implementation Plan for the short term objectives."**

Debate ensued.

AMENDMENT 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

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

COUNCIL DECISION ITEM 9.2.3

That the Council;

1. **CONSIDERS** the one (1) submission received during the consultation period, which has been incorporated into the Hyde Park Catchment Management Plan 2013;
2. **ADOPTS** the City of Vincent 'Hyde Park Catchment Management Plan' – dated 2013, as shown in Appendix 9.2.3 (001), to be used as a guiding document for improving the quality of water flowing into the Hyde Park Lakes; and
3. **A further report to be provided in three (3) months on an Implementation Plan for the short term objectives.**

PURPOSE OF REPORT:

The purpose of this report is to inform Council that minor comments were received by one (1) party during the advertisement for public comment and these comments have been incorporated into the Hyde Park Catchment Management Plan where applicable, and to request the adoption of the City's 'Hyde Park Catchment Management Plan'.

BACKGROUND:

In 2011 the Council adopted the Sustainable Environment Strategy 2011-2016 which outlines the action required to achieve the objectives listed in the strategy. In accordance with objective 3.2 Water Quality & Consumption: Action 2.6 states;

“Develop and implement a comprehensive Catchment Management Plan for the City to reduce sources of stormwater and groundwater contamination (nutrient and non-nutrient), and to recharge groundwater by increasing stormwater infiltration and retention on site.”

Special Meeting of Council 13 October 2009:

The Council considered progress report No. 7 where the following decision was made (in part);

“(iv) AUTHORISES the Chief Executive Officer to;

- (i) Prepare a Catchment Management Plan to minimise further pollutants entering the Hyde Park Lakes.”*

Ordinary Meeting of Council 9 October 2012:

The Council considered the original Hyde Park Catchment Management Plan, where the following decision was made (in part);

“(i) ADOPTS the City of Vincent ‘Hyde Park Catchment Management Plan – dated 2012, as shown at Appendix 9.2.1 (001), to be used as a guiding document for improving the quality of water flowing into the Hyde Park Lakes

(ii) Authorises the Chief Executive Officer to:

- (i) advertise the Hyde Park Catchment Management Plan for a period of twenty-one (21) days, seeking public comment; and*
- (ii) report back to Council if any submissions are received.”*

DETAILS:

In accordance with the Council's decision, a Hyde Park Catchment Management Plan has been developed that provides the relevant background to the Hyde Park catchment area and the traditional values of the locale.

The plan identifies the relevant elements required in a catchment management plan in line with the City's values and other relevant documents, such as the Sustainable Environment Strategy, Water Conservation Plan and the Vincent Habitat Project.

The plan contains the following eleven (11) elements:

- Element 1 Site Investigation;
- Element 2 Legislation;
- Element 3 Identification and Working with Stakeholders;
- Element 4 Monitoring High Risks;
- Element 5 Moving Forward;

Element 6	Community Engagement;
Element 7	Monitoring and Analysis;
Element 8	Planning for Emergencies;
Element 9	Water Quality Improvement;
Element 10	Council Commitment; and
Element 11	Increasing Biodiversity.

Each of these elements have an objective and in order for the City to successfully achieve this objective, a number of actions have been developed and listed as follows:

- Short term actions zero (0) to three (3) years;
- Medium term action three (3) to six (6) years; and
- Long term action six (6) to ten (10) years.

The Hyde Park Catchment Management Plan provides a guide for addressing any major issues within the catchment area and identifies opportunities for improvement and the implementation of appropriate action for water quality improvements throughout the catchment and surrounding ecological systems.

Integrated catchment management provides numerous benefits to the surrounding natural environment and the local flora and fauna.

CONSULTATION/ADVERTISING:

As per the Council decision of 9 October 2012, the Hyde Park Catchment Management Plan was advertised for a period of twenty-one (21) days.

One (1) submission was received, and has been incorporated into the plan where appropriate.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: If the Hyde Park Catchment Management Plan is not adopted the City may be at a medium risk of a polluted catchment area.

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:

The City is committed to the principals of environmental protection and through policy development will ensure the longevity of the natural environment.

In accordance with the objective of the Sustainable Environment Strategy – 3.2 Water Quality & Consumption: Action 2.6;

“Develop and implement a comprehensive Catchment Management Plan for the City to reduce sources of stormwater and groundwater contamination (nutrient and non-nutrient), and to recharge groundwater by increasing stormwater infiltration and retention on site.”

FINANCIAL/BUDGET IMPLICATIONS:

The cost of implementing the actions outlined in the plan will vary from year to year however it is estimated that each year for a five (5) year period an amount of \$5,000 will be required for water analysis, water treatment and investigation of remediation options.

In addition, any actions identified will be listed for consideration in that year’s draft budget, for example increasing infiltration.

COMMENTS:

The adoption of the Hyde Park Catchment Management Plan will provide guidelines for officers and the Council for the enhanced management of the catchment area resulting in improved water quality and improved overall ecological health.

The Hyde Park Catchment Management Plan was advertised for a period of twenty-one (21) days for public comment, as requested by Council, and received one (1) submission. These comments have now been incorporated into the plan.

It is therefore recommended that the Council adopts the plan and lists an amount of \$5,000 for consideration in the draft 2013/2014 draft budget.

The Council shall receive progress reports on the implementation of the action outlined in the Hyde Park Catchment Management Plan.

9.2.6 Vincent Greening Plan – Proposed Streetscape Enhancements – Progress Report

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	PLA0175
Attachments:	001 – Proposed Plans		
Tabled Items:			
Reporting Officers:	J Parker, Project Officer – Project Officer - Parks & Environment; A Marriott, Sustainability Officer; and J. van den Bok; Manager Parks & Property Services		
Responsible Officers:	C Wilson, A/Director Technical Services; - Strategy and Implementation C Eldridge, Director Planning Services - Strategy		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the progress of the Vincent Greening Plan;
2. **APPROVES IN PRINCIPLE** the three (3) proposed streetscape enhancement plans (as attached) for Charles Street, Brady Street and Claise Brook Road;
3. **CONSULTS** with adjoining residents and businesses in relation to the proposals; and
4. **RECEIVES**;
 - 4.1 A further report following the consultation period; and
 - 4.2 A copy of the draft Vincent Greening Plan in March 2013.

Moved Cr Harley, Seconded Cr Pintabona

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

“That Clause 2 be amended to read as follows:

That the Council;

1. **NOTES** the progress of the Vincent Greening Plan;
2. **APPROVES IN PRINCIPLE** the three (3) proposed streetscape enhancement plans (as attached) for Charles Street, Option 1 (Chinese tallow) or Option 2 (Red Mugga or Iron Bark), Brady Street and Claise Brook Road;
3. **CONSULTS** with adjoining residents and businesses in relation to the proposals; and
4. **RECEIVES**;
 - 4.1 A further report following the consultation period; and
 - 4.2 A copy of the draft Vincent Greening Plan in March 2013.”

Debate ensued.

Cr Wilcox departed the Chamber at 8.35pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 8.37pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Harley

“That Clause 2 be amended as follows:

2. **APPROVES IN PRINCIPLE the three (3) proposed streetscape enhancement plans (as attached) for Charles Street, ~~Option 1 (Chinese tallow) or Option 2 (Red Mugga or Iron Bark)~~, Brady Street and Claise Brook Road;”**

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

Debate ensued.

