



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

18 DECEMBER 2012

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**INDEX
(18 DECEMBER 2012)**

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	Nos. 201-203 (Lot 1; D/P 1239) Oxford Street, corner Melrose Street, Leederville – Proposed Alterations and Additions to Existing Three-Storey Commercial Building with Shop and Ancillary Tea House to Three-Storey Commercial Building with Shop, Warehouse, Ancillary Tea House and Club Premises (PRO2011; 5.2012.215.2)	240
9.1.2	No. 15 (Lot 31) Franklin Street, Leederville – Demolition of Existing Single House and Construction of Two Storey Single House (PRO5634; 5.2011.637.3)	252
9.1.3	No. 110 (Lot 31; D/P 18903) Broome Street, Highgate – Proposed Amendment to Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking (Amended to Three (3) Storey Building Comprising Nine (9) Multiple Dwellings and Associated Car Parking) (PRO4049; 5.2012.511.1)	113
9.1.4	No. 440 (Lot 200; D/P 66500) William Street, Perth – Proposed Additional Fifth (5th) Storey comprising Four (4) Multiple Dwellings to Approved Four (4) Storey Commercial Building Comprising Office Building, Shops and Associated Car Parking (PRO0893; 5.2012.440.1) [Absolute Majority Decision Required]	118
9.1.5	No. 33 (Lot 421; D/P 301706) Church Street, corner Palmerston Street, Perth – Proposed Change of Use from Warehouse to Office and Unlisted Use (Community Service) (PRO1075; 5.2012.218.3)	136
9.1.6	No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn – Proposed Construction of Three-Storey Office Building Comprising Four (4) Offices and Associated Parking (PRO4094; 5.2012.362.1)	146
9.1.7	No. 281 (Lot 17; D/P 1561) Vincent Street, Leederville – Proposed Demolition of Existing Single House and Construction of Four-Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings, Two (2) Three Bedroom Multiple Dwellings, Two (2) Home Offices and Associated Parking (PRO4724; 5.2012.420.1)	165
9.1.8	No. 287 (Lot 140; D/P 3784) Walcott Street, North Perth – Proposed Construction of Three (3) Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling and Associated Car Parking (PRO3788; 5.2012.345.1)	184
9.1.9	No. 9 (Lot 88; D/P 50533) Venn Street, Mount Lawley – Proposed Construction of Three-Storey Single House (PRO5878; 5.2012.452.1)	11
9.1.10	No. 49 (Lot 802; D/P 72694) Norfolk Street, North Perth – Proposed Construction of Two-Storey Single House (PRO5784; 5.2012.289.2)	201
9.1.11	No. 268 (Lot: 101 D/P: 99005) Newcastle Street, corner of Lake Street, Perth – Proposed Additions and Alterations to Existing Lodging House (Hostel) (PRO0082; 5.2012.231.4) – [CHIEF EXECUTIVE OFFICER WITHDRAWN ITEM AT THE REQUEST OF THE APPLICANT]	40
9.1.12	No. 12 (Lot 801; D/P 64064) Smith Street, Perth – Proposed Construction of Four-Storey Building Comprising Nineteen (19) Two Bedroom Multiple Dwellings (Aged or Dependent Persons Dwellings) (PRO5458; 5.2012.297.1)	98

9.1.13	No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Three (3) Lot Subdivision (WAPC Referral No. 146837) Relating to the John Tonkin Water Centre (Water Corporation WA) (146837; 7.2012.45.1)	268
9.1.14	No. 212 (Lot 72; D/P 450) Carr Place, Leederville – Change of Use from Single House to Office (PRO4728; 5.2012.85.3)	31
9.1.15	No. 40 (Lot 700; D/P 79842) Bulwer Street, Perth – Proposed Change of Use from Residential to Consulting Rooms (Medical) (PRO5688; 5.2012.259.2)	211
9.1.16	Community Energy Efficiency Program (CEEP) Round Two Grant Application (FIN0199) [Absolute Majority Decision Required]	273

9.2 TECHNICAL SERVICES

9.2.1	Beaufort Street Enhancement Working Group – Approval of additional seating and drinking fountains and Progress Report No. 6 (TES0067)	281
9.2.2	Moir Street, Perth - Proposed Changes to 'On Road' Parking Restrictions (PKG0184)	36
9.2.3	Purslowe and Brady Streets, Mount Hawthorn - Proposed Traffic Management (TES0320)	39
9.2.4	Rights of Way Upgrade and Acquisition Program – Acquisition of Certain Rights of Way – Further Report (TES0030)	42
9.2.5	State Underground Power Program – Outcome of the Round 5 Localised Enhancement Project Submissions – Progress Report No. 1 (TES0311)	285
9.2.6	Proposed City of Vincent 'Cycle Instead Bikeweek' 2013 (TES0172 & TES0524)	45
9.2.7	Tender No. 461/12 – Design and Construction of the Restoration of Walter's Brook (RES0008 & TEN0470) [Absolute Majority Decision Required]	291
9.2.8	Money and Monger Streets, Perth – Street Verge Trees (TES0234)	224
9.2.9	Proposed Wider Street Treatment/Traffic Management – Throssell Street, Perth – Approval of Works (TES0591)	48

9.3 CORPORATE SERVICES

9.3.1	Investment Report as at 30 November 2012 (FIN0033)	50
9.3.2	Authorisation of Expenditure for the Period 1 – 30 November 2012 (FIN0032)	52
9.3.3	Financial Statements as at 30 November 2012 (FIN0026)	55
9.3.4	Annual Budget 2013/2014 – Adoption of Timetable (FIN0025)	62
9.3.5	Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 14 (CMS0003)	297
9.3.6	North Perth Bowling Club – Response to Ratepayer Petition (PRO3409)	310

9.4 COMMUNITY SERVICES

9.4.1	Tender No. 460/12 Supply, Installation and Commissioning of a CCTV System for Beaufort Street, Mount Lawley, Highgate and Perth (TEN0469) [Absolute Majority Decision Required]	315
9.4.2	Art Awards for Rubbish Bins – Extension of Closing Date (CVC0017)	64

9.4.3	Cultural Development Seeding Grant - Giro d'Perth (FIN0155)	232
9.4.4	Cultural Development Seeding Grant – Sicilian Folk Dancing (FIN0155)	66
9.4.5	Harmony Week Celebrations (CMS0065)	322
9.4.6	William Street Festival 2013 (CMS0124)	68
9.4.7	Wade Street Reserve – Vietnamese Monument of Gratitude – Final Design Concept – Progress Report No. 2 (CMS0021)	71
9.4.8	No. 34 (Lot 1) Cheriton Street, Perth – Progress Report No. 2 (PRO5055)	75
9.4.9	Literacy Learning Trails for City of Vincent Parks and Reserves (CMS0002)	326
9.4.10	Woodville Reserve Masterplan – Progress Report No. 4 (CMS0123)	235
9.4.11	Margaret Kindergarten – No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville and Highgate Primary School Kindergarten (Little Citizens) – No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate – Temporary Demountable Buildings and Masterplanning (CMS0009)	81
9.4.12	Proposed Alternative Locations for the Percent for Art Project relating to the Development at No.375 Charles Street, North Perth	90
9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	City of Vincent Dogs Local Law Amendment Local Law No. 2 2012 – Consideration of Submissions and Final Adoption – Re-advertising of Amendment to Allow Companion Dogs in Outdoor Eating Areas (LEG0009) [Absolute Majority Decision Required]	331
9.5.2	Policy No. 4.1.34 – Relationship Declaration Register – Adoption of Revised Policy	334
9.5.3	Leederville Masterplan – Progress Report No. 13 and Establishment of a Management Committee [Absolute Majority Decision Required]	340
9.5.4	Information Bulletin	94
9.5.5	LATE ITEM: Healthy Vincent Advisory Group – Appointment of Community Representative	95
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
10.1	Cr Joshua Topelberg Request to Review the City's Parking and Access to Policy No. 3.7.1.	355
10.2	Mayor Hon. Alannah MacTiernan – Rescission Motion to Request a New Rotunda at Hyde Park [Absolute Majority Decision Required]	356
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil	357
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil	357
13.	URGENT BUSINESS	
	Nil	357
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)	
	Nil.	357
15.	CLOSURE	357

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 18 December 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.00pm 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 (from 6.05pm)
Cr Roslyn Harley	North Ward (until 8.55pm)
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)
<u>Employee of the Month Recipient</u>	
Jackie Parker	Project Officer Parks and Environment (until approximately 9.15pm)
<u>Special Guest</u>	
John Hyde	City's former Mayor and Local Member of Parliament (until approximately 6.48pm)
<u>Media</u>	
Lauren Stringer	Journalist – <i>"The Guardian Express"</i> (until approximately 8.55pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.05pm, until approximately 9.53pm)

Approximately 58 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. Paul Katsoglo of Planning Solutions Fitzgerald Street, North Perth – Item 9.1.15 Stated the following:
 - He advised that the proposed change of use was to include two (2) General Practitioner (GP) rooms, medical and consulting rooms.
 - He advised that the property was located at the corner of Smith and Bulwer Street, which is a very busy area, although located in close proximity to residential dwellings. He felt the location to be appropriate as it was located on the edge of the residential area.
 - He advised that it will be used during the daytime and some minor extension into the evening. He acknowledged that there had been some concerns about the use of the premises and the lack of use during after hours.
 - He acknowledged that there is an alternative motion which talks about approval subject to conditions which include two (2) additional car bays and the retention of the existing dwelling, all of which he supports.

Cr Carey entered the meeting at 6.05pm.

2. Glen McLeod. of 46 Money Street, Perth - Item 9.2.8 Stated the following:
 - He advised that it is valid for the Council to be concerned about risk but the concept is only useful if it has some quantification of the extent and degree of risk if compared with other risks with which the council as decision makers are familiar with.
 - He advised that in this case no information has been presented in respect of the extent and degree of the risks allegedly posed by the trees in Money and Monger Street. There was no evidence that the resolution from the Council decision on the 14 April 2005 had been carried out in accordance with its wording or the tenor of its wording. The resolution specifically stated in Clause three (3) that the existing tree stump be monitored, assessed and managed to promote their longevity and to minimise their risk.
 - He advised that the management of street trees is a long term process and it is bad governance to re-open an issue of this kind in the relative short term without a very good case being put to the Council.
3. Ross Povey of 5 Monger Street, Perth. – Item 9.2.8 Stated the following:
 - He asked the following questions;
 - Q1. Can the City provide details of the inspections, management and funds expended relating to the resolution from the Ordinary Meeting of Council held in April 2005, that the City has put in place over the last 7 years in respect to each of the existing plant trees in Money and Monger Streets to promote their longevity?
 - Q2. How the Council could rely on the arboricultural report when it was prepared by the same arborist who in 2005 recommended the removal of all of the trees and who's current report and subsequent relating to the opposite recommendation is inaccurate and misleading in wrongly describing the street names where the trees are located and does not address the Councils current resolution as to how the trees are to be managed to ensure their longevity?
 - Q3. Can the Council defer making a decision on the removal of any trees in Money and Monger streets to enable the officers to engage an independent arborist to prepare a new report working with the local community that focuses on risk assessment and management of the exiting trees, particularly given that the risks are very low as there has been no structural failure of any of the trees over the past 20 while he has been living in the street?

4. Neil Teo of Dynamic Developments– Item 9.1.3 Stated the following:
 - He advised that he is happy with the officer recommendation and would appreciate the Councils support.
 - He advised that the residential component should be designed to comply with the minimum 7 star BCA rating. The site is zoned commercial and some clear objectives of this zoning focuses on diversity of demand and housing choice as well as ranges in businesses, employment education and leisure, the desired character of the area under the City's future town planning scheme number two (2) identifies the area to be a district centre with a proposed height limit of five (5) stories.
 - He advised that he completely supports the proposed condition about section seventy eight (78) notices on the title and that there will be a significant level of buyer beware should this be approved and is happy with the officer recommendations and hopes that the Council can approve this application.

5. Brad Bairstow of 49 Norfolk Street, North Perth – Item 9.1.10 Stated the following:
 - Has been working with the Council for 7 months in consultation with both the planning department and also the neighbours in the surrounding area.
 - He acknowledged that the Council are looking at tightening up planning requirements for new developments in the area and he supports that decision which is why during the process he has significantly changed the design of the development, in particular the front elevation to meet the Councils streetscape requirements.
 - They have come to a very difficult decision as the proposed development is a very small lot, only 250m². There are two (2) very small non compliance issues. The first being that the proposed development is 3.5% over in overshadowing and the Council has noted that overshadowing would still occur on the neighbour's property even if it was single storey dwelling.
 - The second issue being that the proposed dwelling is 3% over in the land value ratio which is a very small amount. To comply with that 3% they would have to significantly change the design which will affect the integrity of the property for its current intended use and for future use to deliver a property that is going to add value to the Council for current and future demands.

6. Bob Crowe of 9 Hyde Street– Item 9.4.10 Stated the following:
 - He would be speaking on behalf of the Vincent men's shed about the plan for Woodville reserve. He advised that there is some small tweaking that they would like to see but other than that they are happy.

7. Melissa Perry of 2/30 Hassler Road, Osborne Park – Item 9.1.5 Stated the following:
 - She advised that it is a Youth specific service. There were two (2) conditions raised which meant that Mission Australia would be breaching their contract with both the State and Federal Governments who fund this service.
 - The first condition is the stipulation around the hours 10pm to 3am Thursday, Friday and Saturday evenings. There is a clause in Mission Australia's contracts which states that if a young person is still on their premises and they have not found them a safe place to go that they will stay there for as long as it takes to place that person in a safe environment with a responsible adult. Would like consideration to be made in extending the time until at least 5am, although this does happen very rarely it still happens.
 - The possible two (2) or three (3) year trial period would not work as one of the conditions when being approved for up to \$600,000 grant from the Lotteries Commission submission for the fit out was that Mission Australia would have to sign a five (5) year lease.

- This service is not a drop-in service, young people are escorted to the premises by Police or Mission Australia staff and they are escorted back out to a responsible place by the Police or Mission Australia staff. The young people using the service are not criminals, or have been involved in a crime. It is a place where young people come so that they can help them find a safe place to go when they are out on the streets at night between 10am and 3am.
8. Matthew Brbich of 104 Scarborough Beach Road – Item 9.1.6 Stated the following:
- more than happy with the previously submitted plans for a two (2) storey development, however they didn't feel the scale of the three (3) storey development was in keeping with the area this is reflected in the proposals, meeting only three (3) of the fourteen (14) acceptable development criteria.
 - The main issue is relating to the combination of the residential design elements which together result in a 10.8 metre high property. Initially it was only allowed to be seven (7) metre.
 - He understood that the Council passed some new criteria on 20 November 2012, which allowed for extra height in this area and that this would give an extra three (3) to three point five (3.5) metres for the extra storey but still leaving it short of the proposed development.
 - This development would have a negative impact on the streetscape.
9. Michael Pinchin of 95 Hobart Street, Mount Hawthorn – Item 9.1.6 Stated the following:
- A serious of objections to the proposal, some of which the previous speaker has already advised the Council of.
 - There is a serious of developmental standards that are not conformed with, mostly we are concerned with it being an eleven (11) metre high building set two (2) metres back from his back fence of the residential property, involving a rear wall being increased from its current height.
 - A terrace at three (3) metres high and a first floor balcony at 7.5 metres overlooking his backyard.
 - We did approve the original application, however looking at the current application it is way in excess of what was expected, certainly when it abuts residential properties on both sides.
10. Ron Mason of 283 Vincent Street, Leederville – Item 9.1.7 Stated the following:
- Currently lives next door to the development and supports the development.
11. Glen Colgan of 1 Clevedon Street, North Perth – Item 9.1.8 Stated the following:
- He strongly opposed the proposal, his main concerns were:
 - The height, size and bulk of a three (3) storey proposal, which is totally out of character for the current streetscape.
 - The proposal did not take into consideration of the broader topography of the current site, development will be situated at the crest of the hill.
 - His main concern is the issue of the privacy screening on the West and South West which looks directly into his backyard.
 - He advised the Council that this development should not be allowed to proceed.
12. Simon Chester of Chelmsford Road, Mount Lawley – Item 9.1.7, 9.1.18 and 9.1.12 Stated the following:
- 80% of the Community objected to the Policy when it had been advertised. The Multiple Dwelling Policy was less supported by the community, than the Residential Streetscape Policy.
 - There is no evidence in the reports that the community had the benefit of a neighbourhood context report, even though the Council last adopted the Policy, last month. People are placed at disadvantage by lack of information.
 - There is decades of experience in the City of Vincent's Executive and the poor Governance should not be occurring.
 - He stated that the Mayor had been in office for three (3) years and asked her to please deliver on her promise to fix the City of Vincent's.

13. Toby Hodgson of 30 Commonwealth Avenue, North Perth – Item 9.4.3 Stated the following:
 - He spoke on Behalf of the South Perth Cycle club as the event director and owner of the Giro d'Perth, the grant that he was seeking will assist them in developing this recreational cycling event.
 - This event from the 17 March 2013 is open to all the public.
14. Stewart Lofthouse of 123 Oxford Street, Leederville – Item 9.4.3 Stated the following:
 - He advised that on-street cafe' in Oxford Street looks fantastic and thanked the Council.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Mayor Hon. Alannah MacTiernan requested leave of absence from 8 January 2013 to 18 January 2013 inclusive – for personal reasons.
- 4.2 Cr Warren McGrath requested leave of absence from 29 December 2012 to 14 January 2013 inclusive – for personal reasons.

Moved Cr Wilcox, Seconded Cr Maier

That Mayor Hon. Alannah MacTiernan's and Cr Warren McGrath's request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 4 December 2012

Moved Cr Pintabona Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 4 December 2012 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 Employee of the month award for the city of Vincent for December 2012

The Council recognises its employees by giving a monthly award for outstanding service to Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

Our Employee of the Month Award for December 2012 is awarded to Jackie Parker, Project Officer Parks & Environment in the City's Parks & Property Services Section. Jackie was nominated as a result of an email from a resident, Felicity Higham, who wrote in as follows:

"I just wanted to thank you for organising the Great Gardens workshop [last month]. I found the event incredibly valuable, and sincerely appreciate the City offering this to the community.

The City's environmental representative Jackie, did a fabulous job on behalf of the City of Vincent and was highly approachable and professional throughout the evening.

I agree with Ms Higham comments, in particular I would like to recognise the work Jackie has done on the City's "Cash for Cans" campaign and the fact that she was so involved all day on both the Beaufort Street Festival and Leederville Festival, really promoting in a very active and a positive way, the City's Recycling program and the Container Deposit Scheme. She has been exceptional and she really understands what Local Government is all about.

Congratulations Jackie - and well done!

Received with Acclamation!

7.2 Withdrawal of Item 9.1.11

The Chief Executive Officer has withdrawn Item 9.1.11 relating to No. 268 Newcastle Street, corner Lake Street, Perth - Proposed Additions and Alterations to Existing Lodging House, at the request of the applicant.

7.3 Request for Deferral of Item 9.1.12

The landowner for this development application, Department of Housing, has requested a deferral of the item relating to Proposed Construction of Four-Storey Building Comprising Nineteen (19) Two Bedroom Multiple Dwellings (Aged or Dependent Persons Dwellings) on Smith Street, Perth, in order to allow for discussions to be carried out with the City.

7.3 Late item 9.5.5 - Healthy Vincent Advisory Group

A late item has been added to tonight's Agenda to appoint a community representative to the City's Healthy Vincent Advisory Group. This report was circulated prior to the Council Meeting.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Financial interest in Item 9.1.11 - No. 12 (Lot 801; D/P 64064) Smith Street, Perth – Proposed Construction of Four-Storey Building Comprising Nineteen (19) Two Bedroom Multiple Dwellings (Aged or Dependent Persons Dwellings). The extent of his interest being that his company has a small amount of shares and is currently undertaking some consultancy for the applicant, engaged via a third party.
- 8.2 Cr McGrath declared an Impartiality interest in Item 9.1.13 - No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Three (3) Lot Subdivision (WAPC Referral No. 146837) Relating to the John Tonkin Water Centre (Water Corporation WA) (146837; 7.2012.45.1). The extent of his interest being that his company is listed on the Water Corporation Environmental Consultants panel list.
- 8.3 Cr Topelberg declared an Impartiality Interest in Item 9.1.3 - No. 110 (Lot 31; D/P 18903) Broome Street, Highgate – Proposed Amendment to Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking (Amended to Three (3) Storey Building Comprising Nine (9) Multiple Dwellings and Associated Car Parking). The extent of his interest being that the owner of the adjoining property is a personal acquaintance and when the original proposal was advertised the adjacent owner dropped a letter to his office, which was forwarded to the Director Planning Services. He disclosed that he did not discuss the development and has not spoken since the 23 October approval.
- 8.4 Cr Topelberg declared an Impartiality Interest in Item 9.4.6- William Street Festival 2013. The extent of his interest being that his family owns a property on William Street which is within the proposed festival area, this is also his primary place of business as a wholesale business owner he has no intention to participate in the festival.
- 8.5 Chief Executive Officer, John Giorgi declared an Impartiality Interest in Item 9.4.11- Margaret Kindergarten – No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville and Highgate Primary School Kindergarten (Little Citizens) – No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate – Temporary Demountable Buildings and Masterplanning. The extent of his interest being that one of his daughters is employed as an Early Childhood Teacher at Highgate Primary School and at times she has some minimal contact at Little Citizens Kindergarten. He declared that this matter has not been discussed with her. He has had considerable involvement in the negotiations with the Department of Education, however, only limited involvement in the preparation of the Report.

Cr McGrath and Cr Topelberg stated that as a consequence, there may be a perception that their impartiality on the matters may be affected. They declared that they would consider the matters on their merits 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 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8, 9.1.10, 9.1.12, 9.1.15, 9.2.8, 9.4.3 and 9.4.10

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 9.1.4, 9.1.16, 9.2.7, 9.4.1, 9.5.1, 9.5.2, 9.5.3 and 10.2

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

Item 9.1.11

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil
Cr Buckels	9.1.2, 9.1.13, 9.4.9, 9.4.5 and 9.5.3
Cr Carey	9.3.6
Cr Harley	Nil.
Cr Maier	9.1.1, 9.1.13, 9.1.16, 9.2.1 and 9.2.5
Cr McGrath	9.1.2, 9.1.15 and 9.2.7
Cr Pintabona	Nil.
Cr Topelberg	9.3.5
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 9.1.9, 9.1.14, 9.2.2, 9.2.3, 9.2.4, 9.2.6, 9.2.9, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.4, 9.4.6, 9.4.7, 9.4.8, 9.4.11, 9.4.12, 9.5.4 and 9.5.5

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

Nil.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.9, 9.1.14, 9.2.2, 9.2.3, 9.2.4, 9.2.6, 9.2.9, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.4, 9.4.6, 9.4.7, 9.4.8, 9.4.11, 9.4.12, 9.5.4 and 9.5.5

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

Items 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8, 9.1.10, 9.1.12, 9.1.15, 9.2.8, 9.4.3 and 9.4.10

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

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

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

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

ITEMS APPROVED "*EN BLOC*":

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

Moved Cr Maier Seconded Cr McGrath

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

Items 9.1.9, 9.1.14, 9.2.2, 9.2.3, 9.2.4, 9.2.6, 9.2.9, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.4, 9.4.6, 9.4.7, 9.4.8, 9.4.11, 9.4.12, 9.5.4 and 9.5.5

CARRIED UNANIMOUSLY (9-0)

9.1.11 No. 268 (Lot: 101 D/P: 99005) Newcastle Street, corner of Lake Street, Perth – Proposed Additions and Alterations to Existing Lodging House (Hostel)

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF THE APPLICANT.

9.1.9 No. 9 (Lot 88; D/P 50533) Venn Street, Mount Lawley – Proposed Construction of Three-Storey Single House

Ward:	South	Date:	7 December 2012
Precinct:	Norfolk; P10	File Ref:	PRO5878; 5.2012.452.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification dated 4 October 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, REFUSES the application submitted by Stellar Design on behalf of the owner, B Russo for Proposed Construction of Three-Storey Single House at No. 9 (Lot 88; D/P 50533) Venn Street, Mount Lawley, and as shown on plans stamp dated 15 October 2012, 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 regards to the following Clauses:
 - 1.1 Clause SADC 10 and SPC 10 “Dual Street Frontages and Corner Sites” relating to the setback of the porch and first floor;
 - 1.2 Clause SADC 13 and SPC 13 “Street Walls and Fences” relating to the height of the front fencing;
 - 1.3 Clause SADC 15 and SPC 15 “Driveways and Crossovers” relating to the width of the driveway; and
 - 1.4 Clause BDADC 5 and BDPC 5 “Building Height” relating to the building height;

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 side and rear setbacks;
 - 2.2 Clause 6.3.2 “Buildings on Boundary” relating to the north-eastern and south-western boundary walls;
 - 2.3 Clause 6.4.1 “Open Space Provision” relating to amount of open space provided on-site; and
 - 2.4 Clause 6.8.1 “Visual Privacy” relating to the overlooking of adjoining properties;

3. the proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 3.1 to protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment;

- 3.2 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
- 3.2.1 recognises the individual character and needs of localities within the Scheme zone area; and
 - 3.2.2 can respond readily to change;
- 3.3 to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –
- 3.3.1 makes optimum use of the City's growing infrastructure and resources;
 - 3.3.2 promotes an energy efficient environment; and
 - 3.3.3 respects the natural environment; and
4. the proposed three-storey single house would create an undesirable precedent for development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The application is referred to Council for determination given it is a three-storey development and more than five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
19 September 2006	The Western Australian Planning Commission conditionally approved a two (2) lot freehold (green title) subdivision application on No. 84 Monmouth Street, Mount Lawley.
8 February 2008	The Western Australian Planning Commission endorsed the Deposited Plan for the two (2) lot freehold (green title) subdivision application on No. 84 Monmouth Street, which comprises No. 84 Monmouth Street and No. 9 Venn Street.

Previous Reports to Council:

Nil

DETAILS:

The application is for the construction of a three-storey single house at No. 9 Venn Street, Mount Lawley.

Landowner:	B Russo
Applicant:	Stellar Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Vacant lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	220 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 Form			✓
Front Fence			✓
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys			✓
Open Space			✓
Bicycles	N/A		
Access & Parking			✓
Privacy			✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Roof Form
Requirement:	Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	Flat 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.

Issue/Design Element:	Roof Form
Officer technical comment:	<p>The proposed flat roof complies with Performance Criteria of the City's policy No. 3.2.1 relating Residential Design Elements as there are a range of roof pitches within the locality, therefore not unduly impacting on the streetscape. It is also noted that the proposed flat roof is in keeping with the design of the dwelling.</p> <p>The proposed roof pitch does not the cause the building bulk proposed by the building.</p> <p>The proposal complies with the Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" A1 of the R-Codes, therefore not resulting in any undue overshadowing of adjacent properties.</p>

Issue/Design Element:	Front Fence
Requirement:	<p>Residential Design Elements SADC 13 Street walls and fences within the primary street setback area, including along the side boundaries, and front walls and fences to new infill dwellings fronting a right of way or dedicated road to be as follows:</p> <ul style="list-style-type: none"> • Maximum height of 1.8 metres above adjacent footpath level; and • Maximum height of piers with decorative capping to be 2 metres above adjacent footpath level; • Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres; and • Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres; and • The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed. <p>Street walls and fences to incorporate visual truncations that comply with the City's Policy relating to Truncations.</p> <ul style="list-style-type: none"> • 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.
Applicants Proposal:	<p>Maximum height of the fencing is 2.2 metres.</p> <p>Fencing is less than 50 per cent visually permeable above 1.2 metres.</p> <p>Fencing located within the 1.5 metre by 1.5 metre truncation area is greater than 0.65 metres high.</p>

Issue/Design Element:	Front Fence
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 clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Applicant justification summary:	<p><i>“Street walls or fences are required to be visually permeable above 1.2 metres in height.”</i></p> <p><i>“The proposed residence is required to have street walls and fences which are permeable and enable adequate sightlines for vehicles and pedestrians.”</i></p>
Officer technical comment:	<p>The proposed front fence does not comply with the Performance Criteria of the City’s Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>The proposed front fence comprises timber slats to a maximum height of 2.2 metres. As the proposed fencing is less than 50 per cent visually permeable above 1.2 metres it does not provide for the entrance of the dwelling to be clearly visible from Venn Street. As the entrance is located to the side of the dwelling, there is limited opportunity that exists for the entrance to the dwelling to be clearly visible from Venn Street.</p> <p>The front fence is not in keeping with the desired streetscape, as it does not provide for an adequate relationship between the subject site and Venn Street, with regards to passive surveillance from the ground floor. It is also noted that Venn Street is listed as an access road under the Perth Metropolitan Area Functional Road Hierarchy; therefore the proposal does not reflect the type of fencing expected within the locality nor is it in keeping with the desired streetscape.</p> <p>The proposal does not comply with the City’s Policy No. 2.2.6 “Truncations” with regards to visual truncations. Clause 1.4 of the Policy No. 2.2.6 requires that the solid portion of fencing within the truncation areas does not exceed 0.65 metres in height, with columns less than 355 millimetres by 355 millimetres or 500 millimetres diameter permitted. As the fencing is located within the 1.5 metre by 1.5 metre truncation areas, the fence is in conflict with the City’s requirements for adequate sightlines.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 10</p> <p><u>Porches</u> 1.5 metres</p> <p><u>Upper Floors</u> 1.5 metres behind each portion of the ground floor setback.</p>
Applicants Proposal:	<p><u>Porches</u> 1 metre</p> <p><u>First Floor</u> In-line with the ground floor to 3.65 metres behind the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 10</p> <p>Dwellings on dual street frontages or corner lots are to present and 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:	<p>“Setbacks of Buildings Generally 6.2.1</p> <p><i>Proposed buildings are required to be setback from the Primary Street in accordance with table 1, which in the case of this development would need to conform to the R40 provisions for a Primary Street setback of 4 metres.</i></p> <p><i>The proposed setback to the Primary Street is averaged, and complies with the Acceptable Development Criteria A1.1 of Part 6.2.1 of the R-Codes.</i></p> <p>Minor Incursions into Street Setback Area 6.2.2</p> <p><i>The Performance Criteria P2 of this Part of the R-Codes requires minor incursions and projects into the street setback area to not detract from the character of the streetscape. The dwelling proposes a porch area which is within the setback (setback 1.15 metres from the front boundary), but overall does not detract from the streetscape.</i></p> <p><i>Noteworthy is that existing development on the adjacent lot (Lot 89 Monmouth Street) has developed close to this same street boundary to Venn Street (as a side boundary), and therefore does not impact on the character of the street on this side of Venn Street.</i></p> <p><i>It is considered that the proposed dwelling complies with the Performance Criteria P2 of Part 6.2.2 of the R-Codes.</i></p>

Issue/Design Element:	Front Setback
	<p>Street Setbacks SADC/SPC 5</p> <p><i>The proposed residence complies with the Streetscape Acceptable Development Criteria (SADC) 5(a) Street Setbacks in that the front setback to Venn Street is required to reflect the predominant streetscape pattern. The proposed setback to the double garage is 3.065 metres. The distance between the double garage and the Venn Street road pavement is 7.7 metres. The setback between the entry part of the dwelling and the front boundary is 2.55 metres. The average setback for the street is approximately 2.50 metres, so the presence of this proposed dwelling is reduced in its context. It is noteworthy that Venn Street is a very short street, with dwelling adjacent to this side of the street located close to the boundary adjacent to Venn Street.</i></p> <p><i>Further, the setback to the proposed upper (third level) is 2.215 metres behind the ground floor building line to comply with the provisions of SADC 5(b). The mid floor level balcony is at the same setback as the ground floor, but the mid floor level main living area is setback a further 1.65 metres (width of balcony). This enables use of the site.</i></p> <p><i>Further, the ground floor and mid floor level balcony being at the same setback is integral to the design of the dwelling. Appropriate use of varying finishes and staggering of the upper floor walls assists in moderating the impact of the dwelling and enables compliance with the Performance Criteria SPC 5 Street Setbacks.</i></p>
	<p>Minor Incursions into Street Setback SADC/SPC 6</p> <p><i>The proposed residence complies with the Performance Criteria SPC 6 in relation to minor incursions into the street setback area.</i></p> <p><i>The Performance Criteria requires minor incursions and projections into the street setback area to not detract from the character of the streetscape or dominate the appearance of the dwelling. The dwelling proposes a porch area which is within the setback (setback 1.15 metres from the front boundary), but overall does not detract from the streetscape. The porch is a flat roof structure which is not visually dominant.</i></p> <p><i>It is considered that the porch structure complies with Performance Criteria SPC 6.”</i></p>
Officer technical comment:	<p>The proposed dwelling 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 Venn Street.</p> <p>The entrance to the dwelling is located to the side of the dwelling, therefore limiting interaction at a pedestrian level, between the ground floor of the dwelling and the street frontage. A balcony has been provided to the upper floor which increases the interaction between the dwelling and the streetscape; however this results in a greater bulk on the street without providing sufficient articulation to the dwelling.</p>

Issue/Design Element:	Front Setback
	<p>The combination of the small lot size and reduced setback result in a significant portion of the setback area being hardstand, with there being no landscaping in the front setback area proposed; resulting in an adverse impact on the streetscape.</p>
Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.3.1 A1 <u>Ground Floor</u> South-western wall: 1.1 metres South-western wall: 1.7 metres South-western wall: 1.1 metres</p> <p><u>First Floor</u> North-eastern wall: 1.6 metres South-eastern wall: 3.3 metres South-western wall: 4.9 metres South-western wall: 4.2 metres</p> <p><u>Second Floor</u> North-eastern wall: 1.7 metres South-western wall: 6.5 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> South-western wall: 1 metre South-western wall: 1.5 metres South-western wall: 0.3 metres</p> <p><u>First Floor</u> North-eastern wall: 1.4 metres South-eastern wall: 1.6 – 5.8 metres South-western wall: 2.585 metres South-western wall: 1.5 metres</p> <p><u>Second Floor</u> North-eastern wall: 1.4 metres South-western wall: 2.59 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> <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:	<p><i>“Buildings Setback from the Boundary 6.3.1</i> <i>Buildings are required to be setback from boundaries in accordance with Table 1, Tables 2a and 2b and Figures 2a-2e and Figure 3 of the R-Codes in relation to Acceptable Development Criteria.</i></p>

Issue/Design Element:	Building Setbacks
	<p><i>However, the Performance Criteria P1 allows buildings to be setback so as to; provide adequate direct sun and ventilation into the building; ensure adequate sun and ventilation being made available to adjoining properties; assist in ameliorating the impacts of building bulk on adjoining properties; and assist in protecting privacy between adjoining properties.</i></p> <p><i>In all circumstances of this proposal, access to direct sun and ventilation to the proposed dwelling is achieved with multiple windows facing the northerly direction, and allowing sun and daylight to penetrate open space and balcony areas.</i></p> <p><i>The proposed dwelling also allows the adjacent property to access direct sun and ventilation to its dwelling, and does not overshadow that property by more than the allowed 35% (required at Part 6.9.1).</i></p> <p><i>It is considered that the building setbacks comply with the Performance Criteria in this instance.”</i></p>
Officer technical comment:	<p>The proposed side and rear setbacks do not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes.</p> <p>The proposal does not provide adequate direct sun to the dwelling as the north-eastern elevation demonstrates that the ground floor comprises a major opening to the sitting room, the first floor provides a screen up to 1.6 metres however allows some light into the deck area, where all other windows along this elevation are not to a habitable room.</p> <p>It is also considered that due to the extent of the variations the proposal does not provide adequate direct sun and ventilation being available to adjoining properties, with the proposed building setbacks resulting in undue building bulk on the adjoining properties.</p> <p>The proposed setbacks do not assist in protecting privacy between the subject site and adjoining properties and the proposed dwelling 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> <p>Permitted length: 11.75 metres</p>

Issue/Design Element:	Boundary Wall
Applicants Proposal:	<p>Boundary walls to 2 side boundaries</p> <p><u>North-eastern wall</u> Length: 7 metres Average height: 4.56 metres Maximum height: 5.8 metres</p> <p><u>South-western wall</u> Length: 3.5 metres Average height: 4.2 metres Maximum height: 4.2 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>“Buildings on Boundary 6.3.2</i> <i>The Performance Criteria P2 of this Part of the R-Codes allows buildings on a boundary (other than a street boundary) where it is desirable to do so in order to; make effective use of space or enhance privacy and ensure that no adverse effects on the amenity of adjoining properties occurs.</i></p> <p><i>The dwelling proposes buildings on boundaries for the proposed garage at ground level on the north-eastern side, and a short section of the balcony above (mid level), and a small single level parapet on the south-western side.</i></p> <p><i>This north-eastern portion of the building on the boundary allows an effective use of space on this land and provides accessible outdoor living areas on the northern side of the lot (balcony). This portion of the building on the boundary is not considered to impact on the amenity of the adjacent property (Unit complex) which has driveways abutting this same boundary which is not used for open space or outdoor living purposes. The unit complex actually turns its back on the subject site, and therefore, the boundary wall is not considered to impact negatively on this adjacent property.</i></p> <p><i>The parapet on the south-western boundary (single level height) is considered to not impact on the adjacent property (Lot 89 Monmouth Street) which is a large lot and which does not take up a large amount of length of the boundary (only 3.5 metres in length).”</i></p>

Officer technical comment:	<p>The proposed boundary walls do not comply with the Acceptable Development or Performance Criteria provisions of the R-Codes.</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 dwelling 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 dwelling 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 and the proposed dwelling 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 dwelling results in an adverse impact on the amenity of the adjoining property by virtue of the scale of the bulk and mass that would be imposed upon adjoining property owners by this development.</p>
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Issue/Design Element:	Building Height/Building Storeys
Requirement:	<p>Residential Design Elements BDADC 5 Top of concealed roof: 7 metres 2 storeys (including loft)</p>
Applicants Proposal:	<p>Top of concealed roof: 10.2 metres 3 storeys</p>
Performance Criteria:	<p>Residential Design Elements BDPC 5 Building height is to be considered to:</p> <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:	<p>“Building Height 6.7.1 <i>The Performance Criteria P1 of this Part of the R-Codes requires building height to be consistent with the desired height of buildings in the locality and to protect the amenity of adjoining properties in relation to direct sun and daylight access. The neighbouring property on the northern side is a 3 storey apartment building/multiple dwelling complex, and hence the proposed dwelling is not out of character with it.</i></p> <p><i>The City of Vincent Residential Design Elements Policy also has Performance Criteria applicable which include the consideration of dominating the streetscape, limiting overshadowing of adjoining sites, and maintaining the character and integrity of the streetscape.</i></p> <p><i>It is considered that the building height complies with the intent of both Performance Criteria identified under the R-Codes.</i></p>

Issue/Design Element:	Building Height/Building Storeys
	<p>Building Height BDADC/BDPC 5</p> <p><i>The proposed height of the dwelling maintains the character of the streetscape and does not dominate it. The neighbouring property on the northern side is a multi-level apartment building/multiple dwelling complex, and hence the proposed dwelling is not out of character with it. Evidence of this neighbouring complex is identified at Annexure 1.</i></p> <p><i>The height of the building does not overshadow the property to the south to its detriment.</i></p> <p><i>It is considered that the height of the proposed dwelling is not out of character with the street due to the existing street development and due to the levels of the street, and therefore complies with the Performance Criteria BDPC 5.</i></p> <p><i>The development also respects the discussion made at Part 7.4.5 (ii) of the Policy where variations to the building height can be considered where physical and topographic constraints are evident and where development on the same side of the street also has similar height of buildings. In this regard, the building height of the dwelling respects these considerations.”</i></p>
Officer technical comment:	<p>The proposed dwelling 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 the proposed dwelling is considered to dominate the streetscape.</p> <p>The proposal complies with the Acceptable Development provisions of Clause 6.9.1 “Solar Access for Adjoining Sites” of the R-Codes; however it is noted that the proposed overshadow falls over three lots.</p> <p>The proposed building height does not limit visual intrusion into the adjoining properties as the proposed dwelling does not comply with either the Acceptable Development or Performance Criteria of Clause 6.8.1 “Visual Privacy” of the R-Codes.</p> <p>The proposed dwelling is not considered to maintain the character and integrity of the existing streetscape. Although the adjoining north-eastern property (No. 7 Venn Street) is a three-storey development, the proposal fronts Walcott Street. Under the City’s Policy No. 3.4.8 relating to multiple dwellings No. 7 Venn Street is permitted to have a three-storey height limit as it fronts Walcott Street. This property has a two storey height limit and no variation as it is below R60.</p> <p>It is noted that the dwellings opposite the subject site are all single storey dwellings, along with the adjoining south-western property; therefore it is considered that the proposed three-storey single house is not in keeping with the existing streetscape.</p>

Issue/Design Element:	Open Space
Requirement:	<p>Residential Design Codes Clause 6.4.1 A1 45 per cent (99 square metres)</p> <p>Residential Design Codes Clause 6.4.2 A2 An outdoor living area to be provided with a minimum length and width dimension of 4 metres.</p>
Applicants Proposal:	<p>37.25 per cent (81.95 square metres)</p> <p>Outdoor living area is 2.92 metres x 10 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.4.1 P1 Sufficient open space around buildings:</p> <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. <p>Residential Design Codes Clause 6.4.2 P2.1 and P2.2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.</p> <p>An outdoor area that takes the best advantage of the northern aspect of the site.</p>
Applicant justification summary:	<p>“Open Space Provision 6.4.1 <i>Open Space has been provided in accordance with Table 1 of the R-Codes, which for R40 sites requires 45% open space. The proposed dwelling proposes 45% open space, which compiles.</i></p> <p>Outdoor Living 6.4.2 <i>Performance Criteria P2.1 and P2.2 requires outdoor living areas capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun. The proposed dwelling allows sufficient area for outdoor living which has access to northerly winter sun (ground level area) and access to main living areas (mid level deck, with limited sun access), and take advantage of the northern aspect of the site (mid level street-facing balcony).</i></p> <p><i>It is considered therefore, that the proposed dwelling complies with this Part of the R-Codes.”</i></p>
Officer technical comment:	<p>The proposed dwelling does not comply with the Acceptable Development or Performance Criteria of Clause 6.4.1 “Open Space Provision” of the R-Codes.</p> <p>The proposed amount of open space is not considered to complement the dwelling, with the majority of the site being provided with some form of roof cover.</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.</p>

Issue/Design Element:	Open Space
	<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 proposed dwelling is too large for the site area, with alternative dwelling types being more suited to lots of this size.</p> <p>The location of the outdoor living area complies with the Performance Criteria of Clause 6.4.2 "Outdoor Living Areas" of the R-Codes as it is capable of use in conjunction with the sitting room.</p> <p>The proposed location of the outdoor living area is along the north-eastern side of the site, taking advantage of the northern most aspect of the site.</p>
Issue/Design Element:	Access & Parking
Requirement:	<p>Residential Design Elements SADC 15 Subject to a minimum width of 3 metres, driveways are not to occupy more than 40 per cent of the frontage of the lot.</p> <p>Residential Design Codes Clause 6.5.4 A4.3 Formed driveways no closer than 0.5 metres to a side lot boundary or street pole.</p>
Applicants Proposal:	<p>Driveway is 5.64 metres wide, occupying 51.55 per cent of the frontage.</p> <p>Proposed driveway is 0.4 metres from the side lot boundary.</p>
Performance Criteria:	<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 along the related road. <p>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and retention of street trees.</p> <p>Residential Design Codes Clause 6.5.4 P4 Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	The proposed driveway width 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 the proposal does not attempt to minimise the width of the proposed driveway at the lot frontage.

Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes Clause 6.8.1 A1 <u>Bedrooms</u> 4.5 metres cone of vision setback. <u>Dining Room</u> 6 metres cone of vision setback.</p>
Applicants Proposal:	<p><u>Main Bedroom</u> 2.59 metres cone of vision setback. <u>Bedroom 3</u> 2.6 metres cone of vision setback. <u>Dining Room</u> 1.5 metres cone of vision setback.</p>
Performance Criteria:	<p>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:	<p><i>“Visual Privacy 6.8.1</i> <i>The Performance Criteria P1 of this Part of the R-Codes requires direct overlooking of active habitable spaces and outdoor living areas of other dwellings to be minimised by building layout, location and design of major openings and screening devices.</i></p> <p><i>Some overlooking occurs from the mid level and top level section of the dwelling over Lot 89 Monmouth Street. From a site visit, the extent of overlooking impact is ameliorated by the fact that there are large structures on Lot 89 which cover and protect the outdoor living areas of the dwelling situated on that land. Therefore no overlooking of active habitable space occurs, and therefore it is considered that the proposed dwelling complies with the intent of this Part of the R-Codes, and does not impact on the privacy of the adjacent landowner.”</i></p>
Officer technical comment:	<p>The upper floor bedroom windows and dining room do not comply with the Performance Criteria of the R-Codes, as they look directly into the rear of the adjoining south-western property.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	16 November 2012 to 29 November 2012		
Comments Received:	One (1) support and eight (8) objections		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Roof Forms</p> <ul style="list-style-type: none"> • Does not complement the streetscape, that which is largely characterised by pitched roof, single and two storey dwellings. • Most of the dwellings in North Perth, especially within Venn Street, are of the Federation Bungalows Era (1890-1915). • Imposes a significant adverse affect on the integrity and character of the streetscape. 	<p>Dismiss. The proposed flat roof complies with Performance Criteria of the City's policy No. 3.2.1 relating to Residential Design Elements. Whilst the proposed dwelling is of a design that differs from the Federation style dwellings that are present in Venn Street, there are a range of roof pitches within the immediate locality. Further to which the proposed flat roof alone is not considered to unduly or adversely impact the integrity and character of the existing streetscape.</p>
<p>Issue: Building Height</p> <ul style="list-style-type: none"> • Should be limited to two-storey as it is already going to overshadow the property on Monmouth Street. • The building height will block adjoining properties access to northern light and winter sun. • Proposed development will create a significantly adverse effect on the amenity of adjoining property's and the character and integrity of the streetscape • A dominating structure that is not suited to the character and integrity of the street, that which will pose a negative and detrimental impact on the streetscape • Inappropriate scale of bulk and mass 	<p>Supported and addressed. The proposed third storey does not comply with the Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements.</p>
<p>Issue: Privacy</p> <ul style="list-style-type: none"> • The proposal will result in direct overlooking of adjoining properties, particularly outdoor living areas • Location of major openings will further exacerbate the overlooking of adjoining property's – unacceptable privacy intrusion 	<p>Supported and addressed. The upper floor bedroom windows and dining room do not comply with the Performance Criteria of the R-Codes, as they look directly into the rear of the adjoining south-western property.</p>
<p>Issue: Street Walls and Fences</p> <ul style="list-style-type: none"> • Excessive height • Lack of permeability above 1.2 metres • Entrance not visible • Not in keeping with the streetscape • Maximum height brick or limestone wall requested to the rear of No. 9 Venn Street. 	<p>Supported and addressed. The proposed front fence does not comply with the Performance Criteria of the City's Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>The proposed front fence comprises timber slats to a maximum height of 2.2 metres. As the proposed fencing is less than 50 per cent visually permeable above 1.2 metres it does not provide for the entrance of the dwelling to be clearly visible from Venn Street. As the entrance is located to the side of the dwelling, there is limited opportunity that exists for the</p>