AMENDMENT 2

Moved Cr McGrath, Seconded Cr Maier

“That a new Clause 3 be inserted and the remaining Clauses be renumbered as follows:

3. **REQUESTS that the proposed works on Charles Street do not preclude, but provide for as much as possible, future greening by way of formal landscaping of the street verges, subject to any future Council consideration of the Budget allocation;**
- 3.4. CONSULTS with adjoining residents and businesses in relation to the proposals; and**
- 4.5. RECEIVES;**
 - 4.5.1 A further report following the consultation period; and**
 - 4.5.2 A copy of the draft Vincent Greening Plan in March 2013.”**

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.2.6

That the Council;

1. **NOTES the progress of the Vincent Greening Plan;**
2. **APPROVES IN PRINCIPLE the three (3) proposed streetscape enhancement plans (as attached) for Charles Street, Option 2 (Red Mugga or Iron Bark), Brady Street and Claise Brook Road;**
3. **REQUESTS that the proposed works on Charles Street do not preclude, but provide for as much as possible, future greening by way of formal landscaping of the street verges, subject to any future Council consideration of the Budget allocation;**
4. **CONSULTS with adjoining residents and businesses in relation to the proposals; and**
5. **RECEIVES;**
 - 5.1 A further report following the consultation period; and**
 - 5.2 A copy of the draft Vincent Greening Plan in March 2013.**

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an update on the progress of the Vincent Greening Plan and to request the Council's approval in principal of the three (3) proposed streetscape enhancement plans for Charles Street, Brady Street and Claise Brook Road as the initial phase of the Vincent Greening Plan.

BACKGROUND:

Ordinary Meeting of Council, 20 December 2011:

A Notice of Motion was put forward by Cr. Warren McGrath for the City to develop a plan to increase 'Greenspaces', from which the Council resolved the following (in part);

"That the Council:

1. *REQUESTS the:*

- 1.1 *Chief Executive Officer to provide a report to the Council on a recommended approach and required resources to develop a plan to increase 'green space' in the City that can provide environmental, social and economic benefits.*
- 1.2 *Plan to include appropriate targets, key actions, timing, budget, and potential external funding, to achieve the following objectives.*
- 1.3 *Plan to include a description of existing or possible supporting programs and mechanisms that may assist in achieving these objectives."*

Council Forum, 21 August 2012:

The Director of Planning Services presented an update to the Council on the development of the Vincent Greening Plan. The presentation covered:

- Proposed Format;
- Focus Areas (within the plan);
- Content Covered (within the plan);
- Action Plan;
- Critical Success Factors;
- Assumptions;
- Constraints; and
- Project Milestones.

DETAILS:

Vincent Greening Plan - Update

NOTE: For the purpose of this report 'greening' shall be defined as the installation of trees, shrubs, groundcovers and additional urban amenities where deemed appropriate.

Item	Status	% Completed	Responsible Officer
Development of greening projects	Progressing	20%	All
Development of City's precinct specific plans (POS, canopy cover, plant selection etc)	Progressing	30%	Strategic Planning Services
Developing a baseline of current Public Open Space	Progressing	80%	Strategic Planning Services
Developing a baseline of current tree canopy cover	Progressing	20%	Parks Services

Identify areas where additional Public Open Space is required	Progressing	80%	All
Set relevant targets for increasing Public Open Space and tree canopy cover	Yet to be progressed	10%	All
Formulation of a financial plan	Yet to be progressed	TBA	Director Corporate Services
Identification of habitat corridors and amenity greenways	Progressing	60%	Technical Services
Formulation of a street tree inventory	Progressing	80%	Technical Services
Development of a water usage plan	Progressing	20%	Technical Services

A significant increase in building density, inner-city living and population has led to a greater importance put on green spaces and amenities within urban areas. The City of Vincent has the highest residential density in the Perth Statistical District (2,800 people per square kilometre), creating a substantial imperative for maximising both the quality and the use of its green spaces.

These spaces provide an area for sporting activities, recreation, passive recreation and conservation of valuable flora and fauna. Increasing these spaces as well as managing these spaces is a complex task.

In order to deliver the best outcomes, a Greening Plan has been recommended. A City wide Greening Plan is a strategic document which outlines the future direction regarding the planning, conservation and enhancement of the City's natural and built areas. The document's objective will be to better integrate the existing and future natural and built environment with urban amenities and will account for the existing as well as enhance the current, environmental values that the City holds.

In addition the document will meet and assist in the preparation of future challenges that may arise due to environmental change.

With a growing focus on the built form, forward planning has never been so crucial. This plan will allow the City to make consistent and informed decisions in relation to greening within the City.

Proposed Streetscape Enhancements 2012/13:

Three (3) locations have been selected for greening within the City under the current budget. These areas have been assessed and considered appropriate based on their potential opportunity for enhancement.

- Charles Street, North Perth;
- Brady Street, Glendalough; and
- Claise Brook Road, East Perth.

Charles Street, North Perth

An additional seventy nine (79) trees are proposed to be planted along the verges of Charles Street between Scarborough Beach Road and Green Street to complete the streetscape enhancement project that originally commenced in 2005. Whilst there has been previous debate in relation to the selected tree species (Chinese tallow), in view of their success, hardiness and size relative to the width of verge provided, it would be prudent to continue with this theme to create an avenue of the same species which is far more visually effective than a streetscape of mixed verge tree species.

Areas identified at the intersection of Scarborough Beach Road and Charles Street will require discussion with adjacent property owners to gain approval prior to any works being undertaken.

Areas (parks) identified at the intersection of Vincent Street and Charles Street will be planted with trees /shrubs in accordance with the Council approved eco-zoning program.

It should be noted that Charles Street is classified as a Primary Distributor Road under the care and control of Main Roads WA (MRWA). MRWA has in the past raised concerns with the City in respect of planting trees in the verge and as to what they consider as suitable species. After a series of discussions in 2005 Main Roads agreed to the planting of Chinese tallow's as their ultimate size does not constitute a significant hazard if hit by a vehicle (i.e. they are considered frangible).

Brady Street, Glendalough:

A total of fifty one (51) trees are proposed to be installed along the central median of Brady Street. The trees have been strategically placed to allow for sufficient access into the adjoining streets and crossovers and located away from powerlines and any other permanent infrastructure items.

The proposed tree species will be *Angophora costata* (Apple Gum), which is an Eastern Australian native tree used successfully in Newcastle Street, Perth. The specimens chosen for Brady Street will be moderately advanced which will enable the streetscape enhancement project to become more readily established.

In addition the existing larger median islands will be planted with local native plants, including areas at the corner of Brady Street/Scarborough Beach Road and Brady Street/Powis Street.

The existing dry reserve located near the corner of Scarborough Beach Road and Brady/Main Street will ultimately be planted up as part of an adjacent development and rezoned 'urban' under the Metropolitan Region Scheme and be dedicated as Public Open Space under the City's Town Planning scheme.

Claise Brook Road, East Perth:

In light of local community's desire to see Claise Brook Road become a 'Boulevard' rather than a truck route the proposed scope of works includes red asphalt embayed parking bays with brick paved and landscaped nibs, the intention being to effectively reduce the carriageway width thereby changing the drivers perception of their road environment.

In order to achieve the above there are also some drainage modifications and remedial road works required. The plan also includes the previously approved modifications to the intersection of Claise Brook Road and Summers Street. The nib on the eastern side (of Claise Brook Road) will extend into Summers Street to embay the parking on the southern side of Summers Street. The low profile speed hump, while controlling speed, will also act as an entry statement to the residential portion of Summers Street.

A total of fifteen (15) additional trees are proposed to be planted along Claise Brook Road with intentions to improve the streetscape and increase tree canopy density. Currently the predominant street tree species is *Lophostemon conferta* (Queensland Box Tree) however, due to the success and positive comments from local business and residents of some established Jacaranda's the new streetscape theme is proposed to be the *Jacaranda mimosaeifolia* (Jacaranda).

CONSULTATION/ADVERTISING:

The Vincent Greening Plan shall be advertised as per the City's Community Consultation Policy No. 4.1.5. for a period of fourteen (14) days.