Summary of Comments Received:	Officers Technical Comment:
	<p>entrance to the dwelling to be clearly visible from Venn Street.</p> <p>The front fence is not in keeping with the desired streetscape, as it does not provide for an adequate relationship between the subject site and Venn Street, with regards to passive surveillance from the ground floor. It is also noted that Venn Street is listed as an access road under the Perth Metropolitan Area Functional Road Hierarchy; therefore the proposal does not reflect the type of fencing expected within the locality nor is it in keeping with the desired streetscape.</p> <p>In regards to the submission relating to the fence to the rear of No. 9 Venn Street, it is noted that fences and walls to the side and rear of the subject property are regulated by the Dividing Fences Act. Any increase to the standard height of 1.8 metres is subject to planning approval being obtained from the City. The proposal does not involve any variation to the height of the dividing fence between the adjoining properties.</p>
<p>Issue: Building Setbacks</p> <ul style="list-style-type: none"> • Access to direct sun for adjoining properties will be obstructed. • Adverse impact will be imposed on adjoining properties by virtue of the building bulk and insufficient building setbacks being observed. 	<p>Supported and addressed. The proposed side and rear setbacks do not comply with the Performance Criteria provisions of the R-Codes.</p> <p>It is also considered that due to the extent of the variations the proposal does not provide adequate direct sun and ventilation being available to adjoining properties, with the proposed building setbacks resulting in a significant and adverse affect through undue building bulk being imposed on the adjoining properties.</p>
<p>Issue: Driveways and Crossovers</p> <ul style="list-style-type: none"> • Width of driveway will pose a negative aesthetic outcome on the amenity of the streetscape • Reduces on street parking 	<p>Supported and addressed. The proposed driveway width does not comply with the Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements as the proposal does not attempt to minimise the width of the proposed driveway at the lot frontage. Whilst the comment relating to the reduction of on street parking is acknowledged, the crossover is required to facilitate vehicle access to the property, that which can subsequently result in the loss of on street parking.</p>
<p>Issue: Cut and Fill</p> <p>Potential damage to retaining wall of adjoining property.</p> <p>Proposed cut and fill resulting in poor massing, overshadowing and reduced access to sunlight for adjoining property to the south</p>	<p>Dismiss. This is a Building Services matter and not a valid Planning consideration.</p> <p>Supported and addressed. The proposed variation to cut and fill does not comply with the Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design elements.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Buildings on Boundary</p> <ul style="list-style-type: none"> • Not compliant with the acceptable development provisions • Not in keeping with the streetscape • Unacceptable massing – boundary walls are not staggered or appropriately articulated to give visual relief and appropriate consistency with adjacent properties 	<p>Supported and addressed. The proposed boundary walls do not comply with the Performance Criteria provisions of the R-Codes.</p>
<p>Issue: Open Space</p> <ul style="list-style-type: none"> • Feeling of being ‘boxed in’ • Not in keeping with the streetscape • Insufficient open space around the building that presents a negative impact on the streetscape 	<p>Supported and Addressed. The proposed dwelling does not comply with the Performance Criteria of Clause 6.4.1 “Open Space Provision” of the R-Codes.</p> <p>The proposed amount of open space is not considered to complement the dwelling, with the majority of the site being provided with some form of roof cover.</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.</p>
<p>Issue: Outdoor Living Areas</p> <ul style="list-style-type: none"> • Feeling of being ‘boxed in’ • Not in keeping with the streetscape 	<p>Dismiss. The location of the outdoor living area complies with the Performance Criteria of Clause 6.4.2 “Outdoor Living Areas” of the R-Codes as it is capable of use in conjunction with the sitting room.</p> <p>The proposed location of the outdoor living area is along the north-eastern side of the site, taking advantage of the northern most aspect of the site.</p>
<p>Issue: Front Setback</p> <ul style="list-style-type: none"> • Insufficient street setback 	<p>Supported and addressed. The proposed dwelling 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 Venn Street.</p> <p>The entrance to the dwelling is located to the side of the dwelling, therefore limiting interaction at a pedestrian level, between the ground floor of the dwelling and the street frontage. A balcony has been provided to the upper floor which increases the interaction between the dwelling and the streetscape; however this results in a greater bulk on the street without providing sufficient articulation to the dwelling.</p>

Summary of Comments Received:	Officers Technical Comment:
	The combination of the small lot size and reduced setback result in a significant portion of the setback area being hardstand, with there being no landscaping in the front setback area proposed; resulting in an adverse impact on the streetscape.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the three-storey single house at No. 9 Venn Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10; and
- Residential Design Elements Policy No. 3.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the R-Codes, the City's Policy No. 3.2.1 relating to Residential Design Guidelines and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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
	<p>The plans do not depict if the front setback area and outdoor living area comprise permeable or non-permeable surfaces; however it is noted that there is limited opportunity for these areas to comprise adequate landscaping, providing a permeable surface for the development.</p> <p>There are limited windows located on the north-eastern upper floors. It is also noted that the windows located along the north-eastern elevation are predominantly not to a habitable space.</p> <p>The proposed outdoor living area is located along the north-eastern side of the proposal taking best advantage of the northern-most aspect of the site, without the outdoor living area being located in the street setback area.</p>

SOCIAL	
Issue	Comment
The proposed three-storey single house is considered to have a negative impact on the streetscape and community.	

ECONOMIC	
Issue	Comment
The construction of a house will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

In light of the above, it is considered that the proposed three-storey single house creates an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of the R-Codes and the City's Policy No. 3.2.1 relating to Residential Design Elements, it is recommended that the application be refused for the reasons outlined above.

9.1.14 No. 212 (Lot 72; D/P 450) Carr Place, Leederville – Change of Use from Single House to Office

Ward:	North	Date:	7 December 2012
Precinct:	Oxford Centre, P4	File Ref:	PRO4728; 5.2012.85.3
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items	Nil		
Reporting Officer:	G O'Brien, 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 the applicant, N Botica, on behalf of the owner, Botsky Pty Ltd, for Proposed Change of Use from Single House to Office at No. 212 (Lot 72; D/P 450) Carr Place, Leederville, and as shown on plans stamp dated 4 May 2012, for the following reasons:

1. the non-compliance with the City's Leederville Masterplan and Built Form Guidelines for the Leederville Town Centre;
2. the close proximity of Residential Uses;
3. the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and
4. the development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1 to:
 - 4.1 protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment; and
 - 4.2 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.

COUNCIL DECISION ITEM 9.1.14

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The matter is reported to Council given the non-compliance of the proposal with the City's Leederville Masterplan and Built Form Guidelines for the Leederville Town Centre. In addition five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
13 October 2009	Application for Approval to Commence Development for the Proposed Demolition of Existing Single House and construction of Four-Storey Mixed Use Development Comprising Five (5) Offices, Eight (8) Multiple Dwellings and Associated Basement Car Parking was considered at the Special Meeting of Council held on 13 October 2009. The application was deliberated by Council however due to lack of an absolute majority, was not approved.

DETAILS:

The proposal involves a change of use from an existing single house to an office building.

Landowner:	Botsky Pty Ltd
Applicant:	N Botica
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	579 square metres
Access to Right of Way	Northern rear side, 5.03 metres wide, unsealed and privately owned

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
Access & Parking	✓		

Car Parking

Car Parking	
Car parking requirement (nearest whole number)	= 1 car bay
Office Building – 1 space per 50 square metres of gross floor area- 66 square metres = 1.33 car bays	
Total car bays required = 1.33 car bays = 1 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (the proposed development is within 400 metres of a bus stop/station) • 0.8 (the proposed development is within 400 metres of a rail station) • 0.85 (the proposed development is within 400 metres of one or more existing public car parking in excess of a total of 75 car parking spaces) 	(0.578)
0.85 x 0.8 x 0.85 = 0.578	= 0.578 car bays
Minus the car parking provided on-site	4 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant Surplus	3.422 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	21 May 2012 to 11 June 2012
Comments Received:	Five (5) objections and One (1) neither support or object however with some concerns to be addressed.

The objections are summarised below:

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Encroachment of Commercial Development</p> <p>Concern regarding the encroachment of commercial uses into land zoned residential.</p> <p>If the change of use application is supported, it will add to the commercial aspects of the street.</p>	<p>Support. Whilst it is noted that the land is zoned Residential R80 under the City of Vincent Town Planning Scheme No. 1, the subject property is located within the transitional zone of the Carr Place Residential Precinct as part of the Leederville Masterplan. The zone provides for a transition between commercial and residential land uses, that which is to include a minimum of fifty per cent residential development. It is acknowledged that the proposal to use the existing residence entirely for a commercial use, that which is not supported, would add to the commercial aspect of the street. However, with respect to the unreasonable encroachment of a commercial use in a residential area, it is noted that given the Leederville Masterplan allows for a mix of residential and commercial uses within the transitional zone, the introduction of a commercial component to the subject property, up to a maximum of fifty percent, would not be an unreasonable encroachment within this zone in accordance with the Leederville Masterplan.</p>
<p>Issue: Leederville Masterplan</p> <p>Proposal for an office is not in line with the vision for the transitional zone where the property is located, as outlined in the Leederville Masterplan and Built Form Guidelines</p>	<p>Support. In accordance with the Leederville Masterplan, specifically the transitional zone within the Carr Place Residential, there is the provision for new development to be proposed, that which based on the size of the subject lot, could be four storeys in height comprised of up to a fifty per cent commercial component.</p>
<p>Issue: Parking and Access</p> <p>Concern regarding vehicle congestion in Carr Place in that intensification of the subject property to a commercial use will further exacerbate the issue.</p> <p>Increased pressure on already limited availability of parking in the street.</p> <p>Functionality of tandem parking arrangement.</p>	<p>Dismiss. The proposal has been assessed and found to be fully compliant with the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Health reasons</p> <p>Possibility of exposure to smoke from tenants of the proposed office.</p>	<p>Dismiss. This is not a valid planning consideration.</p>

Summary of Comments Received:	Officers Technical Comment:
Issue: End of trip facilities No bike or shower facilities for those utilising active transport.	Dismiss. Storage facilities that can be utilised for bicycle parking currently exist on site and there are also internal and external shower facilities.
Issue: Future development of land Concern as to the implication that the subject application for a change of use will then result in if approved. Re-zoning the land as a result of the subject application will lead to redevelopment of the site under the new zoning.	Dismiss. The current proposal for a change of use from single house to office carries no bearing on the future development of the land. The underlying zoning of the land, that of Residential R80, will remain as is regardless of whether the proposal is supported or not. The Leederville Masterplan currently provides for development of the site that is commensurate with a higher density, that which also provides for a commercial component of up to 50 per cent.
Issue: Access to right of way Potential for access to rear right for adjoining properties to be obstructed.	Dismiss. The proposal does not have the potential to obstruct access to the rear right of way for adjoining properties.

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

The applicant has provided the following response to the objections:

“Shower/Bike Storage

There is external and internal shower as well as a laundry facility for people who choose to ride to work. These facilities have been recently renovated and are of a high standard.

There is also a large shed at the rear of the yard which can provide ample space to store bikes.

Parking

The owner intends to keep the existing premises and operate an accounts office with 1 person. We have had interest from a Real Estate Agent wishing to rent 1 room for herself and a receptionist. So there will only be 3 cars at the most and parking is available on site as shown on the plan.

Health Issues

Commercial properties by law state no smoking on the premises.

Until such time the Government change the law that no smoking in any public areas we are unable to stop anyone smoking on the streets.

Masterplan

Looking at the Masterplan supplied on the internet, this shows that Carr Place is included (outlines from Oxford to Loftus and Newcastle to Vincent Streets).

I trust the above recommendations/response will satisfy the issues of concern put forward for public submissions.”

Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

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

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

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

ENVIRONMENTAL	
Issue	Comment
The application proposes the use of an office within an existing residence. Accordingly, it is considered the proposal has a lower associated environmental impact given it proposes to re-use an existing building as opposed to the demolition and construction of an entirely new building.	

SOCIAL	
Issue	Comment
The proposal to use the existing building as an office may provide potential employment opportunities for the local community but could have impacts on the residential amenity.	

ECONOMIC	
Issue	Comment
The proposed use of the building as an office may provide employment opportunities that will contribute to the local economy.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed Change of Use from Single House to Office at No. 212 Carr Place, Leederville, is not supported due to the following reasons.

In accordance with the vision for the Carr Place Residential Precinct, the transitional zone which the subject property is located proposes a transition between commercial and residential land uses, that which should include a minimum of fifty per cent residential development.

As such, whilst the transitional zone stipulates the minimum fifty per cent residential component for any new development of the site, the proposal is for the use of an existing residence for commercial purposes and it is noted that the current use is that of an existing single house. Further to which, there are existing residential properties to either side of the subject property, with No. 212 Carr Place being the last property in the transitional area that adjoins the residential zone. As such, on these grounds it is considered that consistency should be maintained in adhering to a mix of residential and commercial uses within the transitional zone.

9.2.2 Moir Street, Perth – Proposed Changes to ‘On Road’ Parking Restrictions

Ward:	South	Date:	7 December 2012
Precinct:	Hyde Park (12)	File Ref:	PKG0184
Attachments:	001 – Proposed Restriction Plan		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the permanent introduction of the parking improvements in Moir Street, Perth as shown on Plan No. 2938-PP-01 of;
 - 1.1 **1P time restrictions, 8.00am to 6.00pm Monday to Friday;**
 - 1.2 **‘Resident Only’ parking restrictions at all other times; and**
2. **INFORMS** the residents of Moir Street, Perth of its decision.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the six (6) month trial and subsequent consultation with residents to improve the amenity for residents parked vehicles in Moir Street, Perth.

BACKGROUND:

In 2011 the City received several requests to investigate amenity improvements for parked vehicles in Moir Street.

In early 2012 the Mayor and Director Technical Services met with several residents of the street where it was decided that all residents of the street be canvassed regarding a proposal to change the current parking restrictions.

In January 2012 residents in the street were consulted regarding some suggested changes to the parking regime in the street.

The residents consider that the parking situation in Moir Street cannot be considered in isolation to surrounding streets and that an ad hoc approach with no underlying strategy is what has caused the current problem.

They feel that parking in Moir Street needs to be consistent with the adjacent and surrounding streets if it is ever going to be workable for residents.

At its Ordinary Meeting held on 27 March 2012 the Council decided, in part, to undertake “a six (6) months trial in Moir Street comprising 1P time restrictions, 8.00am to 6.00pm Monday to Friday and Resident Only” parking restrictions at all other times and to consult with Moir Street...”.

DETAILS:

Community Consultation:

In accordance with the Council's decision, on 1 November 2012 twenty seven (27) letters were distributed to residents of Moir Street. At the close of the consultation on 21 November 2012, thirteen (13) responses were received with eleven (11) in favour of the proposal and two (2) against the proposal.

Related Comments *In Favour* of the Proposal:

- 4 in favour with no further comment.
- Thank you to Council for your support for the residents of Moir Street...I've been very happy with the current situation as it now stands...whilst there were a few initial teething problems in the first couple of months where there was some confusion over restriction changes...with residents needing to request rangers attend due a continuing large number of non-resident cars parking, once the ranger patrols increased ...we have seen a considerable positive impact...Another major benefit has been the lack of noisy, drunk late night/morning revellers coming back to their cars....
- Good idea, extra visitor cards (more than two (2) would be a good idea.
- The feeling among the residents is very positive; I would say that they are universally delighted by the difference that the changes to the parking arrangements have made, and highly supportive of the new arrangement.
Some key changes that we have noticed are as follows;
 - Resident parking availability.
 - Less noise – specifically less late night yelling and swearing...
 - Decreased rubbish....
 - Reduced traffic...
 - Changed behaviour - ..parking offenders do not seem to be the same cars that we recognise every time...
 - Usage by shoppers – many shoppers using the businesses in William Street still park in Moir Street within the one hour limit, without any problem at all. This indicates that for genuine local shoppers, rather than commuters or nightclub patrons, the sharing arrangement is still working well.
- Saturday and Sunday can still see congested parking, especially from around 12pm and Friday night can be a problem...
- The availability of parking on Moir Street has improved. I would like to see residential parking only on the street.
- Good work by all involved, parking has improved thanks. The current parking restrictions... are working well. It allows residents to park in non-working hours, while still allowing non-residents to park during the day on week days...

Related Comments *Against* the Proposal:

- Our permits are used by the occupiers and it is a nuisance having guests on weeknights/weekends and not having anywhere near by that they can park for free.
- We appreciated and support the City's commitment to increase resident's access..., however we have noticed since the restrictions ... that our family, friends and visitors have received fines more often. We suggest changing the restrictions to "resident only" 8-6pm Monday to Friday and 1P at all other times. This will more effectively target commuters and allow Moir Street residents and be more flexible and accommodating for loved ones.

Related *Other* Comments:

- Nil

Officers Comments:

The majority of respondents are in favour of retaining the 1P time restrictions, 8.00am to 6.00pm Monday to Friday and 'Resident Only' parking restrictions at all other times.

It is therefore considered that the restrictions should be made permanent and in the future, possibly be used as a model for the other streets in the area i.e. Robinson Avenue, Bookman Street.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

1.1.5: 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:

Signage is already in place so no additional costs will be incurred.

COMMENTS:

The amenity of residents in Moir Street has been improved by the trial parking regime (as reflected in the feedback received) and at the same time it has continued to provide an amenity to the public.

It is therefore recommended that the trial be made permanent.

9.2.3 Purslowe and Brady Streets, Mount Hawthorn – Proposed Traffic Management

Ward:	North	Date:	7 December 2012
Precinct:	Mount Hawthorn (1)	File Ref:	TES0320
Attachments:	001 – Plan of Proposed Works 002 – Plans of Locality		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council;

1. **APPROVES IN PRINCIPLE the undertaking a Traffic Safety Improvement trial at the intersection of Purslowe and Brady Streets, Mount Hawthorn, as shown on the attached Plan No. 3014-CP-01 subject to;**
2. **AUTHORISES the Chief Executive Officer to carry out community consultation with all affected residents regarding the proposal, seeking their views; and**
3. **NOTES that a report will be submitted to the Council at the conclusion of the community consultation period.**

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the approval of the Council of a proposed traffic management safety improvement in Purslowe Street, Mount Hawthorn.

BACKGROUND:

As a result of requests for traffic safety improvements at the intersection of Purslowe and Brady Streets the Council allocated funds in the 2012/2013 budget to undertake safety improvements.

The issues relate mainly related to driver behaviour and traffic management during the peak periods with vehicles turning into and out of Purslowe Street from Brady Street.

DETAILS:

Issue:

Brady Street is a District Distributor (A) and has high volumes of traffic spread throughout the day culminating during peak periods.

Contributing to the high volume of traffic is that Brady Street provides one of the only accesses on and off the Mitchell Freeway for residents not only within the City of Vincent but also from the outer suburbs.

The main issue is number of accidents caused by right turn vehicle movements from both entering and exiting Purslowe Street onto Brady Street. To investigate the claim a Crash Factor Matrix was obtained from Main Roads WA.

Accident Statistics:

Over the past five (5) years there have been eighteen (18) accidents reported on the intersection, out of these, seven (7) required hospital and medical treatment and all resulted in major property damage. The majority of accidents occurred from motorists performing right hand turn movements entering and exiting Purslowe Street east of Brady Street.

The intersection is located south of a crest on Brady Street making it difficult to predict the speed and distance of vehicles approaching the intersection from the north over the crest.

Traffic data

The most recent traffic data indicates that there are 15,040 average weekday vehicle movements along Brady Street south of Scarborough Beach Road.

Proposed Traffic Management Safety Improvement

As the majority of vehicle collisions occur from right hand turn movements entering and exiting Purslowe Street east of Brady Street, installing a seagull island on the eastern side of the intersection of Brady and Purslowe Streets will restrict movements to 'Left In' and 'Left Out' only.

This treatment will restrict the possibility of right turn movements and will reduce the potential conflict points for accidents to occur within the intersection.

Persons who reside east of the intersection of Brady and Purslowe Streets would still be able to make the left turn out onto Brady to gain access to the Freeway 'On Ramp'. Access to the Signalised Intersection of Brady Street, Main Street and Scarborough Beach Road can be achieved by travelling along Federation or Egina Streets and by using Scarborough Beach Road.

Residents wishing to access Purslowe and surrounding streets from Powis Street would be able to turn right at the signalised intersection of Brady and Powis Streets and use either Sasse Avenue or Lynton Street to their property. The proposal is shown in Plan No. 3014-CP-01 (as attached).

Discussion:

As with any access traffic restriction there is always a potential flow on affect. It is therefore suggested that residents in Purslowe Street and any other potentially affected street be consulted regarding the proposal.

It is recommended that all affected residents be consulted regarding undertaking a trial and should the trial be approved, that traffic data be collected from all potentially affected streets before and during the trial.

CONSULTATION/ADVERTISING:

Residents will be consulted in accordance with the Council's Community Consultation Policy No. 4.1.5. consultation will be carried out for a period of fourteen (14) days.

LEGAL/POLICY:

Purslowe Street is classified as an Access Road in accordance with the Functional Road Hierarchy and is under the care, control and management of the City.

Brady Street is classified as a District Distributor A road in accordance with the Functional Road Hierarchy and is under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: There is evidence that a high volume of accidents occur on the intersection of Brady and Purslowe Streets with the majority coming from right turn movements entering and exiting Purslowe Street east of Brady Street. Installing a 'Seagull Island' treatment would reduce the conflict points for accidents to occur making the intersection safer for motorists and residents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There is \$20,000 allocated in the 2012/2013 budget for traffic improvements on the intersection.

COMMENTS:

Safety issues have been raised by residents of Purslowe Street regarding the high incidence of accidents.

It is recommended that all affected residents be consulted regarding undertaking a trial and should the trial be approved, that traffic data be collected from all potentially affected streets before and during the trial.

9.2.4 Rights of Way Upgrade and Acquisition Program – Acquisition of Certain Rights of Way – Further Report

Ward:	South	Date:	7 December 2012
Precinct:	Smith's Lake (6)	File Ref:	TES0030
Attachments:	001 – Plan 1657 (Lot 55 highlighted in Green) 002 – Plan approved at Ordinary Meeting of Council – 9/10/2012		
Tabled Items:	Nil		
Reporting Officer:	A Munyard, Senior Technical Officer, Land and Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the acquisition of Lot 55 on Plan 1657, for purpose of Public Access Way, as outlined in the report

COUNCIL DECISION ITEM 9.2.4

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval of acquisition of Lot No. 55 on Plan 1657, in addition to the Rights of Way (ROW) on that plan approved at the Ordinary Meeting of Council held on 9 October 2012. Lot No.55 is a very fine parcel of land between the private properties and the ROW.

BACKGROUND:

In accordance with the City's program to acquire and upgrade private ROW's, the City requested State Land Services (SLS) approve the acquisition of a ROW bounded by Alma Road, Charles, Claverton and Camelia Streets, North Perth.

SLS recommended that the City acquire all of the ROW's which were created on the same Survey Plan (Plan 1657).

At its Ordinary Meeting held on 9 October 2012, the Council approved the acquisition of all ROW's on Plan 1657, which are currently held in deceased estates. The Council decision was as follows;

“That the Council APPROVES the acquisition of the private Rights of Way created on the attached Plan No 1657 and advises State Land Services of the its decision.”

DETAILS:

As previously reported to the Council at the time of subdivision of the land in the older suburbs within the Perth area large parcels of land were divided into many lots, commonly serviced by a rear ROW. The lots were sold off, and the ROW was left as a remainder on the original title, still owned by the subdivider.

The ROW's were encumbered by rights of access easements in favour of the abutting lots.

These implied access easements exist under s167A of the Transfer of Land Act 1893 and therefore the ROW's cannot be closed without the consent of all with access rights, and cannot be developed in any other way.

The ongoing management and maintenance of these ROW's pose problems, as many of them are now in deceased estates. Having little intrinsic financial value and in fact posing a maintenance liability to the owners, there has been little interest or action by beneficiaries to have the ownership transferred to them.

When unable to trace a living owner, these ROW's may be acquired in accordance with s52 of the LAA."

The ROW in question is one of several created on Plan 1657, all but one held in the deceased estate of Abraham Jacob Herman and Isidore Hermann. A portion of one of the ROW's has been amalgamated into the dedicated road "Sekem Street".

SLS have also advised that the rather than divide one ROW from the original title, all the ROW's created on the Plan and remaining in the one title should be acquired under s52.

Further Advise from State Land Services (SLS):

Subsequent to the Council's approval, all necessary documents were forwarded to State Land Services (SLS) for completion of the acquisitions. SLS has now advised that there is an additional lot (Lot NO. 55, which appears in two separate entities) in Plan 1657, which is not classified as ROW's, which it recommends the City acquire as well. All that is required to include the Lot No. 55 in the acquisitions is a Council approval of the process.

CONSULTATION/ADVERTISING:

The acquisitions will be in accordance with the Council's Acquisition and Upgrade Program, first adopted at the time of inception of the Town of Vincent, revised and adopted by the Council again in 2009.

LEGAL/POLICY:

The acquisition will be carried out under S52 of the LAA, under advice from State Land Services.

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:

Providing care, control and management of the Rights of Way to the City.

FINANCIAL/BUDGET IMPLICATIONS:

The 2012/2013 includes an amount of \$15,000 for the acquisition of ROWs, however State Land Services have prepared the documents at their cost, in anticipation of the Council's approval. There are no significant costs to the City, in acquiring these ROW's.

COMMENTS:

The Council's approval is sought to enable the City to acquire Lot No. 55, for the purpose of Public Access Way, and enable it to be managed by the City as a widening to the adjacent ROWs. It is recommended that the Council approve the inclusion of Lot No. 55 in the acquisitions.

9.2.6 Proposed City of Vincent 'Cycle Instead Bikeweek' 2013

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	TES0172 & TES0524
Attachments:	001 – Proposed location of Bikeweek Intercept Breakfast; 002 - Proposed location of Luna Cycle Bike Valet parking		
Tabled Items:	Nil		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	C Wilson, Manager Asset & Design Services		

OFFICER RECOMMENDATION:

That the Council;

- APPROVES** the City hosting several events during the '*Cycle Instead Bikeweek*' 2013, to be held between 17 – 24 March 2013, and
- AUTHORISES** the Chief Executive Officer to negotiate co-promotion activities with local businesses and community groups.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Maier, **Seconded** Cr McGrath

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 for the City hosting cycling promotion events during the '*Cycle Instead Bikeweek*' 2013.

BACKGROUND:

The '*Cycle Instead Bikeweek*' is an annual and well established week long series of activities that promotes and celebrates active transport. The numerous events are strongly supported by the Department of Transport's (DoT) Bikewest division, which provides a framework for promotion as well as funding opportunities to participants.

Events held during Bikeweek are traditionally more diverse than those during the Ride to Work and Bike to Work initiatives, which are generally held in October. The week's activities culminates in the Freeway Bike Hike.

DETAILS:

2013 proposals

A range of events are being proposed for the City of Vincent's *Cycle Instead Bikeweek* 2013, with the City organising some events and also encouraging residents to take part in broader Bikeweek events. The following is an outline of the proposed program:

- Sunday 17 March 2013 – Giro d'Perth – a cycling back lane odyssey.

Organised by Toby Hodgson of 'Mr Vesparazzi' and the South Perth Cycle Club, this event is akin to a non-competitive rally, which explores the quiet streets of Vincent and Perth. The event commences at Britannia Reserve with participants choosing what routes they will be pursuing. They are given a series of clues and venues to visit before eventually returning to Britannia Reserve.

The event is aimed at recreational cyclists. The City would host a bike education stall at the event, with DR Bike in attendance for bike checkups.

2. Tuesday 19 March 2013 – Bike Intercept Breakfast – Banks Reserve – 6.30am – 10am.
This will be a cyclists' breakfast which aims to reward people cycling to work or for recreation. The event will be an opportunity to highlight path courtesy principles which have been an issue in the Banks Reserve area. The City will also host a bike maintenance stall at the event.
3. Wednesday 20 March 2013 – Ride to School Day.
This forms part of a broader Bikeweek initiative, with the City's role being to enable local schools to host a breakfast for students who cycle.
4. Thursday 21 March 2013 – Luna Cycle Event – 7.30pm.
Patrons of the Luna Outdoor Cinema will be encouraged to cycle to the Cinema to take advantage of the Bike Valet parking at the front of the Cinema. This will be to reinforce how simple and convenient it can be to choose to use an active method of transport to a recreational destination, not just during the day, but also at night.

The Valet Parking will be conducted by Dismantle – a Fremantle based not-for-profit organisation committed to cycling education programs. The City is to provide road barriers for the event.
5. Sunday 24 March 2013 – Freeway Bike Hike.
This is seen as the closing event of the Cycle Instead Bikeweek, and although not taking place in the City, it would be mentioned in the City's program to encourage local residents to take part.

In addition, the City will provide a Bike Giveaway prize, for which all those attending the City's events will be eligible to enter. The program is intended to hold activities across the City and to involve local businesses. The events will highlight cycling in 'Vincent' and provide opportunities for the distribution of the City's TravelSmart maps, provide bike maintenance tips to residents and also updates on the development of the Bike Network Plan.

CONSULTATION/ADVERTISING:

The City's TravelSmart Officer will develop a Cycle Instead Bikeweek 2013 promotional brochure to distribute via the City's marketing and communication channels. The BikeWest division of the Department of Transport will also assist in marketing the events.

LEGAL/POLICY:

The City is responsible to ensure that events on roads are undertaken are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice for Events on Roads.

The initiative aligns with the City's *Physical Activity Plan 2009 – 2013*.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

(d) Promote alternative methods of transport.

Community Development and Wellbeing:

Objective 3.1 Enhance and promote Community Development and Wellbeing.

3.1.1 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".

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

"Air & Emissions

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

SUSTAINABILITY IMPLICATIONS:

The City of Vincent's Cycle Instead Bikeweek 2013 program, through the promotion of cycling education and promotion, promotes the benefits of exercise, healthy choices and alternative transport.

RISK MANAGEMENT IMPLICATIONS:

Low: As long as due process is followed the risk to the participants should be low.

FINANCIAL/BUDGET IMPLICATIONS:

No specific funding has been allocated in the 2012/2013 budget for this event.

The Giro d'Perth has made a separate funding application to the City's Community Development Seed Fund, which is currently being progressed.

The education stalls at the various events would be co-funded by the Department of Transport and the City, with the City's contribution taken from the Local Bicycle Network 'Miscellaneous Improvements' budget.

Proposed Bikeweek Budget:	<u>\$5,560</u>
Department of Transport:	\$2,780
Local Bicycle Network:	\$2,780

COMMENTS:

A key deliverable of the City's TravelSmart Officer is the development and implementation of initiatives that promote and celebrate a cycle culture.

This program will highlight recreational and commuting cycling within the City and it is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate co-promotion activities with local businesses and community groups for the 2013 Bikeweek program.

9.2.9 Proposed Wider Street Treatment/Traffic Management Improvements – Throssell Street, Perth - Approval of works

Ward:	South	Date:	10 December 2012
Precinct:	Hyde Park (12)	File Ref:	TES0591
Attachments:	001 – Plan No. 2981-CP-01 Proposed Street Treatment		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council;

- APPROVES** the traffic management proposal for Throssell Street, Perth, estimated to cost \$20,000, as shown on attached Plan No 2981-CP-01; and
- ADVISES** the residents in Throssell Street of its decision.

COUNCIL DECISION ITEM 9.2.9

Moved Cr Maier, Seconded Cr McGrath

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 results of the recent community consultation for a traffic management proposal for Throssell Street, Perth to improve the amenity and safety for residents and visitors/children to both the accessible and water playgrounds at Hyde Park.

BACKGROUND:

At its ordinary meeting held on 9 October 2012 the Council considered a report on possible improvements in Throssell Street where the following decision was made.

That the Council;

- APPROVES IN PRINCIPLE* the widening street treatment/traffic management proposal for Throssell Street, Perth as shown on attached Plan No 2981-CP-01;
- CONSULTS* with residents in Throssell Street regarding the proposal; and
- FURTHER* considers the matter at the conclusion the community consultation.

DETAILS:

In accordance with the Council decision on 9 October 2012 all the residents in Throssell Street were sent a consultation pack and asked to comment on the proposal.

At the close of consultation on 31 October 2012, of the twelve residents canvassed, only two (2) responses were received with one (1) in favour and one (1) with other comments.

The respondent in favour commented that they *strongly supported the proposal to improve children safety.*

The ‘other’ comment related to the need for more speed humps and did not support any widening. The concern about widening relates to the name of the program *Proposed Wider Street Treatment* which the resident took to mean that the City was proposing to widen the street whereas the opposite is true. This was conveyed to the resident concerned after they had lodged their comments and they were satisfied with the outcome.

Officer Comments:

As previously reported to the Council, while the recorded 85% speed in Throssel Street is low, given the width of the street and its function as both providing access to residential properties and to Hyde Park and particularly the Hyde Park Water and Accessible playgrounds, it is considered reasonable, in the interest of public safety, to implement a 'wider street treatment' in the street with a mid block traffic slowing devise (speed hump).

No actual widening of the street is proposed and no additional speed humps are considered necessary at this stage.

CONSULTATION/ADVERTISING:

Residents of Throssell Street will be advised of the decision.

LEGAL/POLICY:

Throssell Street is classified as an Access Road in accordance with the Functional Road Hierarchy and is under the Care, Control and Management of the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: There is evidence that some rat running occurs along Throssell Street which could create a higher risk of accidents for residents and users of the Hyde Park.

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:

Improve safety

FINANCIAL/BUDGET IMPLICATIONS:

There is \$20,000 allocated in the 2012/2013 budget for traffic improvements in the Street.

COMMENTS:

Safety issues have been raised by residents of Throssell Street and visitors to the Hyde Park water and assessable playgrounds.

It is therefore recommended that the proposal as outlined on Plan No 2981-CP-01 be implemented.

9.3.1 Investment Report as at 30 November 2012

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 30 November 2012 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr McGrath

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.

The 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 30 November 2012 were \$24,711,000 compared with \$26,711,000 at 31 October 2012. At 30 November 2011, \$21,011,000 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

Total accrued interest earned on Investments as at 30 November 2012:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$275,000	\$239,158	40.95
Reserve	\$535,000	\$250,000	\$303,102	56.65

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 reduced from previous period due to payments to creditors.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 – 30 November

Ward:	Both	Date:	7 December 2012
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 November – 30 November 2012 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 Maier, Seconded Cr McGrath

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 November – 30 November 2012.

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	73165 - 73341	\$348,166.20
Transfer of Creditors by EFT Batch	1460, 1462 – 1468, 1471, 1472	\$3,931,733.89
Transfer of PAYG Tax by EFT	November 2012	\$274,487.18
Transfer of GST by EFT	November 2012	
Transfer of Child Support by EFT	November 2012	\$749.20
Transfer of Superannuation by EFT:		
• City of Perth	November 2012	\$29,220.27
• Local Government	November 2012	\$105,121.63
Total		\$4,689,478.37
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$12,183.53
Lease Fees		\$3,307.66
Corporate MasterCard's		\$17,917.32
Loan Repayment		\$192,890.27
Rejection fees		\$52.50
Total Bank Charges & Other Direct Debits		\$226,351.28
Less GST effect on Advance Account		0.00
Total Payments		\$4,915,829.65

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 30 November 2012

Ward:	Both	Date:	7 December 2012
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 30 November 2012 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr McGrath

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 30 November 2012.

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 30 November 2012:

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	45-52
12.	Monthly Financial Positions Graph	53-55

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	\$7,970,508
YTD Revised Budget	\$8,609,875
YTD Variance	\$639,367
Full Year Budget	\$20,198,425

Summary Comments:

The total operating revenue is currently 93% 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 – 4% under budget;
 Law, Order, Public Safety – 11% under budget;
 Health – 10% under budget;
 Education and Welfare – 2% over budget;
 Community Amenities – 39% over budget;
 Recreation and Culture – 13% under budget;
 Transport – 7% under budget;
 Economic Services – 19% under budget;
 Other Property and Services – 44 over budget; and
 General Administration (Allocated) – 127% over budget.

Operating Expenditure

YTD Actual	\$17,259,663
YTD Revised Budget	\$18,542,927
YTD Variance	(\$1,283,264)
Full Year Budget	\$45,143,870

Summary Comments:

The total operating expenditure is currently 93% of the year to date Budget estimate

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

General Purpose Funding – 7% under budget;
 Governance – 2% under budget;
 Law Order and Public Safety – 8% under budget;
 Health – 11% under budget;
 Education and Welfare – 7% under budget;
 Community Amenities – 12% under budget;
 Recreation and Culture – 9% under budget;
 Transport – 3% under budget;
 Economic Services – 10% under budget;
 Other Property & Services – 103% over budget; and
 General Administration (Allocated) – 274% 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	\$9,069,714
YTD Revised Budget	\$13,350,161
Variance	(\$4,289,114)
Full Year Budget	\$26,448,292

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure.

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 \$35,539,354 and non-current assets of \$200,100,300 for total assets of \$235,639,654.

The current liabilities amount to \$12,120,333 and non-current liabilities of \$19,356,716 for the total liabilities of \$31,477,048.

The net asset of the City or Equity is \$204,162,605.

7. Net Current Funding Position

	30 November 2012 YTD Actual \$
Current Assets	
Cash Unrestricted	9,992,037
Cash Restricted	13,500,243
Receivables – Rates and Waste	6,086,614
Receivables – Others	3,836,664
Inventories	186,842
	33,602,400
Less: Current Liabilities	
Trade and Other Payables	(5,889,598)
Provisions	(2,488,658)
Accrued Interest (included in Borrowings)	(55,297)
	(8,433,553)
Less: Restricted Cash Reserves	(13,500,243)
Net Current Funding Position	(11,668,604)

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	\$103,990	\$23,094	22%
Plant & Equipment	\$1,757,000	\$953,000	\$879,177	92%
Land & Building	\$11,289,000	\$9,460,000	\$5,219,125	55%
Infrastructure	\$14,030,365	\$5,118,640	\$1,779,796	35%
Total	\$27,387,005	\$15,635,630	\$7,901,192	51%

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 35 – 41 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 30 November 2012 is \$13.5m. The balance as at 30 November 2011 was \$8.9m. 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 \$1,021,167 is outstanding at the end of November 2012.

Out of the total debt, \$325,249 (31.9%) 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 30 November 2012 including deferred rates was \$5,904,221 which represents 24.06% of the outstanding collectable income compared to 24.57% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 30 November 2012 the operating deficit for the Centre was \$673,833 in comparison to the year to date budgeted deficit of \$717,299.

The cash position showed a current cash deficit of \$630,567 in comparison year to date budget estimate of a cash deficit of \$673,356. 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. Outdoor pool is closed for redevelopment and Indoor pool has re opened on the 23rd July, 2012.

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.

9.3.4 Annual Budget 2013/2014 – Adoption of Timetable

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the timetable for the 2013/2014 Budget as detailed below:

DATE	ITEM
25 March - 19 April 2013	Chief Executive Officer and Directors to review 1 st Draft Budget
19 April 2013	1 st Draft Budget issued to Council Members
25 April 2013	Briefing provided to Council Members
7 May 2013	1 st Budget briefing/Special Council Meeting (open to the public)
21 May 2013	2 nd Budget briefing/Special Council Meeting (open to the public) – if required
21 May – 24 May 2013	Budget documentation finalised for public comment
24 May 2013	Advertise for public comment (14 days)
7 June 2013	Public comment closes
7 June - 14 June 2013	Final Budget documentation and report for Council prepared
14 June 2013	Issue Agenda report
2 July 2013	Adoption of Annual Budget at the Special Council meeting

2. **AUTHORISES** the Chief Executive Officer to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To provide a timetable for the preparation and adoption of the Annual Budget 2013/2014.

BACKGROUND:

It is recommended that the Budget is adopted as early in the new financial year as possible. It is proposed that Special Meeting of Council for the adoption the budget be held on the 2 July 2013. This will again allow the City a cash flow benefit from the earlier issue of the Rates Notices.

A separate Special Council meeting for the adoption of the Annual Budget will also allow more time for discussion on the final Budget document, without the constraint of the timing of the Ordinary Meeting of Council.

DETAILS:

The Annual Budget forms an integral part of the City's Strategic Community Plan, "Plan for the Future" 2011-2021, which was adopted by the Council.

The proposed timetable allows for both Council Member and community reviews.

The Draft Budget will be initially issued to Council Members. A confidential briefing will be provided to Council Members either collectively or individually depending on circumstances.

The Draft Budget deliberations will then be held at the scheduled Special Council Meetings, the public are invited to attend these meetings.

The public will also be invited to comment on the Draft Budget prior to adoption.

The proposed Budget Timetable is outlined below:

DATE	ITEM
25 March - 19 April 2013	Chief Executive Officer and Directors to review 1 st Draft Budget
19 April 2013	1 st Draft Budget issued to Council Members
25 April 2013	Briefing provided to Council Members
7 May 2013	1 st Budget briefing/Special Council Meeting (open to the public)
21 May 2013	2 nd Budget briefing/Special Council Meeting (open to the public) – if required
21 May – 24 May 2013	Budget documentation finalised for public comment
24 May 2013	Advertise for public comment (14 days)
7 June 2013	Public comment closes
7 June - 14 June 2013	Final Budget documentation and report for Council prepared
14 June 2013	Issue Agenda report
2 July 2013	Adoption of Annual Budget at the Special Council meeting

It is also proposed that the Special Meeting for the adoption of the Annual Budget be held on 2 July 2013.

CONSULTATION/ADVERTISING:

The City's Consultation Policy specifies that the Draft Annual Budget is to be advertised for a period of fourteen (14) days prior to adoption.

LEGAL/POLICY:

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2021 Plan for the Future – Key Result Area Four (4) - Leadership, Governance and Management:

- "4.1.1 Provide Good Strategic Decision Making, Governance, Leadership and Professional Management;*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner; and*
- 4.1.3 Plan effectively for the future."*

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted in the required time frame.

9.4.2 Art Awards for Rubbish Bins – Extension of Closing Date

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	CVC0017
Attachments:	001 – Entry Guidelines		
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;

1. **RECEIVES** the report on the progress in promoting the “The Bincent Biennial Art Awards”; and
2. **APPROVES** the extension of the closing date to 15 February 2013 allowing for further promotion utilising social media and other opportunities to increase the level of participation.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To report to the Council on the investigation into the establishment of an Art Award for Rubbish Bins and approve the extension of the closing date for entries to the “Bincent Biennial Art Award” for Rubbish Bins.

BACKGROUND:

At the Ordinary Meeting of Council held on 6 December 2011, a Notice of Motion received from Councillor Maier was adopted regarding the investigation into an Art Award for Rubbish Bins, as follows:

“That the Council REQUESTS the City’s Arts Advisory Group to provide recommendations on the feasibility, benefits, implications, risks and implementation issues of instituting an art award, possibly called the “Bincent Art Awards”, which encouraged residents to paint their garbage bins and which awards prizes, possibly monthly or quarterly, for the best bin(s) based on recommendations from the City’s rubbish truck drivers.”

At the Ordinary Meeting of Council held on 11 September 2012, the following recommendation was adopted:

“That the Council;

1. *RECEIVES* the outcome of the investigation into an Art Award for Rubbish Bins;
2. *APPROVES* the recommendation of the City’s Arts Advisory Group for an Art Award for Rubbish Bins called “The Bincent Biennial Art Awards”; as detailed in this report and the guidelines shown in Appendix 9.4.1, attachment 001; and
3. *AUTHORISES* the Chief Executive Officer, in liaison with the Mayor, to conduct the event between September – December 2012 and to arrange an event for the presentation of the awards.”

DETAILS:

Following the Ordinary Meeting of Council held on 11 September 2012, the call for entries to the competition opened on 22 September 2012, with a deadline of 22 November 2012. The aim was to announce the winners at the Leederville Carnival on 8 December 2012; however, with only three entries submitted; the recommendation to extend the deadline was made at the Arts Advisory Group meeting on 29 October 2012.

A further extension will enable families to make it a school holiday project, as well as allow more promotion at the Leederville Carnival by way of large posters and live bin art painting on the day.

CONSULTATION/ADVERTISING:

Advertising has been conducted through advertisements in local papers, letterbox drops, City of Vincent website banners and emails sent through to the City's databases. Local schools were contacted by telephone and were also sent an information pack in the mail. A letterbox drop of the postcard was delivered to all residential homes and some businesses. An email was sent to Precinct Groups, such as the Beaufort Street Network who have promoted it amongst their networks. To-date, the City has eight entries with interest growing and the opportunity to highlight some of the entries in the press and encourage more people to enter.

LEGAL/POLICY:

Not applicable.

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:

In keeping with the City's *Strategic Plan 2011-2016* Objective 3.1 states:

*"3.1 Enhance and promote community development and well being.
3.1.1 Celebrate and acknowledge the City's cultural and social diversity."*

SUSTAINABILITY IMPLICATIONS:

Although light hearted in nature, the project will draw attention to the bins, their correct use and recycling implications.

FINANCIAL/BUDGET IMPLICATIONS:

A budget of \$9,000 has been allocated for the project; \$5,000 will be allocated for prizes (as shown in Appendix 9.4.1) and \$4,000 has been used for promotion.

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

Budget Amount:	\$ 9,000
Spent to Date:	<u>\$ 4,000</u>
Balance:	\$ 5,000

Additional costs to promote the extension by way of posters and paint supplies at the Leederville Carnival will be absorbed by the arts expenditure budget.

COMMENTS:

The 'Bincen Biennial Art Awards' will not only enliven the City's streets with artwork, it will also promote community engagement and interaction. It is anticipated that 'The Bincen Biennial Art Awards' will enjoy broad community support and will become a much anticipated event on Vincent's Arts calendar. By extending the deadline, more people can get involved.

9.4.4 Cultural Development Seeding Grant – Sicilian Folk Dancing

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	FIN0155
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 application from The North Perth Business and Residence Group Inc. for a Cultural Development Seeding Grant of \$1,000 to organise a community dancing event, 'Sicilian Folk Dancing – I Nebrodi' based at the WA Italian Club Inc., North Perth.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

The North Perth Business and Residence Group Inc. (The North Perth Group) submitted a CDSG application to the City seeking financial support for an upcoming community dancing event, 'Sicilian Folk Dancing – I Nebrodi'.

The event runs over a two (2) week period, from 30 December 2012 to 13 January 2013.

DETAILS:

The North Perth Group have outlined that the group 'I Nebrodi' are visitors from Sicily, Italy. The group will perform at various locations within the City; however, mostly will be based at the WA Italian Club Inc., North Perth.

The group consists of thirty (30) different elements. During the performance, the members typically wear traditional Sicilian costumes and dress up as iconic Sicilian characters such as a peasant or a shepherd. The group is formed by ten (10) members including a 'maranzanista' (playing the Jew's harp), a 'quartarist', a flute-player and a 'troccula' player. The remaining twenty (20) elements are folk dancers and singers.

Their standard show lasts ninety (90) minutes, but it can be extended or shortened according to specific requirements. The show also includes Sicilian folk songs and dances particularly referred to as the 'Nebrodi Region'.