LEGAL/POLICY:

The Vincent Greening Plan project is being undertaken in accordance with the City's relevant policies and procedures.

RISK MANAGEMENT IMPLICATIONS:

Low: The Vincent Greening Plan will enhance the design and cohesion of future greening project within the City of Vincent. The plan will assist the City in taking steps towards environmentally sustainable practices and landscape installations. The formulation of the plan presents as low risk to the City.

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:

With the creation of a Vincent Greening Plan, the City is upholding the very principles of sustainability. The Vincent Greening Plan document will guide the City in its future endeavours to build upon and enhance the environmental value of the City. The document will strictly adhere to the sustainability principles as outlined in the City's Sustainable Environment Strategy 2011-2016. The Vincent Greening Plan will assist the City in its capacity to support and maintain the sophisticated integration of economic, social and environmental dimensions.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$100,000 was allocated on the 2012/2013 budget for Vincent Greening Plan projects, an annual amount of \$70,000 allocated for the Street Tree Enhancement Program and \$150,000 allocated for the Enhancement of Claise Brook Road.

Charles Street, North Perth:

(NOTE: Any works along Charles Street will require the approval of Main Roads WA.)

Trees (supply/plant)	\$39,500
Footpath cut outs	\$ 8,500
Excavator/Service locator	\$ 4,900
Traffic management	\$ 3,200
Total	\$56,100

The above works will be charged against the Street Tree Enhancement Program budget (\$70,000).

Brady Street, Glendalough

Trees (supply/plant)	\$25,500
Shrubs (supply/plant)	\$ 4,500
Road cut outs/kerbing	\$41,500
Median paving removal	\$ 7,500
Excavator/Service locator	\$ 3,125
Traffic management	\$10,000
Total	\$92,125

The above works will be charged against the Vincent Greening Plan budget (\$100,000).

Claise Brook Road, East Perth

Trees (supply/plant)	\$ 7,500
Excavator/Service locator	\$ 1,250
Traffic management:	\$ 2,500
Total	\$11,250

The civil works have been estimated to cost in the order of \$68,000. As indicated above this comprises removing the existing on road trees and making good the pavement, red asphalt embayed parking bays/lanes, brick paved and landscaped nibs, drainage modifications, some remedial road works, low profile speed hump, line-marking, new signage and traffic management. The remedial works* may increase in costs once a detailed assessment of the road pavement condition has been completed.

*Pavement failures and wear as a consequence of the high %/volume of heavy vehicles.

The tree planting and civil works will be charged against the existing Claise Brook Road Enhancement budget (\$150,000).

COMMENTS:

The Vincent Greening Plan will directly assist the City in many areas, such as maintaining and enhancing the existing trees and vegetation, introducing and enhancing greenways and habitat corridors and creating new public open space.

Many threats to the local flora and fauna result from human impact and urban living. The City is committed to becoming and continuing as a leader in this realm and the Vincent Greening Plan will allow us to accomplish this.

9.3.4 Review of the Annual Budget 2012/13

Ward:	Both	Date:	15 February 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Budget Review Amendment Listing 002 – Statement of Financial Activity – Budget Review		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 6.8 of the Local Government Act 1995;
 - 1.1 The adjustments to the 2012/2013 Annual Budget, as reported in Appendix 9.3.4(a); and
 - 1.2 The Revised Budget 2012/2013, as reported in Appendix 9.3.4(b); and
2. **SUBMITS** a copy of the 2012/2013 mid year Budget Review and Council decision to the Department of Local Government, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is review the progress of the Annual Budget 2012/2013 and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions and provide amended estimates for the annual budget.

BACKGROUND:

The Local Government Act (Amended 2005) requires that a Local Government to undertake a review of its budget at least once a year, in the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Resource Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

DETAILS:

A review has been undertaken as at 31 December 2012 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

The amendments to the Budget are categorised as follows:

1. Items that have already been approved by Council since the adoption of the Budget:

These new items or adjustments have been approved by an Absolute Majority by the Council; these items are listed in attachment 9.3.4(a) of the report.

2. Permanent Differences:

Permanent differences occur when there is likely to be a difference between the current budget and the expected outcome to the 30 June next. On occasions, if these variances are certain, the budget may be amended to reflect the change, however this is not a requirement and the difference may remain to the end of the year. These variances will have an impact upon the expected budget surplus or deficit outcome and would be reported in the review if they are material.

3. Timing Differences:

A timing variance occurs when a project or budget allocation is likely to be delayed past the end of the financial year. These postponed projects will likely be re-budgeted in the next year and will require carryover funding

BELOW ARE VARIANCE COMMENTS ON THE ANNUAL BUDGET 2012/13 BY NATURE AND TYPE FOR EXPENDITURE INCURRED TO DATE:

Operating Expenditure:

	Budget 2012/13	YTD Budget 31/12/2012	YTD Actual 31/12/12	% Variance
Employee Costs	(\$19,972,339)	(\$9,875,023)	(\$9,951,274)	1%
Materials & Contracts	(\$13,850,211)	(\$7,054,153)	(\$6,150,071)	-13%
Utility Charges	(\$1,753,515)	(\$922,277)	(\$926,598)	0%
Interest Expenses	(\$1,261,870)	(\$602,208)	(\$571,345)	-5%
Insurance Expenses	(\$804,280)	(\$402,144)	(\$398,030)	-1%
Depreciation	(\$8,638,100)	(\$4,319,088)	(\$4,443,484)	3%
Other Expenditure	\$1,136,445	\$424,445	\$644,580	52%
	(\$45,143,870)	(\$22,750,448)	(\$21,796,222)	-4%

As at 31 December 2012 the operating expenditure was **4%** below the year to date operating budget.

Employee Costs

The employee costs are currently 1% over budget. The costs are anticipated to reduce the budget amounts over the forthcoming months, therefore no budget amendment required at this stage.

Materials and Contracts

This category is currently 13% under budget and can be accounted for as timing differences on operational expenditure in the following areas:

- Beatty Park Leisure Centre
- Statutory & Strategic Planning Programmes
- Community Development Programmes.

Utilities Charges

This is in line with budget, no amendment required.

Interest Charges

Interest Charges are 5% under budget. This is due to the loan for the underground car park at the Loftus Centre being renegotiated at a lower rate than the one budgeted.

Insurance Expenses

Insurance expenditure is 1% under budget, therefore no budget amendment required.

Depreciation

The depreciation costs are currently 3% over budget this is due to an increase of the Roads revaluation following an update of the ROMAN system, however does not require an amendment.

Other Expenditure

This category is over budget. The recovery is lower than estimated and will be increased in line with the timing of the Capital Works programme.

Operating Revenue:

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual 31/12/12	% Variance
Operating Grants, Subsidies & Contributions	\$1,185,090	\$620,408	\$361,985	-42%
Fees & Charges	\$16,550,540	\$8,014,823	\$7,192,996	-10%
Interest Earnings	\$1,390,870	\$906,720	\$858,991	-5%
Other Revenue	\$1,071,925	\$635,672	\$714,300	12%
	\$20,198,425	\$10,177,623	\$9,128,171	-10%

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual 31/12/12	% Variance
Rates	\$23,979,798	\$23,903,048	\$23,785,145	0%

The operating revenue is **10%** under the year to date budgeted revenue as at 31 December 2012.

Operating Grants, Subsidies and Contributions

Grants/Subsidies and Contributions are currently 42% below budget estimates. This is due to the timing of the receipt of grants. In addition to the prepayment of the Federal Grant for General Assistance and Road Grants.

Fees and Charges

These are 10% below budget at this stage. This can be attributed to a combination of the following:

- The timing of the opening of the redeveloped Beatty Park Leisure Centre. Membership fees were budgeted on the basis of an opening date of December 2012, however it is now estimated that this will now be opened in late February 2013.
- Reduced income for Building Licences approvals. This is due to the fact that commercial developments are now being privately assessed.

- Reduced revenue from parking infringements. This is due to the later than budgeted appointment of the new day shift Rangers, the later than estimated approval of the ticket machines in the Perth Parking area and the reduced number of events held at nib Stadium this year due to the redevelopment.

Interest Revenue

Revenue from interest on investments is slightly lower than budgeted. This can be attributed to the reduction in interest rates that have occurred during the current financial year.

Other revenue

This category is currently 12% over the budget. This is due to higher than anticipated revenue from insurance and workers compensation claims.

Rates

The income from Rates is on budget with no percentage variation.

Profit/Loss on Asset Disposals

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual	% Variance
Profit/Loss on Asset Disposal	(\$213,840)	(\$105,730)	(\$85,343)	-19%

This category is currently 19% below budgeted expectations which is the mainly due to timing differences of the sale of vehicles in the light vehicle fleet.

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual	% Variance
Proceeds from Disposal of Assets	\$358,000	\$196,000	\$161,648	-18%

This category is currently 18% below budgeted expectations which is the mainly due to timing differences of the sale of vehicles in the light vehicle fleet.

Non-operating Grants, Subsidies and Contributions

This section is 48% below budgeted expectations and can be accounted for in the timing of the Hyde Park Restoration Federal Grant Funding which will be received later than budgeted and the timing of MRWA Grants for Black Spot Road Projects.

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual	% Variance
Non-operating Grants, Subsidies & Contributions	\$5,886,041	\$2,288,815	\$1,185,118	-48%

Transfer from Reserve Funds

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual	% Variance
Transfer from Reserve Funds	\$14,898,860	\$11,844,690	\$8,500,748	-28%

The funding from Reserve Funds is currently under budget due to the timing of the completion of the Beatty Park and Hyde Park projects, which will be completed later than initially budgeted.

Capital Expenditure

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual	% Variance
Capital Expenditure	(\$30,956,008)	(\$18,685,775)	(\$14,318,438)	-23%

Buildings 34% below budget:

The underrun is due to the later estimated completion date of the Beatty Park Redevelopment which was estimated to be completed in early December 2012, but will not be completed until February 2013.

Infrastructure 53% below budget:

The underrun is due to the timing of a number of projects in particular the following:

- Beaufort/Brisbane Street road works;
- Scarborough Beach Road Black Spot project and a number of Traffic Management projects awaiting approval;
- Palmerston Street Bicycle Network;
- Weld Square Development Stages 1 – 3; and
- Britannia Reserve Masterplan project.

Plant & Equipment 10% over budget:

The increase is due to the higher cost of the new Rubbish compactor against the budget which had the trade in amount included resulting in a variance.

Furniture & Equipment 35% below budget:

The underrun is due to the timing on the installation of the Administration Network Switch upgrade.

Transfers to Reserve Funds

	Budget 2012/13	YTD Budget 31/12/12	YTD Actual	% Variance
Transfer to Reserve Funds	(\$2,804,150)	(\$1,402,074)	(\$3,595,947)	156%

The transfer to Reserve Funds is significantly over budget due to the timing of receipt of the grant funds from the Department of Recreation for the Beatty Park project and from the Federal Government for the Hyde Park Lakes Restoration Project.

ANNUAL BUDGET ADJUSTMENTS DETAILED BELOW:

Capital Expenditure:

	Annual Budget 2012/2013	Annual Budget as at 31/12/2012	Revised Budget 2012/13	Budget Amendment
Furniture and Equipment	\$310,640	\$310,640	\$310,640	Nil.
Plant and Equipment	\$1,757,000	\$1,757,000	\$1,775,537	\$18,537
Land and Buildings	\$11,249,000	\$11,249,000	\$11,536,813	\$287,813
Infrastructure	\$13,956,365	\$13,956,365	\$14,002,164	\$45,799
TOTAL:	\$27,273,005	\$27,273,005	\$27,625,054	\$352,149

Furniture and Equipment - Nil:

No amendments.

Plant and Equipment - \$18,537:

The budget has been amended to accommodate additional funding for the CCTV cameras for Beaufort Street and the Auto-cite machines not carried forward.

Land and Buildings - \$287,813:

The budget has been amended for the inclusion of the final commitment by the City to works as part of the nib Stadium redevelopment.

Additional funds to progress the Leederville Masterplan in this financial year have been included.

Funds for the upgrade of the toilets at the Loftus Community Centre have also been added to the budget.

Infrastructure - \$45,799:

The budget at Hyde Park has been increased to include an electric barbeque, a new gazebo and additional works to the surrounds in the area close to the new water playground.

Funds have also been included to commence the way funding strategy with car park signage and the two (2) angled parking projects not initially carried forward.

In addition three (3) items have been removed from this year's capital budget. The toilet block renovation at Halverson Hall, a footpath for Charles Street/Scarborough Beach Road and the traffic modifications for Angove and Woodville streets.

Detailed comments on the individual Capital Expenditure Budget items are listed below:

1. Include Capital Expenditure Budget for Car Park Signage to commence installation of the Way Finding Strategy - \$14,000:

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held 10 July 2012, Item 9.1.6 to commence the installation of the Way Finding Strategy to be funded from the Parking Facility Reserve. To be funded from the Parking Facility Reserve fund.

2. Include Capital Expenditure Budget for renovation of Loftus Community Centre Toilets - \$12,500:

Comment:

This item was adopted at the Ordinary Meeting of Council held 25 September 2012, Item 9.3.4 for renovation of toilets after the originally listed item was replaced by the provision of a hard wearing durable vinyl which was more of a priority at the time. To be funded from the Capital Reserve Fund.

3. **Include Capital Expenditure Budget for the installation of a double electric barbeque in Hyde Park - \$15,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 23 October 2012, Item 9.3.5 for the installation of a double electric barbeque in Hyde Park (adjacent to the water playground). To be funded from the Hyde Park Lakes Restoration Reserve Fund.

4. **Include Capital Expenditure Budget for Capital Works at nib Stadium for the amount of \$225,313:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 25 September 2012, Item 9.5.1. The Capital Works are listed to be funded from the Perth Oval Reserve Fund.

5. **Include Capital Expenditure Budget for additional funds for the Supply, Installation and Commissioning of a CCTV System for Beaufort Street - \$8,537:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 18 December 2012, Item 9.4.1. to provide additional funds to the value of the successful tender for the installation of CCTV cameras in Beaufort Street, Mt Lawley. To be funded from the Capital Reserve Fund.

6. **Include Capital Expenditure Budget for additional funds for the Leederville Masterplan - \$50,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 18 December 2012, Item 9.5.3 to provide additional funds to allow the Leederville Masterplan to be progressed. To be funded from the deferral of the refurbishment of Halvorson Hall Toilet (\$20,000) and Traffic treatment at Angove/Woodville Street (\$34,000)

7. **Include Capital Expenditure Budget for a replacement small gazebo in Hyde Park - \$36,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 18 December 2012, Item 10.2 for a replacement small gazebo at Hyde Park (adjacent to the water playground). To be funded from the Hyde Park Lakes Restoration Reserve Fund.

8. **Include Capital Expenditure Budget for additional improvement works for the Hyde Park Water Playground and surrounds - \$48,000:**

Comment:

This item was adopted by Council during the Delegated Authority period Item 9.2.3 and is to be funded from the Hyde Park Lakes Restoration Reserve Fund.

9. **Include Capital Expenditure Budget for Woodville Street angled parking - \$34,606:**

Comment:

This item was not carried forward from the 2012/13 financial year. The work is to be funded from the Cash in Lieu Reserve Fund.