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

CONSULTATION/ADVERTISING:

A variety of promotional avenues will be used including programme distribution, social media, website and newsletter updates. The event is also directly promoted to local cultural groups and clubs, and networks linked to the WA Italian Club Inc.

The event is open to the whole community, however is targeted at residents with a European interest and heritage.

Throughout this advertising period, the City's logo will be used on all promotional material, as well as acknowledgement as a sponsor on the event days.

LEGAL/POLICY:

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

The allocation of CDSGs aligns with the City's Policy as follows:

- Policy No. 3.10.5: Donations, Sponsorship and Waiving of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing.*

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$ 6,000
Spent to Date:	<u>\$ 3,118</u>
Balance:	\$ 2,882

COMMENTS:

The application submitted by the North Perth Group meets the CDSG criteria and contributes to the City by acknowledging and celebrating the cultural backgrounds of Vincent residents, the geographic location of Vincent, and encourages people to interact with each other and other residents and visitors in the City.

As a whole, the event is an exciting event opportunity to complement the City's rich cultural heritage and community.

9.4.6 William Street Festival 2013

Ward:	South	Date:	7 December 2012
Precinct:	Beaufort 13	File Ref:	CMS0124
Attachments:	001 – On William Festival Proposal		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity; J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the;
 - 1.1 report on the consultation undertaken in relation to holding the William Street Festival in 2013; and
 - 1.2 initial event proposal from 'On William' as shown in Appendix 9.4.6;
2. **APPROVES IN PRINCIPLE**;
 - 2.1 the holding of a William Street Festival on 28 April 2013 as a joint venture between the City of Vincent and City of Perth;
 - 2.2 'On William' as the contracted event organiser of the William Street Festival; and
 - 2.3 a funding contribution of \$40,000 to the William Street Festival 2013, subject to a minimum total contribution of \$10,000 by the local businesses.

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

COUNCIL DECISION ITEM 9.4.6

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To obtain Council approval for the William Street Festival event as a joint venture with the City of Perth and the consideration of 'On William' as the contracted event organisers.

BACKGROUND:

Ordinary Meeting held on 26 June 2012

The Council resolved to defer consideration of the William Street Festival until such time as the City's Officers have carried out further engagement with the local community and stakeholders.

DETAILS:

The William Street Festival was previously held on 18 March 2012 as a City of Vincent event, running from Brisbane to Newcastle Streets. The City of Perth added to the Festival, which spanned from Newcastle to Francis Streets.

The City of Vincent held community consultation with William Street business owners on 10 September 2012 to discuss the possibility of the William Street Festival for 2013. Angove Street Festival, Beaufort Street Festival and Leederville Carnival are organised by the business and community groups in the area, and Mayor Hon. Alannah MacTiernan has promoted that the William Street Festival should progress towards a similar community collaborative approach. A further meeting was scheduled amongst the William Street business owners on 24 September 2012. Representatives from Salvation Army, The Moon Cafe, William Topp and 'On William', as well as Councillor Topelberg were present and the recommend outcome from that meeting was to engage 'OnWilliam' by both City of Vincent and City of Perth to be the event organisers of the festival.

'On William' managed the City of Perth side of the William Street Festival in March 2012.

A meeting was held on Wednesday, 21 November 2012 with Lord Mayor Lisa Scaffidi, Mayor Hon. Alannah MacTiernan, Director Community Services, Manager Community Development and 'OnWilliam' representatives Lake Bovell and Aimee Johns.

The William Street Festival is proposed to run from Brisbane Street through to Roe Street from 11am to 6pm on 28 April 2013 and be a celebration of the eclectic businesses, creativity and Arts along William Street.

CONSULTATION/ADVERTISING:

Two community consultation meetings have been held; the first on 10 September 2012 with Mayor Hon. Alannah MacTiernan and a further meeting on 24 September 2012 between the business owners with Councillor Topelberg.

'OnWilliam' have informed the City's Officers that further community meetings will take place to engage businesses.

LEGAL/POLICY:

- Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges;
- Policy No. 1.1.8 – Festivals; and
- Policy No. 3.8.3 – Concerts and Events.

RISK MANAGEMENT IMPLICATIONS:

Low: The risk implications are minimal.

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 purpose of the Festivals is to provide community events in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

FINANCIAL/BUDGET IMPLICATIONS:

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

Festival	Allocated Funding	Date of Festival
Angove Street Festival	\$40,000	7 April 2013
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
Perth International Jazz Festival	\$10,000	24-26 May 2013
Festivals	Unallocated amount \$80,000	

COMMENTS:

The William Street Festival will be a great addition to the City's already vibrant festival scene that caters to people of all ages and culture.

9.4.7 Wade Street Reserve – Vietnamese Monument of Gratitude – Final Design Concept – Progress Report No. 2

Ward:	South	Date:	7 December 2012
Precinct:	Hyde Park	File Ref:	CMS0021
Attachments:	001 – Final Design		
Tabled Items:	Display of Proposed Monument		
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. **APPROVES IN PRINCIPLE** the final design concept for the Vietnamese Monument of Gratitude to be located on Wade Street Reserve as shown in Appendix 9.4.7; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final design for the Vietnamese Monument of Gratitude, as shown in Appendix 9.4.7, for public comment for a period of twenty-one (21) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation.

COUNCIL DECISION ITEM 9.4.7

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To approve in principle the final design concept for the Vietnamese Monument of Gratitude and advertise the proposal to the public, inviting written submissions.

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 held on 14 July 2009

The Council approved 'in principle' of the installation of the Vietnamese monument at Weld Square and NOTES that the location of Hyde Park is not supported by the Heritage Council of WA.

Ordinary Meeting held on 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.

Ordinary Meeting held on 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 obtains comments from the Heritage Council of Western Australia with respect to the proposal.

Ordinary Meeting held on 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.

Ordinary Meeting held on 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 held on 4 December 2012

The Council resolved as follows:

"That the Council;

1. *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*
2. *NOTES that upon receipt of a more detailed Concept Plan of the Monument, the matter will be further reported to the Council."*

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 stylized 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 artifacts 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.

Schedule of Works

Concept presentation	5 November 2012
Commence design development	14 November 2012
Artwork fabrication	19 December – 1 April 2013
Artwork installation	15 – 17 April 2013

CONSULTATION/ADVERTISING:

Further consultation will be 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 City's Policy relating to 'Parks and Reserves Upgrades and Enhancements' for 'Significant Works' states:

"Consultation will be carried out to an area of not less than 500m surrounding the park or reserve for at least fourteen (14) days. Local Public Notice (if required at the discretion of the Chief Executive Officer/Director)."

All respondents will be advised of the Council decision.

LEGAL/POLICY:

Community Consultation Policy No. 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

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:

The proposal by Coral Lowry as shown in Appendix 9.4.7 fulfils all aspects of the brief and has the acceptance of the Vietnamese Community. The structural drawings will be produced by Searle Engineering upon acceptance by the council and can be submitted to the City of Vincent's Technical Services early in 2013.

9.4.8 No. 34 (Lot 1) Cheriton Street, Perth – Progress Report No. 2

Ward:	South	Date:	7 December 2012
Precinct:	CoP (19)	File Ref:	PRO5055
Attachments:	001 – CIT Provisional Critical Path 002 – Community Garden Proposal 003 – Micro Cinema Proposal		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 2 relating to No. 34 (Lot 1) Cheriton Street, Perth;
2. **ENDORSES** the course of action as listed in the Provisional Critical Path submitted by the Central Institute of Technology, as shown in Appendix 9.4.8A;
3. **AUTHORISES** the Chief Executive Officer to;
 - 3.1 enter into negotiations with the Central Institute of Technology to progress a partnership through a Memorandum of Understanding for the purposes of engaging building works for the property, as outlined in the Provisional Critical Path list, as shown in Appendix 9.4.8A;
 - 3.2 engage professional trades to carry out the immediate required works as listed in the Provisional Critical Path prior to the Central Institute of Technology commencing;
4. **APPROVES** the Community Garden and Cheriton Outdoor Micro Cinema proposals submitted by the Norwood Neighbourhood Association, as shown in Appendices 9.4.8B and 9.4.8C, on a trial basis with a review to be conducted in six (6) months; and
5. **NOTES** that a further report will be presented to the Council once further work on the project has been carried out as outlined in the report.

COUNCIL DECISION ITEM 9.4.8

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To provide Progress Report No. 2 to the Council for No. 34 (Lot 1) Cheriton Street, Perth.

BACKGROUND:

- 27 July 2010 The Council at its Ordinary Meeting resolved to commence including land ceded from various Local Government authorities to the then Town (part of the boundary changes in July 2007), into the City's Town Planning Scheme No. 1, with reporting to the Council on the commencement process in September 2010.
- 28 July 2010 The City received a letter from Gray & Lewis Land Use and Planners, seeking the Council's support for the land to be considered to be rezoned from 'Region Reserve for Public Purposes (Special Use)' to 'Urban', with the intention largely to provide greater development options for the site.
- 10 August 2010 A report was presented to the Ordinary Meeting of Council to provide information on the Applicant's request to the Western Australian Planning Commission (WAPC) regarding a proposed MRS Amendment relating to the rezoning of the subject land (road widening and Lot 1 Cheriton Street, Perth), from 'Region Reserve for Public Purposes' (Special Uses) to 'Urban'.
- The Council also requested that the Chief Executive Officer approach the relevant Minister(s) and local Member of Parliament seeking transfer of the land, free of cost to the City as a Crown Grant (or equivalent), rather than freehold.
- 20 August 2010 The City wrote to the Minister for Transport, Minister for Planning and the Shadow Minister for Culture and the Arts as directed at the Ordinary Meeting of Council on 10 August 2010.
- 27 August 2010 Response received from the Department of Regional Development and Lands stating that they would not support the transfer of land at no cost, but were prepared to make a direct offer of transfer in freehold to the City at market value as determined by Landgate's Valuation Services Branch.
- 2 September 2010 The City responded to the Department of Regional Development and Lands, declining their offer to organise a valuation for the property as the City was not interested in purchasing the property at market value.
- 30 September 2010 Western Australian Planning Commission response letter to the applicants of the MRS Amendment regarding the status of the land.
- 11 October 2010 Response letter from the Minister for Transport advising that the Public Transport Authority (PTA) was unable to transfer the land free of charge as Government Policy requires the disposal of assets at market value, and funds from such a sale generally applied to the reduction of debt or the acquisition of infrastructure in line with the objectives of the PTA.
- 27 October 2010 Response letter from the Western Australian Planning Commission declaring their intention to sell the property on the open market and that there was an interested party wishing to refurbish the property for commercial use (offices). The City's support was also sought to consider all applications in line with the adopted EPRA Scheme No. 1 as a guide for proposed uses until the City has reviewed its Town Planning Scheme.

- 21 April 2011 Correspondence received from Norwood Neighbourhood Association requesting further information from the City on the various heritage reports and assessments that have been compiled regarding the property.
- May 2011 The Norwood Neighbourhood Association requested Council Members and City Officers, through a number of direct conversations, to revisit the use of the property as a community facility after receiving information that the State Government had discontinued their sale process for the property.
- 2 June 2011 The City wrote to Michael Sutherland, MLA, seeking support for the property to be leased to the City at a 'peppercorn lease' in return for the property being refurbished for community use.
- 13 June 2011 Michael Sutherland, MLA wrote to the Minister for Lands advising that he had met with a number of local residents, as well as the City's Chief Executive Officer, Mayor and two Council Members, to discuss the possible use of the property as a community facility. The Member for Mount Lawley supported the proposition that the City undertake an upgrade of the property for community use given the change of demographics in the immediate vicinity.
- 10 November 2011 Correspondence received from the Department of Regional Development and Lands requesting information from the City on its financial capacity to refurbish the building within a two (2) year period for a community facility.
- 6 December 2011 Authority was given to advise the Department of Regional Development and Lands of the the City's preliminary interest in refurbishing the property at No. 34 (Lot 1) Cheriton Street, Perth for the purpose of establishing a community facility. The need to explore community needs, and service gaps within the community was requested along with investigating partnership pathways with Central TAFE.

At the Ordinary Meeting of Council held on 27 March 2012, the following recommendation was adopted;

"That the Council;

1. *APPROVES the acceptance of a Management Order from the Department of Regional Development and Lands for No. 34 (Lot 1) Cheriton Street, Perth with a condition attached that the property (building) on Lot 1 is to be:*
 - 1.1 *refurbished and in use for community purposes within two (2) years of issue of the Management Order; and*
 - 1.2 *used as a Community Centre as prescribed in the Management Order;*
2. *REQUESTS the Chief Executive Officer to further investigate:*
 - 2.1 *possible uses for the premises;*
 - 2.2 *Scope of Work and Cost Estimates; and*
 - 2.3 *partnership and funding opportunities;*
3. *APPROVES BY AN ABSOLUTE MAJORITY to adopt the formation of the "Cheriton Street Property" Advisory Group, Terms of Reference and Meeting Procedures as shown in Appendix 9.4.2;*

4. *in accordance with the provisions of the Local Government Act 1995, Sections 2.28, 5.8 and 5.10, APPROVES the APPOINTMENT of the following Council Members and/or persons to the Council's "Cheriton Street Property" Advisory Group as follows:*
 - 4.1 *Three (3) Council Members:*
 - (a) *Mayor Alannah MacTiernan (Chairperson);*
 - (b) *Cr John Carey; and*
 - (c) *Cr Warren McGrath;*
 - 4.2 *Director Community Services;*
 - 4.3 *Manager Community Development;*
 - 4.4 *Manager Parks and Property Services; and*
 - 4.5 *Two (2) Community Representatives being the Chairperson and Secretary of the Norwood Neighbourhood Association Inc; and*
5. *NOTES that a further report will be submitted to the Council once further investigations on the project have been carried out by no later than 31 June 2012."*

At the Ordinary Meeting of Council held on 26 June 2012, the following recommendation was adopted;

"That the Council;

1. *RECEIVES the Progress Report No. 1 relating to No. 34 (Lot 1) Cheriton Street, Perth;*
2. *ENDORSES the course of action taken by the Cheriton Street Property Advisory Group in determining possible future use and partnership collaborations with relevant agencies; and*
3. *NOTES that a further report will be presented to the Council once further work on the project has been carried out by the Cheriton Street Property Advisory Group, as outlined in the report."*

DETAILS:

The Cheriton Street Property Advisory Group convened its first meeting on 11 June 2012 to work through the opportunities and possibilities for uses of the property. Another meeting was held on 1 November 2012 where the Central Institute of Technology representatives were invited to present options and opportunities after viewing the property.

Partnership with Central Institute of Technology (formerly TAFE)

The Director Community Learning and Partnerships and Lecturer of the Solid Futures programme from the Central Institute of Technology (CIT) discussed partnership possibilities at the Advisory Group meeting in November 2012. They outlined the roles and responsibilities that could be undertaken by CIT in refurbishing the property to a state that would allow it to be functional as a community centre.

A Provisional Critical Path list as shown in Appendix 9.4.8A has been prepared by the CIT lecturers to provide some direction and guidance on the work involved in refurbishing the building at No. 34 Cheriton Street.

Community Garden

The Norwood Neighbourhood Association (NNA) have proposed establishing a trial of up to eight (8) community garden beds at the rear of the property. The proposal would have a provisional budget of \$3000, with in kind support from Bunning's Warehouse.

Micro Cinema

The NNA is proposing a trial of the "Cheriton Outdoor Micro Cinema" with a single screening operating at the rear of No. 34 Cheriton Street in March 2013, allowing for several months planning.

If successful, outdoor cinema events could be held during the summer months, between November and March. The events could be held on a Saturday or Sunday evening, with the movies starting at sunset.

The events would provide an opportunity for residents in the Norwood and Claisebrook North areas to meet, interact and watch a movie. A range of movies would be shown: kid's movies, cult movies, mainstream romantic comedies, The Wizard of Oz with a Pink Floyd soundtrack ('silent disco' style).

The concrete wall abutting the backyard of No. 34 Cheriton Street to the west provides an ideal 'silver screen' surface on which to project movies. It will not be necessary to hire a screen, but will be necessary to hire a digital projector, speaker/PA system, and basic lighting. Patrons can bring their own deck chairs and picnic rugs.

It is proposed that there be no charge for event attendance, that funding be sought through sponsorship of local businesses, and that the event be used as an opportunity to raise funds for the NNA, through the sale of popcorn, hot dogs, tea, coffee, chocolate and soft drinks. It is not proposed to obtain a liquor licence for this event.

The event would be organised and run by the volunteer members of the NNA and provide a fundraising opportunity for the non-profit group.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The City's Policy No. 4.1.5 relating to Community Consultation will apply to this project. Relevant due diligence will also be conducted to ensure the viability of the project and protecting the City's financial interest in relation to providing funds towards capital improvements of the property.

RISK MANAGEMENT IMPLICATIONS:

Low: At the current stage of the project, there are low risk implications for the City.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

3.1 Enhance and promote Community Development and Wellbeing:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Based on the Building Inspection Report which was presented to the Ordinary Meeting of Council held on 6 December 2011, the estimated cost for refurbishing the building is between \$250,000 and \$300,000. An amount of \$100,000 has been listed in the City's 2012/2013 Budget, with half of the budgeted amount expected from external grants.

COMMENTS:

The project has a number of exciting possibilities to benefit the community through collaboration with CIT. CIT has previously collaborated with the City of 'live work' projects such as Lee Hops Cottage in Robertson Park and No. 245 Vincent Street opposite the City of Vincent administration and Civic Centre. The Solid Futures Programme has also delivered a very fine carved table etched by the Aboriginal students which is proudly displayed in the City's Function Room.

It is anticipated that the partnership with CIT to refurbish No. 34 Cheriton Street is a promising one that will deliver positive outcomes for the Vincent community.

9.4.11 Margaret Kindergarten – No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville and Highgate Primary School Kindergarten (Little Citizens) – No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate – Temporary Demountable Buildings and Masterplanning

Ward:	South	Date:	7 December 2012
Precinct:	Oxford Centre (4); Forrest (14)	File Ref:	CMS0009
Attachments:	001 : Site Plan – Margaret Kindergarten 002 : Site Plan – Little Citizens Kindergarten 003 : Conditions of Approval - Margaret Kindergarten 004 : Conditions of Approval- Little Citizens Kindergarten 005 : Indicative Plans – Relocation Leederville Early Childhood Centre to Margaret Kindergarten Site 006 : Proposed Plans for Transportable Units 007 : Type of Fence Proposed for Sites 008 : Council Decision: 8 April 2008 009 : Plan – Current Area Occupied – Little Citizens Kindergarten 010 : Plan – Leased Area and Transportable Location – Little Citizens Kindergarten		
Tabled Items:	Lease – Margaret Kindergarten Lease – Little Citizens Kindergarten		
Reporting Officers:	R Boardman, Director Community Services M Rootsey, Director Corporate Services C Eldridge, Director Planning Services		
Responsible Officers:	R Boardman, Director Community Services - Kindergartens M Rootsey, Director Corporate Services - Leases		

Chief Executive Officer John Giorgi has declared an interest affecting impartiality in Item 9.4.11

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report dated 7 December 2012 relating to the Margaret Kindergarten at No. 45 Richmond Street, Leederville, and Little Citizens Kindergarten at No. 4 Broome Street, Highgate (“the sites”);
2. **ADVISES** the Department of Education and Department of Finance, Building Management and Works that the Council supports the placement of temporary classrooms on the sites under the current terms of the leases on both sites, as shown in Appendices 9.4.11A and 9.4.11B, subject to a Masterplan being prepared to the satisfaction of the City;
3. **NOTES** that;
 - 3.1 the above approval (as specified in Clause 2) will deliver significant improvement of the streetscapes for both sites; and
 - 3.2 the current lease boundary for the Little Citizens Kindergarten is incorrect, as refers to the wrong land titles, as shown in Appendix 9.4.11;

4. **ADVISES** the Department of Education that it **APPROVES IN PRINCIPLE** of long term leases with the Department of Education, for the Margaret Kindergarten and the Little Citizens Kindergarten, subject to:
- 4.1 a Masterplan being prepared for both sites; and
 - 4.2 Terms and Conditions being negotiated to the satisfaction of the Chief Executive Officer; and
5. **AUTHORISES** the Chief Executive Officer to:
- 5.1 enter into discussions with the Department of Education to prepare Masterplans and also terms and conditions for long term leases for the Margaret Kindergarten and the Little Citizens Kindergarten; and
 - 5.2 enter into negotiations with the Department of Education to remedy the incorrect lease area, as shown in Appendix 9.4.1J;
 - 5.3 sign a Deed of Variation for the Little Citizens Kindergarten lease, together with the Mayor and affix the Council's Common Seal; and
 - 5.4 further investigate the relocation or expansion of the Leederville Child Care Centre to the Margaret Kindergarten site, as part of the proposed Masterplan.

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

COUNCIL DECISION ITEM 9.4.11

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

ADDITIONAL INFORMATION:

Highgate Primary School, Offsite Pre Primary, Broome Street, Highgate

The Maintenance Services Directorate of the Department of Finance, Building Management and Works business unit arranges public work on behalf of Government agencies, including the placement of transportable buildings, maintenance of existing buildings and minor construction works on government premises state-wide.

Under the Planning and Development Act 2005, public authorities are required to consult with local government when a proposal for public work is being formulated.

In this instance, the Department of Education (DoE) proposes to install a transportable Pre Primary Building, a Storage Shed and garrison fencing at Little Citizens Kindergarten, No.4 Broome Street, Highgate. Details of the project are diagrammed in the attached revised plan as shown at Appendix 9.4.11B.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with details of the proposed placement of temporary demountable buildings, discussions held with Department of Education, proposed leases and to seek approval for the City to enter into discussions, for the long term Masterplanning of the Margaret Kindergarten, No. 45 Richmond Street, Leederville and the Highgate Primary School Kindergarten (Little Citizens), at No. 4 Broome Street, Highgate, including further investigating the relocation and/or addition of the Leederville Early Childhood Centre to the Margaret Kindergarten site as part of the Masterplan.

BACKGROUND:

Previous Reports to the Council are as follows:

Ordinary Meeting of Council	Item	Report Description
11 August 2009	9.3.2	Approval of Leases for Margaret Kindergarten – No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville and Highgate Pre-Primary (Little Citizens) – No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate
8 April 2008	10.4.8	Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten; Proposed WALGA Office Building – Progress Report No. 2

Previous Council Decision

The approval of the Leases for Margaret Kindergarten and Little Citizens Kindergarten were considered at the Ordinary Meeting of Council held on 11 August 2009 where the Council resolved as follows:

“That the Council;

- (i) **APPROVES;**
 - (a) *the lease for the property located at No. 45 (Lot 10349 D/P Swan L) Richmond Street, Leederville, known as the Margaret Kindergarten for a period of five and half (5½) years from 1 July 2010 to 31 December 2015, subject to satisfactory negotiations being carried out by the Chief Executive Officer; and*
 - (b) *the lease for the property located at No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate known as the Highgate Pre-Primary School (Little Citizens) for a period of five (5) years from 25 September 2011 to 24 September 2016 subject to satisfactory negotiations being carried out by the Chief Executive Officer;*
- (ii) *subject to (i) above being approved, AUTHORISES the Mayor and Chief Executive Officer to sign the new leases and AFFIX the Council’s Common Seal; and*
- (iii) *EXPRESSES its strong concern at the exclusion of children who live close to the Margaret Kindergarten from this facility and asks the Department of Education and Training to investigate ways of improving their access.”*

DETAILS:

In November 2011, the City’s Mayor Hon. Alannah MacTiernan contacted the Department of Education to express the City’s concern that the Department needed to expand the Kindergarten facilities in the area to meet growing demand and to indicate the City’s wish to work with the Department and the local schools to achieve this.