10. **Include Capital Expenditure Budget for Wasley Street angled parking - \$16,193:**

Comment:

This item was not carried forward from the 2012/13 financial year. The work is to be funded from the Cash in Lieu Reserve Fund.

11. **Include Capital Expenditure Budget for three (3) Auto-cite machines - \$10,000:**

Comment:

This item was not advised to be carried forward at the end of the 2012/13 financial year. The equipment is to be funded by the Parking Facility Reserve Fund.

12. **Reduce Capital Budget item for existing toilet block renovations for Halverson Hall - \$20,000:**

Comment:

This item on the budget is for the renovation for existing toilet block at Halverson Hall, which is included in the hall building. Due to anti-social activities associated with this particular toilet block and the problems it causes for the users and lessee of the hall and users of the park it is considered that rather than proceed with this option, this item should be removed from this year's budget and consideration of a self cleaning toilet be included on the forthcoming Draft budget for 2013/14.

13. **Reduce Capital Budget Item for Angove/Woodville Street Traffic Management - \$34,000:**

Comment:

The proposed traffic modifications at Angove/Woodville Street were deferred at the OMC 11 September 2012.

14. **Reduce Capital Budget Item for footpath on Charles Street – Scarborough Beach Road - \$64,000:**

Comment:

This item is not being undertaken this year awaiting development to proceed, these funds are to be used to fund the Walters Brook project as approved at the OMC 18 December 2012.

Reserve Funds – Transfers from:

1. Increase Funding from the Parking Facility Reserve by - \$24,000:

Comment:

The use of the reserve funds is to finance the Car Park signage to commence the City's Way Finding Strategy and the additional Auto-cite machines.

2. Increase Funding from the Capital Reserve Fund by - \$21,037:

Comment:

Reserve funds used to fund renovations of the Loftus Community Centre toilets and the additional funds required for the for the CCTV system for Beaufort Street.

3. Increase Funding from the Perth Oval Reserve Fund by - \$225,313:

Comment:

Reserve funds used to finance the Capital Works items listed in the report for nib Stadium.

4. Increase Funding from the Hyde Park Lakes Restoration Fund by - \$99,000:

Comment:

Reserve funds used to fund replacement gazebo and a new electric barbeque in Hyde Park.

5. Increase Funding from the Cash in Lieu Reserve Fund by - \$50,799:

Comment:

Reserve funds used to fund the angled parking work at Woodville and Wasley Streets.

Capital Grants:

1. Reduced Grant Budget for Walters Brook by \$60,000:

Comment:

Grant funds were included in the budget, however the application for the grant was unsuccessful, as a result the funds for the project have been obtained from Municipal funds using the funds from the footpath item listed in this review.

A summary table of the complete Budget Review transactions are included in Attachment 9.3.4(a).

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

Local Government (Financial Management) Regulation 33A states the following:

- (1) Between 1 January and 31 March in each year a Local Government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a Local Government is carried out it is to be submitted to the Council.
- (3) A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute Majority Required.

- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.

RISK MANAGEMENT:

High: Failure to undertake a Budget review in the period between January and March in any financial year would be a breach of the Local Government Act (1995).

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2011-2021 - Key Result Area 4 – Leadership, Governance and Management:

“4.1 Provide Good Strategic Decision-Making, Governance, Leadership And Professional Management:

4.1.2(a) Adopt “best practice” to manage the financial resources and assets of the City.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The majority of amendments recommended in this budget review have already been approved by the Council during the course of this financial year.

There have been no recommended amendments to this year's Operating Budget as the correct reduced revenue value is offset by reduced Operating Expenditure and this is expected to balance out at the end of the financial year.

A commentary on the variances Nature and Type report as at 31 December 2012 has been included as part of the budget review process.

As a result of the proposed amendments it is estimated that a minor increase in the financial position will be achieved.

COMMENTS:

The City is required, under the Local Government Act (1995) to conduct a review of its budget between January and March each financial year. The City is able to carry out further budget reviews and if required, may conduct a further review at the end of March 2013.

9.5.1 City of Vincent Policies – Review of Policies 2013

Ward:	-	Date:	15 February 2013
Precinct:	-	File Ref:	ADM0023
Attachments:	001 – Amended Policies 002 – New Policies		
Tabled Items:	003 – Rescinded Policies 004 – Re-adopted Policies without Change		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

REVISED OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** of the following:

1. Policies to be **AMENDED** as shown in Appendix 9.5.1A:

ITEM	POLICY NUMBER	POLICY
1.1	1.2.6	Plant and Vehicles
1.2	2.2.1	Directional Signs
1.3	2.2.9	Street Lighting
1.4	2.2.10	Storm Water Drainage connection
1.5	4.1.18	Naming of City Facilities, Streets, Parks, Reserves and Buildings
1.6	4.2.4	Council Meetings – Recording and Access to Recorded Information

2. **NEW** Policy to be **ADOPTED** as shown in Appendix 9.5.1B:

ITEM	POLICY NUMBER	POLICY
2.1	4.1.17	Fraud and Corruption Prevention
2.2	5.5.8	Human Resources Policy – City of Vincent Employee – Dress Standards

3. **EXISTING** Policies to be **RESCINDED** as ‘Tabled’ and shown electronically at Appendix 9.5.1C (Attachment 003):

ITEM	POLICY NUMBER	POLICY
3.1	4.1.17	Provision of Plaques at Official Openings

4. **EXISTING** Policies to be **RE-ADOPTED** without amendment as ‘Tabled’ and shown electronically at Appendix 9.5.1D (Attachment 004):

ITEM	POLICY NUMBER	POLICY
4.1	1.2.7	Loan of City Items
4.2	1.2.11	Parent and Citizen’s Association – Financial Assistance
4.3	2.1.4	Prohibition of Circuses with Animals
4.4	3.8.2	Liquor Control Act 1988 – Issue of Section 39 Certificates
4.5	3.8.4	Safe Needle and Syringe Collection and Disposal Strategy
4.6	3.9.1	Community Policing
4.7	3.9.6	Public Car Marts in City Car Parks
4.8	4.1.2	City of Vincent Student Citizenship Award
4.9	4.1.4	Freedom of Information Request
4.10	4.1.8	Nuclear Free Zone
4.10	4.1.10	Use of Common Seal
4.11	4.1.11	Corporate Logo
4.12	4.1.12	Newsletters

ITEM	POLICY NUMBER	POLICY
<u>4.13</u>	4.1.13	Official Photograph – Council, Mayor, Councillors and Senior Officers
<u>4.14</u>	4.1.14	Primary and Annual Returns
<u>4.15</u>	4.1.19	Council Facility – Use of other than Primary Designated Purposes

5. **ADVERTISES** the following Policies for a period of fourteen (14) days, seeking public comment:

5.1 No.4.1.17 – Fraud and Corruption Prevention; and

5.2 No. 4.1.18 – Naming of City Facilities, Streets, Parks, Reserves and Buildings;

6. after the expiry of the period of submissions:

6.1 **REVIEWS** the policies in Clause 5 above having regard to any written submissions; and

6.2 **DETERMINES** to proceed with, or not to proceed with, the policy in Clause 5 above, with our without amendment; and

7. **AUTHORISES** the Chief Executive Officer to include the above policy in the City’s Policy manual if no submissions are received from the public; and

8. **NOTES** that the following policies are currently being reviewed;

ITEM	POLICY NUMBER	POLICY
8.1	1.2.5	Valuation of a Property with a Non-Conforming use.
8.2	2.1.1	Public Open Space – Maintenance of Naturally Vegetated areas.
8.3	2.1.2	Street Trees
8.4	2.2.2	Undergrounding of Power
8.5	2.2.11	Waste Management

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

COUNCIL DECISION ITEM 9.5.1

Moved Cr Topelberg, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

MOTION AS REVISED PUT AND CARRIED
UNANIMOUSLY BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

To obtain the Council’s approval to amend and adopt new Council policies, which are reviewed every 5 years.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the City's Administration for day to day management issues and also to assist Council Members in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the City undertakes this every five years. The City's Administration has provided the comments as outlined in this report.

1. Policies to be amended

1.1 No: 1.2.6 - Plant and Vehicles

Chief Executive Officer's Comment

A minor amendment to this Policy recommends that the light vehicle fleet shall be either sold at a public auction or traded in against the new replacement vehicle.

The amendment allows greater flexibility for the City's administration to achieve the most beneficial outcome for the City.

1.2 No: 2.2.1 - Directional Signs

Chief Executive Officer's Comment

Minor amendments to wording have been made to remove ambiguity. In addition the maximise size has been recommended to be 1200mm X 200mm instead of 800mm x 200mm. This new size is recommended as it more visible to motorists and therefore improves driver safety

1.3. No: 2.2.9 – Street Lighting

Chief Executive Officer's Comment

Minor amendments to wording have been made to remove ambiguity. The Policy also recommends that "compact fluorescent lamp (CFL) at a minimum of 42 watts be prescribed as a minimum standard for Access roads.

Light fitting technology has changed in recent years and the recommended CFL meets the required standard.

1.4. No: 2.2.10 – Storm Water Drainage Connection

Chief Executive Officer's Comment

Minor amendments to wording have been made to remove ambiguity. Changes have been made concerning commercial and residential properties.

For commercial properties the on-site storm water retention system should meet a 1:10 year storm event.

For residential properties the on-site storm water retention system should meet a 1:5 year storm event.

- 1.5 No: 4.1.18 – Naming of Council Facilities, Streets, Parks, Reserves and Buildings

Chief Executive Officer's Comment

Comprehensive changes have been made to the policy to insert a definition of "City Facilities." Separate Criteria has been introduced for the naming of Streets, parks, Reserves and Buildings.

It also incorporates requirements for Plaques for opening of City's Facilities, Streets and Buildings.

Policy Procedures and Guidelines have also been introduced to specify the criteria for the naming of facilities, Streets, Parks, Reserves and Buildings.

- 1.6 No: 4.2.4 - Council Meetings – Recording and Access to Recorded Information

Chief Executive Officer's Comment

Minor amendments have been made to the Policy to introduce reference "to payment of Prescribed Fees" – adopted during the Annual Budget process. This removes ambiguity as to what is the precise cost.

2. Policy to be rescinded

- 2.1 No: 4.1.17 – Provision of Plaques at Official Openings.

Chief Executive Officer's Comment

This Policy is recommended to be incorporated in the new Policy 4.1.18 – Naming of Council Facilities, Streets, parks, Reserves and Buildings.

3. New Policy

- 3.1 No: 4.1.17 - Fraud and Corruption Prevention.

Chief Executive Officer's Comment

This new Policy was discussed at the Audit committee meeting held on 11 February 2013 whereby it was recommended for adoption. The new Policy augments the city's Risk Management Strategy to minimise fraud and corruption.

The Corruption and Crime commission recommends that Government Departments and Public Sector Organisation have a fraud and corruption prevention Policy.

- 3.2 No: 5.5.8 - Dress Standards.

Chief Executive Officer's Comment

The City of Vincent Employee dress standards was previously contained in the City's "staff manual", however the City's Code of Conduct Clause 2.6 (v) specifies that dress standards shall be in accordance with adopted Policies.

Accordingly it is appropriate that the Council adopt this Policy so as to ensure that any grievance raised under the City's Code of Conduct can be appropriately dealt with.

As the Policy relates to the City of Vincent employees only it is recommended that it not be advertised for Community Consultation. Consultation with employees has been carried.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

The adoption of the policies relating to Parks and Reserves will ensure that these will be managed in a more sustainable manner in the future.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.5.5 LATE ITEM: New Vincent Green Initiatives Logo

Ward:	Both	Date:	20 February 2013
Precinct:	All	File Ref:	CVC0004
Attachments:	001 – Greening Initiatives Logo, Options 1 and 2		
Tabled Items:	Nil		
Reporting Officers:	S Unicomb, Marketing & Communications Officer; J Parker, Project Officer – Parks & Environment; and A Marriott, Sustainability Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the two (2) options presented by Marketforce (preferred WALGA supplier) for the City’s proposed environmental and sustainable initiatives logo; and
2. **APPROVES** option two (2) as being the most suitable logo in the promotion of environmental and sustainable initiatives within the City, and the City of Vincent as a “green” Council.

Moved Cr Carey, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Carey

“That Clause 2 be amended as follows:

2. **APPROVES** option ~~two (2)~~ **one (1)** as being the most suitable logo in the promotion of environmental and sustainable initiatives within the City, and the City of Vincent as a “green” Council.

AMENDMENT PUT AND CARRIED (5-4)

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

Against: Mayor Hon. MacTiernan, Cr Buckels, Cr McGrath and Cr Wilcox

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

COUNCIL DECISION ITEM 9.5.5

That the Council;

1. **NOTES** the two (2) options presented by Marketforce (preferred WALGA supplier) for the City’s proposed environmental and sustainable initiatives logo; and
2. **APPROVES** option one (1) as being the most suitable logo in the promotion of environmental and sustainable initiatives within the City, and the City of Vincent as a “green” Council.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the logo titled Option Two (2) for the immediate use within the City on appropriate items.

BACKGROUND:

In January 2013, it was identified by the Chief Executive Officer and the Reporting Officers that the City of Vincent required a logo to assist in the identification and promotion of all environmental and sustainability initiatives. The reason to expedite approval for this logo is due to the St. Patrick's Day Parade, an ideal event to launch the logo and print the logo on green t-shirts, which can then be used by the City's Officers for all future green events (and other events).

It is the intention that the logo, once approved by Council, will be used to cover a wide range of projects, programs, workshops, events, grants and awards which demonstrate and promote environmental sustainability. These relate to, but are not limited to:

- energy efficiency; including renewable energy generation and greenhouse gas reduction;
- water efficiency;
- waste minimisation and recycling;
- sustainable planning and building; and
- sustainable transport.

Logo objectives

The Creative Brief given to Marketforce required the logo to:

- identify and unify all of the City's sustainability initiatives under a single "green brand";
- make any sustainability initiatives instantly identifiable as driven by the City;
- sit comfortably alongside the City of Vincent logo on collateral (the case, in most instances)
- continue the momentum of, and work well with, the City's new branding;
- be an umbrella logo that will work as a kind of 'stamp' (authoritative);
- imply movement/progress/action towards sustainability in Vincent;
- be vibrant and upbeat, with the colour green being prominent;
- incorporate the words "Greening Vincent" which will appeal to wide range of people and cover all of our initiatives/projects – instead of the cumbersome 'sustainability' or much-used 'eco'. This is also good as it contains the word Vincent;
- not be "too Council" or cliché so as the City, and it's initiatives, stands out from other Councils – we want to be known as a "green" Council; and
- have a unique, clever, edgy and truly Vincent feel.

The logo is for use in all forms of visual communication, including but are not limited to:

- posters;
- postcards;
- pamphlets;
- flyers;
- maps;
- guides;
- signage;
- facebook; and
- e-Newsletters.

DETAILS:

Two (2) logo options (Option One (1) and Option Two (2)) were professionally designed and presented to the City in mid February.

When considering logos Option One (1) and Option Two (2), each member of the Sustainability Advisory Group (SAG) was given the opportunity to indicate their preference. However, it is important to note that not all members of the Sustainability Advisory Group offered preference and/or comments.