On 17 July 2012, the City's Mayor Hon. Alannah MacTiernan wrote to the Department of Education advising that the City is keen to work with the Department of Education to ensure that there are adequate school facilities in the City of Vincent, as the City's population is growing fast and the needs of the children are to be accommodated.

Chronology of Events

Date	Comments
25 June 2012	Letter from Department of Education advising of an increase in the number of Kindergarten students enrolling for 2013 and seeking assistance from the City in permitting an additional transportable classroom on the Margaret Kindergarten site. Request to also meet to discuss options on the location of the classroom followed by the submission of a Development Application.
26 June 2012	Mayor's letter to Department of Education Director Facilities Program Delivery requesting a more comprehensive development to meet the long term needs of the Margaret Kindergarten site and to also discuss a further classroom at the Little Citizens Kindergarten site.
17 July 2012	The Mayor wrote to the Director General Department of Education advising the City is keen to meet to deliver a Masterplan for both sites.
14 August 2012	Site meeting held at Margaret Kindergarten with Mayor, CEO, Director Community Services and Department of Education, Executive Director Infrastructure and Executive Director Early Childhood.
5 October 2012	CEO and Director Community Services met with Department of Education Officers concerning lodgement of plans for the temporary building on both sites.
6 November 2012	Plans lodged for Margaret Kindergarten.
9 November 2012	Plans lodged for Little Citizens Kindergarten.
14 November 2012	Revised plans lodged for Little Citizens Kindergarten.
14 November 2012	Letter to Department of Finance, Building Management and Works stating conditions for approval of transportable classrooms.
29 November 2012	Planning approval to commence minor works – installation of a transportable pre-primary classroom and storage shed for both sites issued by Department of Finance, Building Management and Works under delegated authority.
29 November 2012	CEO letter to Department of Education, John Fischer seeking meeting to discuss masterplanning for both sites.
3 December 2012	The City's Mayor, CEO, Director Planning Services and Manager Parks and Property Services met with Department of Education, Executive Director Infrastructure and Principal Consultant Facilities Program Delivery to discuss temporary classrooms, landscaping, parking and the Masterplanning for the future development including the lease for both sites and the possible relocation of the Leederville Early Childhood Centre to the Margaret Kindergarten site.
4 December 2012	Department of Education contacted the City's Director Community Services to attend a site visit at 1.30pm at Little Citizens with the Department's Officers: Senior Project Manager, Maintenance Services; Principal Project Officer; and Transportable Accommodation Administrator of the Facilities Program Delivery. The City's Director Planning Services and Manager Parks and Property Services also attended to discuss the location of the transportable, setbacks, location of shed, landscaping and fencing.

Proposed Temporary Classrooms and Landscaping Works

Margaret Kindergarten

Outcomes from Meeting with Education Department held on 3 December 2012

The Department of Education are committed to the Masterplan for the Margaret Kindergarten site, and acknowledge that the assessment of school aged children statistics as well as architectural drawings will be required for the proposed future development of the site.

Proposed works to commence in January 2013 will include:

- Installation of temporary demountable buildings of high quality;
- The removal of the existing internal driveway;
- Car parking to be explored, and access via Loftus Recreation Centre Carpark in addition to the path from Richmond Street;
- New fence to southern boundary to be aesthetically pleasing with appropriate height and colour; and
- Acceptable landscaping of Richmond Street frontage.

Consideration to be given for the joint use of the playground and open space by the Leederville Early Childhood Centre to be located on the southern side of the site. This would be the subject of further investigation in preparation of the Masterplan.

Little Citizens

Outcomes from Meeting with Education Department held on 3 December 2012

The current open space is in a relatively poor condition. There is very little grass growing and the outside paving and paths are required to be upgraded and made safe.

It is proposed as part of the long term Masterplan to locate a temporary demountable classroom on this site.

It is proposed that the existing building be extended and that the proposed location of the demountable required for 2013 be located next to this building. Orientation of the proposed demountable will be investigated.

A new nature playground at the north-east end of Jack Marks Reserve will be explored for the joint use of the Little Citizens Kindergarten and the community. The existing playground on Jack Marks Reserve could be relocated and/or part converted into a mini basketball court. It is acknowledged that there would be cost implications for the City.

It is also proposed that the existing two metre high wire fence with barb wire on top on the Broome Street frontage be replaced with new Garrison type fencing.

The playground is in very average condition and requires improvement. The City will carry out maintenance works to the paths to make them safe and consideration will be given to removal of one or all of the large Ficus trees at the rear of the existing building.

The Ficus trees have the potential to cause significant damage to the building and their removal would improve the playable area and open space for the children. This will be investigated by the City.

The two trees adjacent to the Broome Street carpark are not of significance and can also be removed if required. The City has obtained a cost of approximately \$3,000 to remove and grind out the stumps.

The Masterplan is essential for both sites to be developed correctly with future growth in mind. The Department of Education agreed to engaging an Architect for this purpose.

Outcomes from Further Meeting with Education Department held On-site on 4 December 2012

A site visit was held on Tuesday, 4 December 2012 with the Department of Education and Building Management and Works Officers to finalise the location of the transportable building at the Little Citizens Kindergarten in Highgate. The key aim in locating the transportable was to ensure that the area along Broome Street remained unencumbered so a permanent building extension could be constructed and the pre-primary remain operating at full capacity. To achieve this, the transportable location was agreed to be in the rear north east corner, which provides for a new building to be built and for the play areas to remain visible for the teachers across the site.

The transportable is to be located length ways along the eastern fence line, provide windows to the park and the internal covered patio to face into the site. The shed is to be located adjacent to the transportable along the eastern boundary against an existing side parapet wall and screened from Broome Street with additional landscaping.

In relation to landscaping, the existing chain link and barbed wire fence facing Broome Street is proposed to be replaced with an 1800millimetres high Garrison Style Fence with landscaping behind. To soften the transportable building, landscaping is also proposed behind the transportable along the fence line within the City's Park. The planting will be within the City's Park to allow emergency access to be maintained for the children between the transportable and the fence, and given the City has irrigation within the Park is likely to achieve healthier plants.

Statutory Planning Conditions

The proposed Planning conditions for the Margaret Kindergarten (No. 45 Richmond Street, Leederville) that were recommended to the State Government determining authority, Building Management and Works are shown in Appendix 9.4.11C, including two further conditions proposed following discussions with the Department of Education.

New Planning conditions for the Little Citizens Kindergarten (No. 4 Broome Street, Highgate) have been proposed due to the renegotiated location for the transportable and shed are shown in Appendix 9.4.11D.

Use of Jack Marks Reserve

It was suggested that the playground located adjacent to Jack Marks Reserve could be relocated and upgraded with a Nature Based playground created that would provide children with a far more interesting and challenging playground.

If relocated to the east and directly behind the Little Citizens Kindergarten on Jack Marks Reserve, a similar arrangement to that of nearby Forrest Park could be established, whereby the playground is used by the Little Citizens Kindergarten via an access gate from their leased area, as well as use by the general public as a community playground area.

Consideration could also be given to a mini basketball court.

This proposal needs to be further investigated and budget provision made.

Leases

Margaret Kindergarten

Land size:	1.0948 hectares
Zoning:	Parks and Recreation – Day Care Centre
Encumbrances:	Nil – Municipal Endorsement Purposes
Current Annual Payments:	\$3,496
Operational Maintenance:	Lessee
Specified Maintenance:	City of Vincent

The Department of Education has been the lessee of the Margaret Kindergarten premises located at No. 45 Richmond Street, Leederville since the early 1970's. The current lease was renewed on 1 July 2010 and is due to expire on 31 December 2015.

Highgate Primary School Kindergarten (Little Citizens)

Land size:	1,811 square metres
Zoning:	Parks and Recreation – Land Use Reserve
Encumbrances:	Nil
Current Annual Payments:	\$2,675
Operational Maintenance:	Lessee
Specified Maintenance:	City of Vincent

The Department of Education has also been the lessee of the Highgate Primary School Kindergarten (Little Citizens), located at No. 4 Broome Street, Highgate since 1 January 1982. Following the Ordinary Meeting of Council held on 11 August 2009 (in particular clause (i)(b) of the Council resolution), negotiations between the City's Officers and the Department of Education, resulted in the current lease being renewed from 1 July 2011 and expiring on 31 December 2016. It was agreed that the lease should run until the end of a school term and year.

In terms of the lease between the City of Vincent and the Department of Education, the description of the leased premises is *'That part of portion of Perth Suburban Lot 141 and being part of the land on Diagram 12533 as is delineated and hatched black on the plan annexed hereto having an area of approximately 900m² and being part of the land comprised in Certificate of Title Volume 1164 Folio 264'*.

This is shown in Appendix 9.4.11J as a horizontal Lot of 1,805 square metres running parallel to Broome Street, from the eastern boundary of the site through to Wright Street. The current area occupied by Little Citizens Kindergarten is shown in Appendix 9.4.11I. The anomaly between the formal leased area and the current area occupied by Little Citizens Kindergarten will be resolved by the Chief Executive Officer during negotiations on the lease extension with the Department of Education.

Leederville Child Care Centre – Possible Relocation to the Margaret Kindergarten Site

The proposed relocation of the Leederville Early Childhood Centre to the Margaret Kindergarten site was last considered at the Ordinary Meeting of Council held on 8 April 2008. A copy of the Council decision is shown at Appendix 9.4.11H.

The proposed relocation of the Leederville Early Childhood Centre to the Margaret Kindergarten site was previously considered by the Council.

Ordinary Meeting of Council held on 8 April 2008 (Item 10.4.8)

The Council considered the relocation of the Leederville Early Childhood Centre to the land on the north side of Leederville Oval (south of the Margaret Kindergarten on No. 45 Richmond Street). The building was proposed to be 850 square metres in area, with a 1000 square metre outdoor play area located to the west of the proposed building.

The Margaret Kindergarten was proposed to remain at the northern end of the site and will have a 480 square metre outdoor play area.

Ordinary Meeting of Council held on 26 February 2008 (Item 10.4.10)

The Leederville Early Childhood Centre is currently located at No.244A Vincent Street, Leederville. As part of the proposal at the time to locate the WALGA office building at the abovementioned site, it would have been necessary to find an alternative location for the Leederville Early Childcare Centre ("the Childhood Centre"). The proposed location for the Childhood Centre was adjacent to Richmond Street, where the Margaret Kindergarten is currently located ("the Kindergarten"), which would have resulted in the need for an alternative site for the Kindergarten to be located.

The City investigated several options with relation to the relocation of the Margaret Kindergarten as follows;

- Mount Hawthorn School site, at No. 1 (Lot: 5545 D/P: Swan) Killarney Street, Mount Hawthorn;
- Menzies Park, at Nos. 95-117 (Lot: 312 D/P 1939) Egina Street, Mount Hawthorn;
- EarlyBird Childcare Centre, at No. 87 (Lot: 281 D/P: 3642) The Boulevarde, Mount Hawthorn; and
- Braithwaite Park, the north side and the south-east corner.

After detailed investigation of each proposed site, due consideration was given to the issues associated with locating a Kindergarten at each of the sites. The issues considered included; the availability of land on each of the sites, the location of the site in relation to the Mount Hawthorn Primary School, proximity to existing residences, the impact that such a use would have on surrounding residents and access issues, such as the ease of access for children and parents to the site and the safety aspects in relation to the access points of the location, traffic congestion and availability of carparking.

The City then engaged the services of Peter Hunt Architect to design options for the proposed Childhood Centre and the Kindergarten located adjacent to Richmond Street. The Architects devised 3 options for the Childcare Centre and the Kindergarten, which are outlined below:

Option 1

Option 1 proposed that the Childhood Centre and the Margaret Kindergarten be co-located on the Richmond Street site.

Option 2

Option 2 proposed that the Childhood Centre be located on the Richmond Street Margaret Kindergarten site in a similar manner to the location of the Margaret Kindergarten at present, which resulted in the Childhood Centre occupying the entire site.

Option 3

Option 3 proposed that the Childhood Centre occupy the southern most portion of the current Margaret Kindergarten site directly adjacent to Leederville Oval, which would create an additional 40 car bays on the northern portion of the site.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The City of Vincent Policy No 1.2.1 – Terms of Lease states:

- “1 Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
- 2 Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

RISK MANAGEMENT IMPLICATIONS:

Low: The risk implications are considered minimal.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2011-2016*, Objective 2, which states:

“Economic Development

- 2.1 Progress Economic Development with Adequate Financial Resources:
- 2.1.2 (a) Establish public/private/government alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City.
- 2.1.3 (c) Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.”

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The lease to the Department of Education and Training for the Margaret Kindergarten is currently \$4,078 (excluding GST) per annum, increased by Consumer Price Index (CPI) for the period of the lease. The lease for the Highgate Primary School Kindergarten (Little Citizens) is currently \$3,336 (excluding GST) per annum, increased by Consumer Price Index (CPI) for the period of the lease.

COMMENTS:

The Department of Education wrote to the City on 10 December 2012 advising that they will appoint Architects for both sites, to prepare a Masterplan. It is pleasing that the Department of Education is agreeable to prepare Masterplans for the Margaret Kindergarten and Little Citizens Kindergarten sites.

The proposed transportable buildings on the sites and longer term leases are therefore supported. As the transportable buildings are essential to accommodate the 2013 school children intake, it is absolutely paramount that the Council support the proposal.

Approval of the Officer Recommendation is therefore requested.

9.4.12 Proposed Alternative Locations for the Percent for Art Project relating to the Development at No. 375 Charles Street, North Perth - further report

Ward:	North	Date:	11 December 2012
Precinct:	Charles Centre (7)	File Ref:	PRO0098
Attachments:	001 – Artists submission		
Tabled Items:	Nil		
Reporting Officers:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

FURTHER OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**
 - 1.1 **the owners of 375 Charles Street, North Perth remain opposed to the placement of proposed Artwork – BESEECH, by Ken Sealey for the Percent for Art Project, outside their building;**
 - 1.2 **negotiations with the owners to place the proposed artwork outside No. 375 Charles Street, North Perth have been unsuccessful; and**
2. **AUTHORISES the Mayor and Chief Executive Officer to identify and approve of an alternative location, in liaison with the artist, Ken Sealey, to place proposed artwork – BESEECH, on a major road, such as Vincent Street, Leederville.**

COUNCIL DECISION ITEM 9.4.12

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To advise the Council of the outcome of negotiations concerning the placement of proposed artwork outside No. 375 Charles Street, North Perth and to seek approval for the Mayor and Chief Executive Officer to identify and approve of a suitable alternative location.

FURTHER REPORT - BACKGROUND:

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2012 the Council considered the following Officer Recommendation and the matter was deferred for further consideration.

Deferral of Council Decision:

"That the Council;

1. APPROVES IN PRINCIPLE of an alternative location for the Artwork by Ken Sealy for the Percent for Art Project relating to the development at No. 375 Charles Street, North Perth to be either;
 1. Woodville Reserve North East corner (corner of Namur Street and Fitzgerald Street); or
 2. Woodville Reserve South East corner (corner of Farmer Street and Fitzgerald); or
 3. Jack Marks Reserve North East corner (corner of Wright Street and Turner Streets; and
2. Subject to an alternative location being selected, AUTHORISES the Chief Executive Officer to carry out community consultation for a period of twenty-one (21) days, seeking comments from the community;
3. REQUESTS that a report be submitted to the Council after the close of the Community Consultation period; and
4. APPROVES the amendment of Policy No. 3.5.13 relating to 'Percent for Public Art' to include a new clause 2) viii) to be added as follows:

If the proposed art work is to be located on private property, the owner(s) of the property will be consulted and permission obtained to install the Public Art."

Following of the deferral of the Council Decision, the City's Mayor met with the owners of No. 375 Charles Street, North Perth in order to explore the placement of the proposed artwork outside their building. Despite negotiations, the owners remained strongly opposed to the placement of the artwork outside their building.

The owners of the development of No. 375 Charles Street, upon learning of the proposed sculpture and location, were unequivocal in their rejection of the proposal. The major concern expressed by owners was that the 'artwork would de-value the property and detract potential lessees, However the owners insist that regardless of property value impact, they "don't like it" and believe it would become a graffiti target in that location.

In view of the above, it would not be prudent to pursue placement of the proposed artwork outside No.375 Charles Street, North Perth.

Proposed Artwork

The artwork BESEECH is three (3) metre high and made of concrete and finished in hard wearing dark sky blue colour as shown in Appendix 9.4.12.

The artwork;

"seeks to humanise the building that it faces by challenging its scale and observing it. Beseech watches and waits activating the space by creating tension through expectation and anticipation. The occupants of the building will look down on a questioning face looking up at them."

In view of the above a location for the artwork on a park or reserve as previously mentioned would be unsuitable and should not be pursued.

Possible Locations

The placement of the proposed artwork on a major road such as Vincent Street or Loftus Street or in the vicinity has merit and should be explored. Land surrounding the City's Administration and Civic Centre, Beatty Park Leisure Centre or the Loftus Centre is vested in the City and is under the care, control and management of the Council. Therefore, determining a location should be easier.

Possible alternative locations include, but are not limited to;

In the light of the negative response from the building owners, alternative sites were considered. The following locations were seen to be well suited by the City's Officers:

1. The placement on Vincent Street – look up at the City's Administration and Civic Centre.
2. The placement on Vincent Street – looking towards the Beatty Park Leisure Centre.
3. The north-west corner of Keith Frame Reserve – looking up at the City's Administration and Civic Centre (corner of Vincent and Loftus Streets); or

To expedite this project, it is recommended that the Council authorises the Mayor and Chief Executive officer to investigate and approve of a suitable site.

Previous report to the Council

At the Ordinary Meeting of Council held on 14 August 2012 it was resolved as follows:

"That the Council APPROVES the recommendation of the City's Art Advisory Group for the commissioning of artwork as detailed in the Officer Report for the following;

No	Artist	Address	Artwork
1.1	Ken Sealy	No. 274 Charles Street, North Perth	"Beseech"
1.2	Matt McVeigh	No. 331 Bulwer Street, Perth	"AAG"
1.3	Lucy Vader	No. 208 Beaufort Street, Perth	"OMG"

The development at No. 375 Charles Street is a commercial project which was subject to the City's Percent for Art Scheme requirements. In most cases the developers manage the artwork themselves; however they can also elect to pay cash-in-lieu. If this option is chosen, the City manages the project and the artwork is placed on City of Vincent land.

The developers of No. 375 Charles Street, elected the cash-in-lieu option. A proposal for art work by Ken Sealy and a location was then selected by the City as shown in the Artists submission in Appendix 9.4.12.

DETAILS:

In February 2012 an artist's brief was sent out calling for submissions for the cash-in-lieu project. The brief stated that the artwork may be created specifically for the recommended locations, however an existing unique artwork may also be considered if deemed appropriate for the location.

Seven artists and artist's teams responded to the brief. The submissions were then reviewed by the Art Advisory Group at their Meeting held on 16 April 2012. A short list was made and a final recommendation for the project was made at the Art Advisory Group Meeting held on 30 July 2012.

Ken Sealy's submission 'Beseech'; a three metre high concrete sculpture of a head situated in front the development was the recommended proposal. At the Ordinary Meeting of Council held on 7 August 2012, the recommendation was approved and the City entered into a contract with the artist.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

City of Vincent Policy No. 3.5.13 relating to Percent for Public Art.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, Objectives 3.1 states:

"3.1 *Enhance and promote community development and well being.*

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

SUSTAINABILITY IMPLICATIONS:

The artwork is to be made of concrete, finished in a hard wearing dark sky blue two part poxy, materials noted for their durability.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$35,000
Spent to Date:	<u>\$10,000</u>
Balance:	\$25,000

The money was paid to the City by the developer as their Percent for Art contribution. The City in turn pays the artist for the project; the first payment was made upon signing of the contract.

COMMENTS:

The original location proposed for Ken Sealy's sculpture would undeniably have a significant impact on No. 375 Charles Street and the surrounding environment. Although the developers relinquished their opportunity to manage the Percent for Art project when they chose the cash-in-lieu option, in the interest of community concord, it is appropriate the concerns of the owners should be taken in to account. It is therefore recommended that an alternative location be approved by the Council. All recommended locations provide an appropriate setting for the work offering excellent public access not only by the community using the parks but also by those viewing the work from the road.

9.5.4 Information Bulletin

Ward:	-	Date:	7 December 2012
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 18 December 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Maier, Seconded Cr McGrath

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	PAGE
IB01	Artists in Residence Programme – Final Progress Report	1
IB02	Corporate Energy Management Plan – Progress Report 1	12
IB03	Civica National User Conference – 14 to 17 October 2012 – Manly Pacific, Sydney, New South Wales	50
IB04	Public Sector Commission letter regarding “Changes to the Public Interest Disclosure Act 2003”(PID ACT)	52
IB05	The Hon Simon O’Brien MLC Minister for Finance; Commerce; Small Business letter regarding Amendment to Building Act in Effect	55
IB06	Minutes from the City’s Vincent Accord ‘Socialise with Safety’ meeting held on 22 August 2012	57
IB07	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 19 November 2012	61
IB08	Unconfirmed Minutes of the Design Advisory Group Meeting held on 21 November 2012	67
IB09	Director General’s Report including Bulletin Issue 1 August 2012 and Bulletin Issue 2 November 2012	72

9.5.5 LATE ITEM: Healthy Vincent Advisory Group – Appointment of Community Representative

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	FIN0200
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPOINTS** one (1) Community Representative to the City's Healthy Vincent Advisory Group for the term from date of appointment until 12 October 2013 from the following nominees:

- Ms Fay Bastow (*only nomination received*).

COUNCIL DECISION ITEM 9.5.5

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint a Community Representative to the City's Healthy Vincent Advisory Group for the term from date of appointment until 12 October 2013 (unless otherwise specified).

BACKGROUND:

Sadly, in October 2012, a vacancy occurred in the City of Vincent's Healthy Vincent Advisory Group, due to the passing away of a former community representative.

An advertisement calling for nominations from the community was placed in the local newspaper on 13 November 2012 and nominations closed on 7 December 2012.

At the close of the advertising period, one (1) nomination was received.

The following is a summary of the nominee's application.

Name	Suburb	Membership of Community Organisations	Summary of Comments
Ms Faye Bastow	Mount Hawthorn	<ul style="list-style-type: none"> • Taoist Tai Chi • Australian Physiotherapy Association • Women in Business WA; supports the Ester Foundation 	<ul style="list-style-type: none"> • Having been a physiotherapist for 35 years, has a keen interest in health issues. • As a principal of a private practice in the City of Vincent, sees a wide cross section of the Community and hence hear many opinions and concerns. • Believes this would allow her to make a worthwhile contribution to an Advisory Group on health.

DETAILS:

The City's Healthy Vincent Group plays a role in encouraging and promoting a healthier lifestyle, active and passive sport and recreation and related projects and activities in the City.

The appointment of Council Members, Officers and members of the Community to the Healthy Vincent Advisory Group was as follows:

Council Members

- Mayor Hon. Alannah MacTiernan (Chair);
- Cr Warren McGrath; and
- Cr John Pintabona.