The results and comments are as follows:

Option One (1):

Respondent one (1):

"I prefer option #1 with the two tone wording and leaf incorporated into the outline. The other option looks like a bottle top (not very 'green') and has no clear definition, especially when in small print. I really dislike it."

Respondent two (2):

"My preference is for the first image although I do not like the colours, perhaps they will grow on me. The first impression I had of the second image is of a label on a tomato sauce bottle or a bottle of beer."

Option Two (2):

Respondent three (3):

"Looks original and outside usual local government styling. A retro look that hits a good spot."

Respondent four (4):

"Of the two designs, my preference is for the second one. I agree with the comments of the officers involved in the logo design, and would add that it reads like a stamp of confidence, but with a retro feel."

Respondent five (5):

"My vote is with the second option whose heritage design is more in keeping with the "cool retro" image of the City and resembles a seal of approval. Even if seen as a bottle top, it has relevance if associated with the City's heritage bottle collection and the its strong support for a container deposit scheme. The colour contrast between the white writing and the teal surround also makes for a more striking image than the first design."

Respondent six (6):

"My preference lies with the second option as I feel it is a little more out there and will draw more attention – whilst it is not a traditional logo I think it is in keeping with the City's style being vibrant, vintage and fun."

Further Comments:

Respondent seven (7):

"Neutral – I like both designs equally."

Whilst not on the Sustainability Advisory Group, the Marketing and Communications Officer has offered the following comments:

"I prefer option 2 – it is unique, upbeat and non-cliché - it'll stand out against other Councils' green logos. It will act well as a 'stamp' of action, will look good alongside the City's logo and will work very well once placed in various contexts on the City's sustainability material over time."

CONSULTATION/ADVERTISING:

The matter was referred to the Sustainability Advisory Group (SAG) for comments.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: If an environmental and sustainable initiatives logo is not established, there may be a low risk that the City's initiatives will go unrecognised from the residents and community.

STRATEGIC IMPLICATIONS:

Plan for the Future and Strategic Plan 2009-2016:

Marketing and Communications

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

"4.1.4 Focus on stakeholder needs, values, engagement and involvement."

Strategic Community Plan 2011-2021:

Key actions (listed on page 3):

- *"Develop and promote environmentally sustainable practices;" and*
- *"Improve information flows to and from the community."*

Sustainable Environment Strategy 2011 – 2016:

General Actions:

"K: Make environmental and sustainability information more readily accessible to the community."

SUSTAINABILITY IMPLICATIONS:

The function of the proposed green branding logo is to facilitate the promotion of environmentally sustainable practices by making related projects and initiatives instantly recognisable.

It will improve information flow to the community by increasing the visibility of environmentally sustainable actions, showing leadership in this area and improving the City's image as an environmentally responsible organisation.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter was incurred under the Environmental Promotion budget:

Budget Amount:	\$9844.00
Spent to Date:	<u>\$1138.50</u>
Balance:	\$8705.50

Note that any changes required to the logos will incur an extra cost at \$120/hour (Marketforce).

COMMENTS:

As with any artistic endeavour or branding exercise, all parties' preferences cannot always be acquiesced as personal taste will come into play. A logo will become better recognised over time and when placed in context, and should be judged as to how well it meets the overall objectives of the Creative Brief.

Considering the indications of preference and comments received by the members of the Sustainability Advisory Group to the City's Officers, it is recommended that the Council approve the use of Option Two (2) for use as a logo to support, promote and raise awareness to the environmental and sustainable initiatives carried out within the City of Vincent.

It is evident there is a strong preference towards logo Option Two (2) which has been detailed in the report above. Whilst not all members of the Sustainability Advisory Group indicated their preference, the City's Officers believe this is a clear indication of the preferred option, and that the Creative Brief's objectives are better met by this logo.

9.5.6 LATE ITEM: 'Creating Spaces – A Community Renewal' Conference, Newcastle 12-14 March 2013

Ward:	-	Date:	25 February 2013
Precinct:	-	File Ref:	ADM0031
Attachments:	001 – Summary of Schedule/Outline of Sessions 002 – Speaker Information		
Tabled Items:	Nil		
Reporting Officer:	R Boardman, Director Community Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES the Manager Community Development, Jacinta Anthony and up to one (1) Council Member to attend the 'Creating Spaces – A Community Renewal' Conference to be held in Newcastle, New South Wales from 12 to 14 March 2013, at an estimated cost of \$2,353 each.

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

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.55pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.56pm.

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the item would be considered in two parts.

PART 1:

That the Council APPROVES the Manager Community Development, Jacinta Anthony to attend the 'Creating Spaces – A Community Renewal' Conference to be held in Newcastle, New South Wales from 12 to 14 March 2013, at an estimated cost of \$2,353.

Debate ensued.

MOTION PART 1 PUT AND CARRIED (8-1)

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

PART 2:

That the Council **APPROVES** the up to one (1) Council Member to attend the '*Creating Spaces – A Community Renewal*' Conference to be held in Newcastle, New South Wales from 12 to 14 March 2013, at an estimated cost of \$2,353 each.

Debate ensued.

MOTION PART 2 PUT AND LOST (3-6)

For: Cr McGrath, Cr Pintabona and Cr Wilcox

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

COUNCIL DECISION ITEM 9.5.6

That the Council **APPROVES** the Manager Community Development, Jacinta Anthony to attend the '*Creating Spaces – A Community Renewal*' Conference to be held in Newcastle, New South Wales from 12 to 14 March 2013, at an estimated cost of \$2,353.

PURPOSE OF REPORT:

The purpose of the report is to obtain approval for the Manager Community Development to attend the '*Creating Spaces – A Community Renewal*' Conference to be held at the New Castle City Hall, King Street, New South Wales from 12 to 14 March 2013.

BACKGROUND:

The City has been actively engaging with communities within the precincts and Town Centres to activate and invigorate thinking around the infrastructure and urban living opportunities.

Projects such as the Beaufort Street Enhancement Project, Leederville Town Centre Project, the Former North Perth Police Station, and Cheriton Street Property have highlighted the need for innovative thinking and developing creative business case applications for infrastructure projects to articulate social, economic and physical benefits to the community.

The Festivals programme continues to expand in the realms of the City where organisers are looking at space activation issues to bring community and businesses together to create a meld of functional and cultural environments that provides for a myriad of captivating projects.

DETAILS:

The Creating Spaces Conference is planned to bring together regional-based community leaders from across Australia who are passionate about renewal and creativity, and interested in reactivating spaces within their own communities.

The conference is aimed at individuals with drive to activate empty spaces in their home town and/or local government employees charged with reinventing redundant spaces in their Town Centre. There will be speakers and attendees who have imagined, executed, and inspired others with their space activation projects, such as [Renew Newcastle](#), [Gap Filler](#) (Christchurch, NZ) and [Empty Shops Network](#) (UK). A summary of speakers is shown at Appendix 9.5.6B.

Attendees will learn the impact and potential of creative activation of empty spaces in previously struggling Town Centres, and be introduced to essential DIY tools and strategies to build creative and engaging spaces and Town Centre activation. Most importantly attendees will leave with inspiration and foundation knowledge to initiate and build similar projects in their own community.

Conference Program

The programme covers a wide range of community engagement and space activation issues, which will be of interest and directly relate to the City including the following topics to name a few:

Renew Newcastle Walking Tours

Renew Newcastle will take delegates to new and established projects that include retail, gallery and studio spaces that have been activated using local creative capital.

Newcastle Institute: The Big & Small of Creative Innovation

Facilitated by Marcus Westbury, Patron of Newcastle Institute and Founder of Renew Newcastle & Renew Australia, this sessions will ponder how government helps and hinders growth of creative innovation and address what needs to change in order for creative individuals and group enterprises to flourish - particularly those with little capital but lots of energy and enthusiasm.