City Officers

- Director Community Services
- Manager Community Development
- Manager Health Services
- Community Development Officer – One Life (**Responsible Support Officer*)

Three (3) Community Representatives

- Mr Paul Katris; and
- Ms Karen Righton
- *Vacant*

Meeting Occurrence:	Meet as required
Date of Meeting:	When suitable
Time of Meeting:	5:30pm
Location of Meeting:	City of Vincent – Committee Room

Objectives of Advisory Group

The objectives of the Advisory Group are to:

1. Promote and advocate a healthier lifestyle inclusive of physical, emotional and social wellbeing activities which will improve the physical and mental health of the City's residents.
2. Provide advice and make recommendations relating to:
 - 2.1 the City's Physical Activity Plan;
 - 2.2 the City's One Life Suicide Prevention Community Action Plan;
 - 2.3 active and passive sport and recreation and associated activities and projects; and
 - 2.4 raising the awareness in the community of lifestyle diseases and preventative strategies.
3. Provide advice on matters generally relating to health, lifestyle and recreation and associated activities and projects.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Statutory Authorities/Committees/Working Groups/Advisory Groups

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

Policy No. 4.2.12 – Advisory Groups

- The objective of Advisory Groups is to provide guidance for the establishment and operation of the City's Advisory Groups; and
- They are to operate within the Terms of Reference approved by the Council and the general administrative framework.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Advisory Groups play an advisory role; however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups are not specifically itemised in the City's budget, they are absorbed within the administration costs and allocated to the various sections.

COMMENT:

It is recommended that the Council makes the appointment to the Healthy Vincent Advisory Group as detailed in this report.

9.1.12 No. 12 (Lot 801; D/P 64064) Smith Street, Perth – Proposed Construction of Four-Storey Building Comprising Nineteen (19) Two Bedroom Multiple Dwellings (Aged or Dependent Persons Dwellings)

Ward:	South	Date:	7 December 2012
Precinct:	Forrest; P14	File Ref:	PRO5458; 5.2012.297.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Assessment Report 003 – Applicant’s Response to Design Advisory Committee Recommendations dated 21 June 2012 004 – Applicant’s Response to Submissions dated 30 October 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, **RECOMMENDS REFUSAL** to the Western Australian Planning Commission, of the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Department of Housing for Proposed Construction of Four-Storey Building Comprising Nineteen (19) Two Bedroom Multiple Dwellings (Aged or Dependent Persons Dwellings) at No. 12 (Lot 801; D/P 64064) Smith Street, Perth, and as shown on amended plans stamp dated 12 November 2012, 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 regards to the following Clauses:
 - 1.1 Clause SADC 5 and SPC 5 “Street Setbacks” relating to the setback of the ground, first and second floors; and
 - 1.2 Clause BDADC 5 and BDPC 5 “Building Height” relating to the building height;
2. the proposed development does not comply with the following objectives of the City’s Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations:
 - 2.1 create an incentive based approach to encourage landmark development that provides a direct and tangible benefit to the environment, the community and local residents; and
 - 2.2 encourage development that exhibits design excellence and sustainable design principles in key strategic sites within the City;
3. the proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 3.1 to protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment;

- 3.2 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which:
- 3.2.1 recognises the individual character and needs of localities within the Scheme zone area; and
- 3.2.2 can respond readily to change; and
- 3.3 to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which:
- 3.3.1 makes optimum use of the City's growing infrastructure and resources;
- 3.3.2 promotes an energy efficient environment; and
- 3.3.3 respects the natural environment; and
4. the proposed four-storey building would create an undesirable precedent for development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Maier

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

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises four (4) or more dwellings and it is a four (4) storey development. Five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
16 March 2012	A development application for the construction of four-storey development consisting of eighteen (18) aged persons units was withdrawn by the applicant.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the construction of a four-storey building comprising nineteen (19) two bedroom multiple dwellings and associated car parking at No. 12 Smith Street, Perth. As the proposed development involves a public work by a public authority, the Western Australian Planning Commission is the determining body, with Council providing a recommendation to the Western Australian Planning Commission.

Landowner:	Department of Housing
Applicant:	TPG Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Outbuilding
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1500 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	✓		
Dwelling Size			✓

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

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5</p> <p><u>Ground Floor</u> The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development.</p> <p>Average setback: 4.2 metres.</p> <p><u>Upper Floor</u> A minimum of 2 metres behind each portion of the ground floor setback. Upper setback: 6.2m.</p> <p><u>Balconies</u> A minimum of 1 metre behind the ground floor setback. Balcony setback: 5.2m.</p>
Applicants Proposal:	<p><u>Ground Floor</u> 3 metres – 3.08 metres.</p> <p><u>First and Second Floor</u> In-line with the ground floor – 2 metres behind the ground floor.</p> <p><u>Balconies (First and Second Floor)</u> 0.5 metres behind the ground floor.</p>

Issue/Design Element:	Front Setback
Performance Criteria:	<p>Residential Design Elements SPC 5 Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposed dwelling 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.</p> <p>It is considered that the proposed building does not maintain the streetscape character as the ground floor sits 1.12 metres to 1.2 metres forward of the average street setback, with the first and second floors being in-line with the ground floor setback.</p> <p>The proposed front setbacks are considered to have an undue impact on both the streetscape and the adjoining properties. The proposed setbacks do not assist in reducing the building bulk of the proposal on Smith Street nor is it in keeping with the desired streetscape for the locality.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.2 <u>Northern boundary</u> Ground Floor: 4 metres First Floor: 4 metres Second Floor: 4 metres Third Floor: 4 metres</p>
Applicants Proposal:	<p><u>Northern boundary</u> Ground Floor: 2.514 metres – 4.09 metres First Floor: 2.514 metres – 4.487 metres Second Floor: 2.514 metres – 11 metres Third Floor: 2.565 metres – 4.487 metres</p>

Issue/Design Element:	Building Setbacks
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p>“Boundary Setbacks <i>Table 2 above outlines a number of variations to the acceptable developments of clause 6.3.1 and Table 5 of the R-Codes. Despite the very minor nature of the proposed setback variation, a performance-based assessment has been undertaken.</i></p> <p><i>The objective of Clause 7.1 of the R-Codes is “to ensure that development of multiple dwellings occurs with due regard to the existing development context and/or the desired future built form for the locality as defined by the local government planning framework.”</i></p> <p><i>The performance criteria of Clause 7.1.4 states as follows:</i></p> <p><i>“Buildings setback from boundaries other than street boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>Ensure adequate daylight, direct sun and ventilation for buildings and the open spaces associated with them;</i> • <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> <p><i>The emphasis of clause 7.1.4 is to maintain direct sun and ventilation for adjoining properties, privacy and minimising building bulk. The proposed building is set back from every other boundary greater than what is required so as to minimise the impact on the adjoining residential properties. The proposal also complies with the overshadowing and privacy requirements of the R-Codes in that no habitable areas directly overlook adjoining properties and the proposed development will not overshadow greater than 50% of the adjoining property’s outdoor living area in the middle of winter.</i></p> <p><i>The bulk and scale of the building and its impact on the streetscape and adjoining properties is minimised through the use of large setbacks, no boundary walls and restricting the four storey component to within the site, as previously mentioned.</i></p> <p><i>In light of the above, the proposed dwelling is considered to comply with the performance criteria of the R-Codes and in-turn, complies with the objective of clause 7.1.”</i></p>

Issue/Design Element:	Building Setbacks
Officer technical comment:	<p>The proposed ground, first, second and third floor setbacks to the northern boundary comply with the Performance Criteria as it provides for adequate daylight, direct sun and ventilation to the adjoining property, with it also having minimal impact on the building bulk to adjoining properties as the portion of the wall which sits forward of the required 4 metre setback is 3.9 metres in length.</p> <p>The overshadowing of the development complies with the Performance Criteria provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Building Height/Building Storeys
Requirement:	<p>Residential Design Elements BDADC 5 Top of external wall (roof above): 6 metres Top of pitched roof: 9 metres</p> <p>2 storeys (including loft)</p>
Applicants Proposal:	<p>Top of external wall (roof above): 10.6 metres Top of pitched roof: 13.2 metres</p> <p>4 storeys</p>
Performance Criteria:	<p>Residential Design Elements BDPC 5 Building height is to be considered to:</p> <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:	<p>"Building Height</p> <p><i>The City's Forrest Precinct Policy does not provide adequate guidance for residential development within the precinct. It is noted that for commercial areas the maximum building height is three storeys, and this is therefore the next best tool for assessment. Whilst the proposed development comprises a portion up to four storeys, it has purposely been restricted to the rear of the site to reduce the bulk and scale of the building and in turn minimise the impact on the streetscape and the adjoining properties.</i></p> <p><i>The building has been set back from every boundary greater than what is required. The only setback variation proposed is for the common accessways, which is proposed to be 2.51 metres, however this portion is only approximately three metres in length and therefore the impact on the adjoining heritage site is minimal.</i></p>

Issue/Design Element:	Building Height/Building Storeys
	<p><i>Further to the above, the proposed height is compliant with the height provisions of the R-Codes, which allows for an overall building height of up to 15 metres, as well as the overshadowing requirements of the R-Codes. The proposed building is not considered to adversely impact the streetscape and adjoining properties, especially in the context of other substantial buildings in the vicinity.</i></p> <p><i>Finally, the proposal was put to an Executive Management Team meeting in May 2011, which revealed that the increase in height could be considered due to the location of other, albeit older, buildings of similar or greater height than what is proposed.”</i></p>
<p>Officer technical comment:</p>	<p>With regards to the comment that the City’s Policy No. 3.1.14 relating to the Forrest Precinct does not provide adequate guidance for residential development, with the commercial requirements being the next best tool for assessment for the proposed height limit, the City’s Policies No. 3.2.1 relating to Residential Design Elements and No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones stipulates the height required for residential development. It is also noted that Council adopted Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations at it Ordinary Meeting held on 20 November 2012, which stipulates the requirements for variations to the number of storeys.</p> <p>With regards to the proposal being put to an Executive Management Team meeting in May 2011, it is noted that this was for the proposal which was lodged with the City on 13 June 2011 and subsequently withdrawn by the applicant on 16 March 2012. It is acknowledged that a greater height maybe considered; however the proposed design has changed significantly from the previous development application submitted in 2011 to the current development application.</p> <p>The current 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 the proposed building is considered to dominate the streetscape.</p> <p>The proposed development is not considered to limit the height of the building so that it does not dominate the streetscape nor does it maintain the character and integrity of the existing streetscape. The proposed building height and reduced front setback result in an undue impact on the streetscape, with the proposed building dominating the streetscape.</p>

Issue/Design Element:	Building Height/Building Storeys
	<p>It is noted that the dwellings within the immediate locality comprise single storey and two storey dwellings; therefore it is considered that the proposed four-storey building is not in keeping with the existing streetscape; however it is also acknowledged that there are a number of varying heights within the locality, including four-storey developments at Nos. 5 and 46 Smith Street and an eleven-storey development at No. 49 Smith Street.</p> <p>The application has not been assessed against the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, however it is noted that the proposed four-storey building does not comply with the requirements for variations to number of storeys.</p> <p>As the proposal has a maximum two-storey height limit, where a variation of one additional storey could be considered (three-storey development) where the proposal meets the relevant essential criteria and one additional requirement. As the proposal meets one of the two essential criteria, being that the subject site is zoned residential R80, and none of the additional requirements, the proposal does not meet the objectives of the City's Policy No. 3.5.11 relating to exercise of discretion for development variations. It is also noted that the proposal does not incorporate any architectural excellence, with the proposal unable to be supported by the City's Design Advisory Committee, which is one of the additional requirements for receiving a variation to the number of storeys.</p>

Issue/Design Element:	Access and Parking
Requirement:	<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>Residents: six (6) spaces Visitors: two (2) spaces</p> <p>Total: eight (8) spaces</p>
Applicants Proposal:	Seven (7) spaces
Performance Criteria:	<p>Residential Design Codes Clause 7.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other offsite parking; and • the location of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	No justification provided.
Officer technical comment:	The proposal does not comply with the Acceptable Development provisions. In the instance the proposal was to be approved, it would be a condition of approval that eight (8) bicycles spaces are to be provided.

Issue/Design Element:	Solar Access
Requirement:	Residential Design Codes Clause 7.4.2 A2 Not Applicable
Applicants Proposal:	Not Applicable
Performance Criteria:	Residential Design Codes Clause 7.4.2 P2 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow: <ul style="list-style-type: none"> • outdoor living areas; • major openings to habitable rooms; • solar collectors; or • balconies or verandahs.
Applicant justification summary:	<i>"The shadow cast falls over the adjoining properties' driveways and not the outdoor living areas."</i>
Officer technical comment:	<p>The proposal complies with the Performance Criteria as the building does not adversely overshadow the adjoining properties.</p> <p>The shadow cast by the proposal predominantly falls over the driveway of the adjoining property, with it encroaching 1.1 square metres into the 7.3 square metre verandah, being 15.07 per cent of the area. It is considered that the extent of the shadow cast over the verandah is not significant as it is less than the shadow cast by the dividing fence.</p> <p>The proposed building does not overshadow any major openings or the outdoor living areas on the adjoining property, with there also being potential for solar collectors to be located without being overshadowed.</p>

Issue/Design Element:	Dwelling Size
Requirement:	Residential Design Codes Clause 7.4.3 A3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows: - <ul style="list-style-type: none"> • minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and • minimum of 40 per cent 2 bedroom dwellings. <p>Minimum four (4) 1 bedroom dwellings and a maximum nine (9) 1 bedroom dwellings Minimum eight (8) 2 bedroom dwellings</p>
Applicants Proposal:	100 per cent two bedroom dwellings (19 dwellings)
Performance Criteria:	Residential Design Codes Clause 7.4.3 P3 Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.
Applicant justification summary:	<i>"Each of the dwellings provided are considered to be of a sufficient size to meet the needs of the elderly residents. A 2 bedroom dwelling is necessary to allow for the provision of in-house care, whether it be on a permanent or semi-permanent basis. Furthermore, the internal configuration of the building will not affect the impact on the adjoining properties or the streetscape."</i>

Issue/Design Element:	Dwelling Size
Officer technical comment:	<p>The proposal complies with the Performance Criteria in this instance as it caters for the needs of aged or dependent persons.</p> <p>As the proposed building is developed for aged or dependent person dwellings, it provides diversity in the dwelling types available within the locality; however it does not provide a diversity of dwelling sizes within the building. It is considered supportable as the proposal allows for residents to age in place and receive in-house care, if it is required in the future.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	12 September 2012 to 3 October 2012
Comments Received:	Two (2) support, five (5) objections and one (1) neither support or object.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Solar Access</p> <ul style="list-style-type: none"> Adjoining properties stand to lose all solar access from March to September due to the four storey portion of the development. North facing living areas and windows on the adjoining properties will lose access to sunlight/daylight. Solar access to adjoining properties will be significantly reduced during winter, which will result in a much greater consumption of electricity and will compromise household budgets. 	<p>Dismiss. The proposal complies with the Performance Criteria of Clause 7.4.2 "Solar access for Adjoining Sites" of the R-Codes as the shadow is clear of major openings, outdoor living areas and solar collectors on the adjoining properties. It is noted that 1.1 square metres of a verandah is overshadowed, however this is significantly less than the shadow cast by the dividing fence.</p>
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> Adjoining properties living areas and courtyards will be overlooked by the development. Windows and outdoor living areas of the adjoining properties will be overlooked by the balconies of the development. 	<p>Dismiss. The proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, with all major openings complying with their respective cone of vision setback requirements.</p>
<p>Issue: Side and Rear Setbacks</p> <ul style="list-style-type: none"> The proposed setbacks will result in adjoining properties having no direct sun during the winter months. Windows and outdoor living areas of the adjoining properties will be overlooked by the balconies of the development. 	<p>Dismiss. The proposal complies with the Performance Criteria of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes as the setback of the building from the northern boundary is predominantly 4 metres, with a 3.9 metre length of wall being setback a minimum of 2.5 metres, which provides for adequate light and ventilation to the adjoining properties.</p> <p>There are no overlooking concerns as the proposal complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> The setbacks are not consistent with the character and integrity of the existing streetscape. 	<p>Supported. The front setbacks on the ground and upper floors do not comply with the Acceptable Development or Performance Criteria and do not contribute positively to the streetscape.</p>
<p>Issue: Building Height/Number of Storeys</p> <ul style="list-style-type: none"> The proposed development will overshadow and be a visual intrusion on the adjoining properties. The proposed development is four storeys which is double the Acceptable Standard of two storeys. Four storeys in not consistent with the streetscape. The height is not consistent with the character and integrity of the existing streetscape. The development will dominate the streetscape. 	<p>Supported. The proposed dwelling 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 the proposed building does not maintain the character of the street as it is considered to dominate the streetscape by virtue of its height, setbacks, scale and bulk, and poor residential amenity and design.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: 2 May 2012

Summary of Design Advisory Committee Comments:

- Lack of design.*
- Face brick and render with colourbond roof.*
- Introduce red face brick.*
- Lift over on height.*
- Vertical element in façade is superfluous.*
- Unit 1 wall to be continued across front elevation.*
- Functional courtyard use.*
- Inadequate provision of landscaping.*
- Solar orientation and amenity of rear units is compromised. Re-orientate development for northern light.*
- Provision of 1 and 3 bedroom dwellings as per R Codes.*
- Providing natural light to bedrooms and courtyard.*
- Courtyards can be flipped for better orientation.*
- Floor to ceiling height to be increased from current 2.4 metres, as considered inappropriate.*

14. *Can stores be located on ground floor?*
15. *Size of car bays to be compliant with Australian standards, as the location of columns may impede car parking accessibility.*
16. *Disable car parking non-compliant.*
17. *Remove Blind corners and provide a clear path of vision. Provision of security gate for the development.*
18. *Provision of one of the units for disable persons.*
19. *All non-compliance of R Codes and City's Policies to be addressed.*
20. *Strong objection to proposal on design and amenity of residents.*

Applicant's Response to Design Advisory Committee Comments:

1. *This is a subjective comment and is not considered relevant in this instance.*
2. *This comment is superfluous.*
3. *Noted. Red face brick has been introduced to the external walls.*
4. *Noted. The lift shaft has been lowered from what was previously proposed, however the architectural style has been maintained.*
5. *This is a subjective comment and is not considered relevant in this instance.*
6. *Noted. This has been incorporated into the proposal.*
7. *Each unit is provided with two courtyards. The larger courtyard is located to the rear so as to provide an appropriate clothes-drying area without being visible from the street.*
8. *Whilst landscaping is not a requirement for residential development within the City, landscaping has been shown on the plans to soften the street elevation.*
9. *The setback constraints associated with the site and the intent to protect the amenity of the adjoining properties means that it would be unfeasible to reorientate the building. The comment relating to amenity in unwarranted.*
10. *The proposal involves the provision of two bedroom dwellings only as they are intended for aged people, which often require a carer. The introduction of single bedroom dwellings will remove the option for in-house care, and three-bedroom dwellings are considered surplus to the needs of the future residents. This is further addressed in the report associated with the development application.*
11. *Bedrooms and courtyards have the ability for northern light to enter where possible. Given the setback constraints identified by the City and the need to protect the amenity of the adjoining properties, the amount of northern light entering some dwellings will differ.*
12. *The larger courtyard is located to the rear so as to provide an appropriate clothes-drying area without being visible from the street.*
13. *The proposed ceiling heights comply with the requirements of the Building Codes of Australia (BCA) and therefore is considered acceptable. Furthermore, the increase in ceiling height unnecessarily increase the overall height of the building.*

14. *The stores have been located at each level to provide practical and easy access to residents. If all stores were located on the ground floor, it would be inconvenient for residents on the upper floors and limit the types of goods stored in them.*
15. *The car bays comply with AS2890.1.*
16. *The proposed disabled car bay comply with AS2890.1.*
17. *The car parking and vehicle access points are located/designed so as to provide clear sightlines in accordance with the City's Visual Truncations Policy.*
18. *Noted. Unit two has been identified as being universally acceptable. This is to be further assessed and modified, where required, prior to application for a Building Approval Certificate.*
19. *Noted. A report addressing the proposed variations has been submitted as part of the development application.*
20. *This is a subjective comment and is not considered relevant in this instance.*

The Design Advisory Committee has reviewed the amended plans and notes the following:

1. *The revised design fails to meet any of the core 10 Design Advisory Committee design objectives.*
2. *The proposal will not improve the amenity of both occupants and adjoining residents and the broader community.*
3. *The site offers more potential to meet the Design Advisory Committee design objectives than the current design proposes.*
4. *The Design Advisory Committee cannot support this project.*

The Design Advisory Committee also provided the following additional comments:

1. *Previous two-storey frontage across the whole of the Smith Street Elevation was more desirable and consistent with the adjacent heights than the stepping up in the middle which is now proposed.*
2. *Little has been done to access north light as can be seen on the 'Left Side Elevation'. Suggest larger openings directly off Living room, frosted below 1600 and clear/openable above.*
3. *Concern that material selection has been noted as being left to be decided later when we believe this is important to be indicating now and demonstrating how this will fit in with the local context/surrounding buildings.*
4. *Unit 1 and Unit 2 ground floor courtyards obtain very little direct sunlight, and will be very quite dark/unpleasant. Poor outcome for these two units.*
5. *Stores and stairs block out all the light in the central area, perhaps stores could be moved to ground floor?*
6. *Balconies to the rear facing east require screening, if stores/stairs could be re-configured so that the balconies ended up 7.5m from boundary then wouldn't need screening.*
7. *Seems to be very little change from previous design except the redistribution of some of the units at the rear to the front to address overshadowing?*
8. *All outdoor terraces include privacy screening creating a sense of entrapment and eliminating any positive outlook from apartments.*

LEGAL/POLICY:

The following legislation and policies apply to the four-storey building comprising nineteen (19) two bedroom multiple dwellings (aged or dependent persons dwellings) at No. 12 Smith Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14;
- Residential Design Elements Policy No. 3.2.1;
- Aged or Dependent Persons Dwellings; and
- Multiple Dwellings in Residential Zones Policy No. 3.4.8.

Council at its Ordinary Meeting held on 20 November 2012 resolved to adopt amendments to Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones and a new Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. It is noted that the proposed four-storey building comprising nineteen (19) two bedroom multiple dwellings (aged or dependent persons dwellings) has not been assessed against this new policy as the original development application was lodged on 3 July 2012, with the amended plans dated 12 November 2012, being submitted prior to the policies being adopted.

It is considered that the proposal does not comply with the Performance Criteria of the City's Policy No. 3.2.1 relating to Residential Design Elements, with regards to the building height/number of storeys. In the instance that the proposal was to be assessed against the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, it is noted that the proposed four-storey building does not comply with the requirements for variations to number of storeys by virtue of its poor design, as it does not incorporate exemplary design excellence with a positive recommendation from the City's Design Advisory Committee; rather it fails to meet the core 10 Design Advisory Committee design objectives where the Design Advisory Committee has advised that they are unable to support the proposal and that the proposal will not improve the amenity of the occupants or the locality.

As the proposal has a maximum two-storey height limit, where a variation of one additional storey could be considered (three-storey development) where the proposal meets the relevant essential criteria and one additional requirement. As the proposal meets one of the two essential criteria, being that the subject site is zoned Residential R80, and none of the additional requirements, the proposal does not meet the objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. Therefore, it is considered that this is relevant as the objectives of the policy are considered when determining whether a variation is supportable under Clause 40 of the City's Town planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements, the objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

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 plans propose landscaping to the front setback area and along the side and rear boundaries, therefore providing some permeable surface for the development.
	The design of the four-storey building does not provide for adequate light and ventilation, which results in a greater reliance on artificial heating, lighting and cooling. It is also noted that the rear courtyards to the ground floor units do not have adequate access to light.

SOCIAL	
Issue	Comment
	The proposal provides for an increase in housing diversity and provides housing for aged or dependent persons within the City. The proposal also provides for affordable housing within the City.

ECONOMIC	
Issue	Comment
	The construction of the building will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The front setback and building height contribute to the bulk and scale of a development. It is considered in this instance, that the proposed four-storey building comprising nineteen (19) two bedroom multiple dwellings (aged or dependent persons dwellings) will have an unreasonable undue impact on the amenity of the locality as it results in an undue building bulk on Smith Street, with the proposal dominating the streetscape and not maintaining the character and integrity of the existing streetscape.