Discover what's been tested, the outcomes and what's on the table with panelists who have experience in developing creative innovation in a government capacity and also as individuals making a difference within their own communities.

Empty Space Reconnaissance

Identify empty spaces in your town that could be activated, their potential use and possible barriers to activation. Define your space activation purpose; identify objectives, opportunities, risks and barriers.

Low Budget Conversions

Project participants from Renew Newcastle & Gap Filler will provide short presentations on how they converted an empty space into a welcoming, functional environment with (very) minimal funds.

Perfect Match: Projects & Spaces

What are some of the ways attendees can find willing creatives to activate spaces and what needs to be considered when partnering participants with spaces?

A summary of the Program and outline of all sessions are shown at Appendix 9.5.6A.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

As per Council Policy No. 4.1.15, 'Conferences – Attendance', clause 1.1(i) states:

- “(i) When it is considered desirable that the City of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council; and*
- (ii) In certain circumstances (for example where the Conference is of a technical nature) the Chief Executive Officer may recommend that two (2) Employees attend. In this instance, the Chief Executive Officer will specify reasons in the report to the Council.”*

RISK MANAGEMENT IMPLICATIONS:

Low: The only risk to the City would be due to loss of associated costs for the Conference if the registered person was unable to attend due to unforeseen circumstances.

STRATEGIC IMPLICATIONS:

Keeping in line with the City's *Strategic Plan 2011-2016 (Plan for the Future)*, Objective 4.1 states:

'Provide good strategic decision-making, governance, leadership and professional management.'

SUSTAINABILITY IMPLICATIONS:

The content of the conference refers to keeping in line with sustainability principles in ensuring that spaces are considered for activation in consideration of community needs and expectations.

FINANCIAL/BUDGET IMPLICATIONS:

The following is an estimated breakdown of costs to attend the conference:

Registration	\$ 645
Accommodation (3 nights)	\$ 750
Airfare (Economy)	\$ 482
Expense Allowance (4 days at \$119)	\$ 476
	<u>\$2,353</u>

COMMENTS:

The 'Creating Spaces – A Community Renewal' Conference provides a unique opportunity for the nominated City's Officer to learn and be inspired by projects and speakers that provide a point of difference from what is available in Western Australia.

Attendance at this conference by the Manager Community Development will provide the opportunity to see how space activation and community engagement projects can be creatively articulated through specific case studies by other Councils as well as Main Street practitioners and their experiences.

Given the involvement in significant projects involving vacant community spaces and building relationships with businesses through streetscape enhancement projects, it will be beneficial for the City of Vincent for the Manager Community Development to attend this conference.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg – Request To Amend the City's Policy No: 4.1.5 – Community Consultation

That the Council;

AMENDS its Policy No: 4.1.5 – “*Community Consultation*”, Part 8 – Town Planning Development and Heritage Matters – Clause 9 – Written Notification Letter, as shown below, to carry out consultation with Occupiers of properties in adjoining local governments on boundary streets and roads, for Development Applications lodged with the City of Vincent.

“9. WRITTEN NOTIFICATION LETTERS

9.1 City's Obligations

The City is responsible for preparing and distributing all written notification letters to the owner(s) and occupier(s) of adjacent affected properties, government agencies and the applicant, where applicable.

9.2 Notification letters

The notification letters are to be accompanied by:

9.2.1 The City of Vincent Community Consultation Submission Form - Planning, Building and Heritage Matters. The Form includes details of the Planning, Building and Heritage matter that is being advertised; comment period; space for the submitter to provide their name, address and other contact details; questions whether the submitter objects to or supports the matter; space for the submitter's comments; and whether the submitter objects or not to their names being contained in the Council Meeting Agenda report relating to the matter.

9.2.2 Where the Form seeks a comment on a planning element that requires the City to exercise discretion the Form will include:

- a description of the Planning Element (e.g. Ground Floor Setback);
- a reference to the applicable policy clause (e.g. Residential Design Codes - 6.8.1);
- the Performance Criteria (if applicable);
- the Acceptable Development Standard (if applicable);
- what is proposed for that element; and
- space for a comment on that element.

9.3 Consultation for Development Application on City of Vincent Boundary Streets and Roads

9.3.1 Where a development application is located on a City of Vincent boundary street or road, consultation to the extent specified in Part 12 – “*Nature and Extent of Consultation*”, shall be carried out by the City with the occupier/resident of the properties located in the adjoining Local Government District; and

9.3.2 In these circumstances, a letter will be sent to the neighbouring Local Government Authority to inform them of the development application and the addresses where consultation letters have been sent within their boundary.

A proforma letter, form and frequently asked questions for Planning and Development matters are shown in Appendix 2.”

COUNCIL DECISION ITEM 10.1

Moved Cr Topelberg, Seconded Cr Maier

That the motion be adopted.

Debate ensued.

Cr Harley departed the Chamber at 9.09pm.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

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

Against: Cr Carey and Cr Pintabona

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

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 9.10pm **Moved Cr Buckels, Seconded Cr Pintabona**

That the Council proceed "behind closed doors" to consider confidential item 14.1, as the matter relates to a Contract which may be entered into and, confidential item 14.2 relates to a legal matter, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

There were no members of the public present.

Journalists David Bell and Lauren Stringer departed the meeting.

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

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr 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: Withdrawal of the City of Stirling from the Mindarie Regional Council (MRC) – Consideration of the Progress Report No. (10)

Ward:	-	Date:	15 February 2013
Precinct:	-	File Ref:	ORG0087
Attachments:			
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the letter from the Minister for Local Government dated 5 February 2013 concerning the City of Stirling’s withdrawal of membership from the Mindarie Regional Council, as shown in Confidential Appendix 14.1.

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Harley returned to the Chamber at 9.12pm.

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 relates to a Contract which may be entered into and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL ITEM: No. 81 (Lot 500) Angove Street, North Perth (Former North Perth Police Station) – Request to Investigate Possible Uses – Progress Report No. 2

Ward:	North	Date:	15 February 2013
Precinct:	Smith's Lake; P6	File Ref:	PRO2919
Attachments:	001 – No. 81 Angove Street – CONFIDENTIAL Business Case		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

COUNCIL DECISION ITEM 14.2

That the Council;

1. **RECEIVES** the Progress Report No. 2 relating to the investigation into possible uses for the former North Perth Police Station at No. 81 Angove Street, North Perth in accordance with the Notice of Motion endorsed by the Council at its Ordinary Meeting held on 6 December 2011 and Council decision made at the Ordinary Meeting of Council held on 27 March 2012;
2. **AUTHORISES** the Chief Executive Officer to undertake a detailed feasibility study for the following options:
 - 2.1 Subdividing a rear lot of approximately 700sq metres for sale for residential development – the feasibility should consider a sub-option of seeking Expressions Of Interest (EOI) for a development incorporating innovative affordable housing;
 - 2.2 Option 7 – Dispose of Property in its entirety;
3. **APPROVES** the use of the funding in the 2012/2013 Budget to undertake a detailed feasibility study on the scenarios outlined in clause 2 above; and
4. **REQUESTS** that;
 - 4.1 The Chief Executive Officer prepare a further report to be presented to the Council on the completion of the feasibility study no later than April 2013; and
 - 4.2 That the maximum amount for the detailed feasibility study shall not exceed \$20,000.

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

The Council requested that the feasibility study should also include possible uses for the former police station building.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- 1.1 *a matter that, if disclosed, would reveal;*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person;*

where the trade secret or information is held by, or is about, a person other than the local government; and

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.

PROCEDURAL MOTION

At 9.20pm **Moved Cr McGrath, Seconded Cr Harley**

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 9.20pm 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 26 February 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013