The overall design of the four-storey building, is not considered to satisfactorily address the ten (10) Design Advisory Committee design objectives, with the Design Advisory Committee advising that they are unable to support the proposal.

It is considered that the proposed four-storey building creates an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality. The proposal also represents a poor outcome for those persons in the community most vulnerable and likely to benefit from a well designed living environment.

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements, the objectives of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations and the City of Vincent Town Planning Scheme No. 1, it is recommended that the Council recommend that the application be refused to the Western Australian Planning Commission for the reasons outlined above.

9.1.3 No. 110 (Lot 31; D/P 18903) Broome Street, Highgate – Proposed Amendment to Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking (Amended to Three (3) Storey Building Comprising Nine (9) Multiple Dwellings and Associated Car Parking)

Ward:	South Ward	Date:	7 December 2012
Precinct:	Forrest Precinct, P14	File Ref:	PRO4049; 5.2012.511.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	Steven De Piazza		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Domination Homes on behalf of the owners, Baker Investments Pty Ltd, for Proposed Amendment to Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking (Amended to Three (3) Storey Building Comprising Nine (9) Multiple Dwellings and Associated Car Parking) at No. 110 (Lot 31; D/P: 18903) Broome Street, Highgate, and as shown on plans stamp-dated 4 July 2012 and amended plans stamp-dated 23 November 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Broome Street;
2. any new street/front wall, fence and gate within the Broome 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;
3. 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;
4. the owners shall make application to obtain the consent of the owners of No. 112 Broome Street for entry onto their land; the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 112 Broome Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
5. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

5.1 Construction Management Plan

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

5.2 Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road 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:

- 5.2.1 provision of increased soft landscaping of ten (10) percent of the total site common areas with a view to significantly reduce areas of hardstand and paving;
- 5.2.2 the visitors parking and driveway that are not covered by the building above shall be landscaped and shall comprise of grasscrete or concrete rings placed cylindrically with grass-seed grown within or an equivalent alternative treatment to the satisfaction of the City's Manager Parks and Property Services, whilst providing sufficient pedestrian access along the driveway;
- 5.2.3 the location and type of existing and proposed trees and plants;
- 5.2.4 all vegetation including lawns;
- 5.2.5 areas to be irrigated or reticulated;
- 5.2.6 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.2.7 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

5.3 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;

5.4 Schedule of External Finishes

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

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

6.1 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;

6.2 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;

6.3 Clothes Dryer

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

6.4 Residential Car Bays

A minimum of seven (7) and two (2) car bays shall be provided for the residents and visitors respectively. The nine (9) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.5 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

6.6 Bicycle Parking

Three (3) and one (1) bicycle bays for the residents and visitors of the development shall be provided; and

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

ADVICE NOTE

1. Crossover

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

Cr McGrath Departed the Chamber at 6.45pm.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Wilcox, Seconded Cr Buckels

That the recommendation be adopted.

Cr McGrath returned to the Chamber at 6.47pm.

MOTION PUT AND CARRIED (7-2)

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

Against: Cr Carey, Cr Maier

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination as there is no Delegated Authority to approve amendments to a development of this scale.

BACKGROUND:

History:

Date	Comment
23 October 2012	The Council at its Ordinary Meeting approved a development application for the Construction of Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking.
11 March 2008	The Council at its Ordinary Meeting approved a development application for the demolition of an existing single house and construction of two (2), two-storey single houses.
15 April 2010	The City approved a development application for the construction of a single house under delegated authority.

DETAILS:

The application proposes the amendments to the approved construction of a three storey building comprising eight multiple dwellings, one single bedroom dwelling and associated car parking. Amendments include an additional bedroom being added to apartment 1, and relocation of store 1.

Landowner:	Baker Investments Pty Ltd
Applicant:	Domination Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS): Residential R80
Existing Land Use:	Vacant Site
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	630 square metres
Right of Way:	Not Applicable

ASSESSMENT:

No additional variations have been proposed in the amended plans from those approved by the Council at its Ordinary Meeting held on 23 October 2012.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14;
- Residential Design Elements Policy No. 3.2.1;
- Multiple Dwellings in Residential Zones Policy No. 3.4.8; and
- Residential Design Codes of Western Australia.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed amendments to the site are minor in nature and not considered to make any significant difference to the development as a whole. The potential issues which may have arisen from these changes include change in plot ratio, boundary wall, car parking, and communal area for clothes drying, which can be summed up below:

- plot ratio, increased from 0.980 to 0.997 (increase of 10.62m² floor area);
- length of boundary wall along the western boundary increased from 7.4 to 10.9 metres;
- no additional parking bays required; and
- a reduction in the size of the communal drying courtyard from 15.73m² to 12.81m² (decrease of 2.92m² floor area).

All of the items listed are within the Acceptable Development Criteria and as such any additional impact is considered to be of a minor nature and acceptable.

CONCLUSION:

In view of the above, the application is supported as it is considered that the proposal complies with the Acceptable Development Criteria of the Residential Design Codes and the City's Residential Design Elements Policy No. 3.2.1. Accordingly, it is recommended the amendment be approved subject to standard and appropriate conditions.

9.1.4 No. 440 (Lot 200; D/P 66500) William Street, Perth – Proposed Additional Fifth (5th) Storey comprising Four (4) Multiple Dwellings to Approved Four (4) Storey Commercial Building Comprising Office Building, Shops and Associated Car Parking

Ward:	South	Date:	7 December 2012
Precinct:	Beaufort; P 13	File Ref:	PRO0893; 5.2012.440.1
Attachments:	001 – Property Information Report and Development Application Plans and Applicant Submission 002 – Applicant Response to the Objection 003 – Herring Storer Acoustics – Ambient Noise Level Assessment Report, November 2012		
Tabled Items:	Nil		
Reporting Officer:	Rasaratnam Rasiah, Co-ordinator Statutory Services Remajee Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Carrisa Pty Ltd on behalf of the owner Perfect Time Pty Ltd for Proposed Additional Fifth (5th) Storey comprising Four (4) Multiple Dwellings to Approved Four (4) Storey Commercial Building Comprising Office Building, Shops and Associated Car Parking at No. 440 (Lot 200; D/P 66500) William Street, Perth, and as shown on plans stamp-dated 29 November 2012, subject to the following conditions:"

1. Building

- 1.1 All conditions subject to Approval to Commence Development Serial No. 5.2010.70.1 issued on 19 May 2010 for proposed four-storey commercial building comprising four (4) shops, ten (10) offices and associated car parking are to be complied with in accordance with this approval;
- 1.2 All new 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 William Street;
- 1.3 The residential component of the subject development be designed to a minimum 7 Star BCA rating;**

2. Car Parking and Accessways

- 2.1 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;
- 2.2 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;

- 2.3 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;
- 2.4 The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development; and
- 2.5 Minimum of four (4) car bays and one (1) car bay shall be provided for the residents and visitors respectively. The four (4) car bays and one (1) car bay provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;

3. **Fencing**

Any new street/front wall, fence and gate within the William Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

4. **Public Art**

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

- 4.1 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 \$43,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,300,000); and
 - 4.2 in conjunction with the above chosen option;
 - 4.2.1 Option 1 – prior to the submission 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
- 4.2.2 Option 2 – prior to the submission 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;

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

5.1 **Construction Management Plan**

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

5.2 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:

- 5.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;
- 5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/office. The on-site car parking was in accordance with the requirements of the Residential Design Codes and the Perth Parking Policy; and
- 5.2.3 the property is located in an entertainment/mixed use precinct with an adjoining nightclub, which provides amplified music. Sound level measurements (taken November 2012) indicate the property will be subject to elevated baseline sound levels that will be audible and annoying;

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

5.3 Schedule of External Finishes

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

5.4 Acoustic Report

- 5.4.1 An updated Acoustic Report shall be prepared and submitted to the City for approval. This report is to address and confirm how compliance with the Environmental Protection (Noise) Regulations 1997 will be achieved, and must address all details outlined in the City's Policy No. 3.5.21.

The report must also address matters specific to the development including, but not limited to, the proposed Velux Skylights, mechanical plant/equipment, street noise, traffic noise and noise from neighbouring land uses (including the Perth Mosque located at Nos. 427-429 William Street, Perth).

- 5.4.2 The recommended measures in the Acoustic Report shall be indicated on the plans provided with the Building Permit application. Certification from an Acoustic Consultant that the measures have been undertaken must be provided prior to the first occupation of the building.
- 5.4.3 All recommendations in the 'Ambient Noise Level Assessment' by Herring Storer Acoustics dated November 2012 are to be implemented. The implementation of these recommendations is to be at the applicant's expense. Certification that the recommended measures have been undertaken must be provided by an Acoustic Consultant prior to the first occupation of the building.

5.5 Car Stacking Layout

The additional Car Stackers are to comply with the conditions of planning approval issued on 19 May 2012 in respect of clearances, capacity and management in the event of failure or breakdown;

5.6 Horizontal Awning Sunscreens

The louvered horizontal awning sunscreens shall be further developed and implemented to demonstrate shading of the west facing glass to the satisfaction of the City; and

5.7 Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development showing a minimum of ~~40%~~ 5% of the balcony areas provided with soft landscaping shall be submitted to the City for assessment and approval.

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

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

6.1 Bicycle Parking

One (1) bicycle bay for the residents of the residential component shall be provided at a location convenient to the entrance, to be publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3. ~~including relocation of the 10 non-compliant bicycle bays;~~

6.2 Clothes Drying Facility

Prior to the first occupation of the development, each multiple dwelling shall be provided with screened outdoor area for clothes drying; and

6.3 Management Plan

A management plan detailing management measures for parking bays to be available for the commercial component, the residential component and the residents visitors shall be submitted to and approved by the City; and

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

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

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation, together with the following change, be adopted:

- "5.5 The dimensions, specifications and associated layouts of the Car Stackers shall be determined by the City prior to the submission of a Building Permit application."

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

COUNCIL DECISION ITEM 9.1.4

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Carrisa Pty Ltd on behalf of the owner Perfect Time Pty Ltd for Proposed Additional Fifth (5th) Storey comprising Four (4) Multiple Dwellings to Approved Four (4) Storey Commercial Building Comprising Office Building, Shops and Associated Car Parking at No. 440 (Lot 200; D/P 66500) William Street, Perth, and as shown on plans stamp-dated 29 November 2012, subject to the following conditions:

1. Building

- 1.1 All conditions subject to Approval to Commence Development Serial No. 5.2010.70.1 issued on 19 May 2010 for proposed four-storey commercial building comprising four (4) shops, ten (10) offices and associated car parking are to be complied with in accordance with this approval;**
- 1.2 All new 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 William Street;**
- 1.3 The residential component of the subject development be designed to a minimum 7 Star BCA rating;**

2. Car Parking and Accessways

- 2.1 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;**
- 2.2 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;**
- 2.3 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;**
- 2.4 The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development; and**
- 2.5 Minimum of four (4) car bays and one (1) car bay shall be provided for the residents and visitors respectively. The four (4) car bays and one (1) car bay provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;**

3. Fencing

Any new street/front wall, fence and gate within the William Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

4. Public Art

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

4.1 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 \$43,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,300,000); and

4.2 in conjunction with the above chosen option;

4.2.1 Option 1 – prior to the submission 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

4.2.2 Option 2 – prior to the submission 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;

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

5.1 Construction Management Plan

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

5.2 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:

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

5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes and the Perth Parking Policy; and

5.2.3 the property is located in an entertainment/mixed use precinct with an adjoining nightclub, which provides amplified music. Sound level measurements (taken November 2012) indicate the property will be subject to elevated baseline sound levels that will be audible and annoying;

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

5.3 Schedule of External Finishes

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

5.4 Acoustic Report

5.4.1 An updated Acoustic Report shall be prepared and submitted to the City for approval. This report is to address and confirm how compliance with the Environmental Protection (Noise) Regulations 1997 will be achieved, and must address all details outlined in the City's Policy No. 3.5.21.

The report must also address matters specific to the development including, but not limited to, the proposed Velux Skylights, mechanical plant/equipment, street noise, traffic noise and noise from neighbouring land uses (including the Perth Mosque located at Nos. 427-429 William Street, Perth).

5.4.2 The recommended measures in the Acoustic Report shall be indicated on the plans provided with the Building Permit application. Certification from an Acoustic Consultant that the measures have been undertaken must be provided prior to the first occupation of the building.

5.4.3 All recommendations in the 'Ambient Noise Level Assessment' by Herring Storer Acoustics dated November 2012 are to be implemented. The implementation of these recommendations is to be at the applicant's expense. Certification that the recommended measures have been undertaken must be provided by an Acoustic Consultant prior to the first occupation of the building.

5.5 Car Stacking Layout

The dimensions, specifications and associated layouts of the Car Stackers shall be determined by the City prior to the submission of a Building Permit application;

5.6 Horizontal Awning Sunscreens

The louvered horizontal awning sunscreens shall be further developed and implemented to demonstrate shading of the west facing glass to the satisfaction of the City; and

5.7 Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development showing a minimum of 5% of the balcony areas provided with soft landscaping shall be submitted to the City for assessment and approval.

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

6. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 6.1 **Bicycle Parking**
- One (1) bicycle bay for the residents of the residential component shall be provided at a location convenient to the entrance, to be publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;
- 6.2 **Clothes Drying Facility**
- Prior to the first occupation of the development, each multiple dwelling shall be provided with screened outdoor area for clothes drying; and
- 6.3 **Management Plan**
- A management plan detailing management measures for parking bays to be available for the commercial component, the residential component and the residents visitors shall be submitted to and approved by the City; and
7. **The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.**

ADDITIONAL INFORMATION:

The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations was adopted by Council on 20 November 2012 and its purpose is to *allow discretion to be exercised to allow an extra storey. If the variation will not be detrimental to the amenity of the locality, and either the proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee, or the proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council*, then a height variation can be considered.

Policy No. 3.5.11 was adopted after this proposal was first presented to the DAC on 20 September 2012 and lodged on 9 October 2012, and was therefore not included in the assessment or advertising. In discussions with the applicant of this proposal, it was detailed they are willing to design and build the residential component to a higher environmental rating, in light of a consideration for variation to the height requirement. It is recommended that the approval for the proposed multiple dwellings be conditioned to be constructed to a minimum 7 Star BCA rating which is above the standard 6 Star BCA rating to align this proposal with a recent approval given by the DAP for a similar height variation.

The proposed development has already provided 10% landscaping in the communal courtyards of the development. An additional 5% soft landscaping is recommended to be provided in the private areas of the multiple dwellings. There are no landscaping requirements for multiple dwellings in mixed use zones however a minimum of 5% is in accordance with the landscaping requirements of multiple dwellings in residential zones and could be achieved within this development to achieve a higher amenity for occupants of the dwellings.

The amendment to Clause 5.2.3 was initiated by Health Services as a means of providing contextual evidence of potential noise impacts from the adjoining nightclub.

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal is for the addition of a fifth floor to an approved four storey building.

BACKGROUND:

The Council approved an application for a four storey commercial building in July 2010. The City under Delegated Authority has approved an application for amendment to the front entry and glazing to front facade of the approved Four Storey Commercial Building.

History:

Date	Comment
26 February 2008	The Council at its Ordinary Meeting conditionally approved the demolition of two existing institutional buildings and construction of a four-storey development, comprising six offices and two shops
12 June 2008	The City issued a demolition licence for the existing buildings on No. 440 and No. 444 William Street, Perth.
11 December 2008	The Western Australian Planning Commission conditionally approved the amalgamation of No. 440 (Lot 5) and No. 444 (Lot 6) William Street, Perth.
11 May 2010	The Council at its Ordinary Council Meeting conditionally approved Four-Storey Commercial Building Comprising Four Shops, Ten Offices and Associated Car Parking.
13 July 2010	The Council at its Ordinary Meeting approved reconsideration of conditions to the Four-Storey Commercial Building.
26 November 2011	The City under Delegated Authority conditionally approved amendment to exiting approval for alterations to Front Entry and Glazing to Front Facade to the Four Storey Commercial Building Comprising Shops, Offices and Associated Car Parking.

Previous Reports to Council:

This Commercial Building was previously reported to the Council on 11 May 2010. The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 11 May 2010 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:

Landowner:	Perfect Time Pty Ltd
Applicant:	Carissa Pty Ltd T/As Domination Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Commercial Building Currently under Construction
Use Class:	Multiple Dwellings, Shop and Office Building
Use Classification:	"AA", "P", "P"
Lot Area:	975 square metres
Right of Way:	Not applicable

The commercial building comprising of shops and offices is under construction. This proposal is for an additional one storey (fifth floor) to the building and comprises of four multiple dwellings.

ASSESSMENT:

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

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

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

Issue/Design Element: Street Setback	
Requirement:	Design Guidelines For William Street, Between Bulwer and Newcastle Streets, Perth – Appendix No. 18. There is no requirement for a fifth storey. The fourth storey is required to be setback a minimum of 5 metres from the primary street.
Applicants Proposal:	The screen and balustrade are setback 5.35 metres from the street. The main building is setback 9.23 metres from the street.
Applicant justification summary:	It is considered that the proposed 'Multiple Dwelling' development shall provide a positive contribution to the level of natural surveillance experienced by the surrounding area and William Street streetscape. With regard to the surrounding area and nearby existing residential areas, it is submitted that the design of the proposed development is in keeping with the scale and bulk of the existing approved development for the subject site. As such, it is considered that the addition of the proposed Multiple Dwelling development will not cause any undue detrimental impact to the existing character or amenity.
Officer technical comment:	The main building is setback 9.23 metres from the front boundary which will contribute to minimise any impact on the streetscape in terms of bulk. The proposal is articulated with balconies, openings, different materials and therefore there will be minimum impact on the street. Overall the building is providing horizontal articulation above the third storey which minimises the impact of the bulk on the streetscape.

Issue/Design Element: Number of Storeys	
Requirement:	Design Guidelines For William Street, Between Bulwer and Newcastle Streets, Perth – Appendix No. 18. Building height rising to a maximum of 3 storeys adjacent to the primary street and up to 4 storeys within the site.
Applicants Proposal:	Five (5) storeys
Applicant justification summary:	With regard to the surrounding area and nearby existing residential areas, it is submitted that the design of the proposed development is in keeping with the scale and bulk of the existing approved development for the subject site. As such, it is considered that the addition of the proposed Multiple Dwelling development will not cause any undue detrimental impact to the exiting character or amenity.
Officer technical comment:	<p>The proposal does not occupy the full area of the site which minimises its bulk impact on adjoining properties.</p> <p>The layout of the building allows for adequate sunlight and ventilation to the proposed dwellings.</p> <p>The building presents a human scale for pedestrians given the fifth storey (walls) is setback 9.23 metres from the front boundary.</p>

Issue/Design Element: Outdoor Living	
Requirement:	Each unit is to be provided with at least one balcony or equivalent, accessed directly from a habitable room with a minimum area of 10 square metres and a minimum dimension of 2.4 metres.
Applicants Proposal:	Balconies exceeding 10 square metres and minimum dimension greater than 2.4 metres have been provided to each of the proposed dwellings.
Performance Criteria:	Open space provision is to be generally in accordance with Residential R100 under the Residential Design Codes. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture the unique views to the Central Business District and sunlight.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposed development is considered to comply with this performance criteria.</p> <p>The proposal will be located on top of a building already under construction.</p> <p>Landscaping was approved for the commercial building and therefore overall the building will have landscaping. In this particular instance 10% of the balcony area should be provided with soft landscaping.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 19 October 2012 to 8 November 2012

Comments received: One objection was received.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Zoning</p> <p><i>"In considering residential uses the Council must consider the underlying objectives of the current 'Commercial' zone, potential future 'Town Centre' zone, and the precincts already close proximity to residential uses and sustainability drivers."</i></p>	<p>Dismiss: The proposed multiple dwellings are a minor component of the building and therefore there will be no impact on the commercial zoning of the site. Moreover the Design Guidelines for William Street allow for residential development.</p>
<p>Issue: Design Guidelines for William Street</p> <p><i>"The Design Guidelines further underpin the need to protect the entertainment uses and character of the area, and also note the importance of certainty in application of development requirements for future development, for example, building height."</i></p>	<p>Dismiss: Clause 40 of the Scheme allows Council to vary any requirement of any Policy subject to the Council being satisfied that the variation will not have an undue impact on the amenity of the area. Moreover, Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations adopted by Council on 20 November 2012 allows for variations to the height subject to specific criteria.</p>
<p>Issue: Number of Storeys</p> <p><i>"If Council is of the mind to increase building heights in the area, this should be done through a holistic policy review or amendment, and not undertaken in an ad hoc manner as proposed by this development. The application should therefore be refused on the basis of this flagrant disregard for Council policy and go back to the concept design phase to design a building to fit within an existing streetscape that addresses Council policy and the character of the area."</i></p>	<p>Dismiss: Refer to Comments below. The multiple dwellings have been designed to sit back from the front facade so the building presents as four storeys to the street.</p>
<p>Issue: Site Responsive Design</p> <p><i>"The multiple dwellings are proposed directly above the tin roof structure of the nightclub, and although the proprietors are currently undertaking expensive work to attenuate sounds emitting from it, approving a residence in direct proximity above the roof is particularly concerning and likely to create significant issues for the Council in the future. There appears to be no proposed management of this issue in the proposal."</i></p>	<p>Dismiss: The City is aware of this noise impact issue with regard to the adjoining night club. In this context the applicant was required by the City to provide an Acoustic Report to show the impact of the night club on the proposed dwellings. The report was required now before any decision on the application so as to ensure that the proposal will not be detrimental to the existing nightclub in respect of noise complaints. The report notes the apartments can meet the City's Acoustic Policy Requirements. In addition the nightclub as with all operations must comply with the Environmental Protection Noise Regulations.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Sound Attenuation</p> <p>If not refused, this application should be deferred and the applicant advised to prepare a full Acoustic Report and detail and demonstrate particular measures to deal with the proximity to the nightclub and other vibrant active uses.</p>	<p>Support. Applicant has provided an acoustic report demonstrating how the development is to comply with the requirements of the City's Sound Attenuation Policy No. 3.5.21 and to address all aspects of the Policy.</p>
<p>Issue: Section 70 Notification</p> <p>The imposition of a section 70 Notification must be done in the context of the proposed proximity to a nightclub and other vibrant land uses and the risk approving residential development places on the continued existence of these uses.</p>	<p>Support. The 'Ambient Noise Level Assessment' conducted by Herring Storer Acoustics dated November 2012, stipulates the proposed residential section of the development will be subject to "audible and annoying" low frequency noise emissions and despite recommended changes to the construction of the apartments, to be compliant with City requirements, including glazing and ceiling modifications, the low frequency noise will remain.</p>
<p>Issue: Car Parking</p> <p>The proposal does not appear to comply with Residential Design Codes (R Codes) car parking requirements, where visitor bays, at least 1 in this instance, must be "located close to and clearly signposted from the point of entry to the development and outside any security barrier (R-Codes Clause 7.3.4). From our review of the plans, it appears all car parking is behind a security gate.</p>	<p>Support in Part: The building is already under construction and it is impossible to require a separate parking bay for visitors. However, if this application is supported, the applicant will be required to submit a car parking management plan to show how the commercial, residential and visitors to residential car parking, will be managed.</p>

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

The applicant provided a response to the objection which is attached.

Department of Planning (DOP)

Given William Street is classified as an Other Regional Road, the application was referred to DOP for comments. DOP responded as follows:

"A comment was previously provided on 22 April 2010 in which a transport statement was provided and the Department had no objection to the proposal on regional transport planning grounds. This development seeks to add 4 residential units and it would have a moderate traffic impact in conjunction with the previous application.

The Department has no objection to the development on regional transport planning grounds."

Parking

Car Parking

A total of 38 car bays including a disabled bay is provided for the development.

The car parking required for the residential component is calculated as per the R-Codes as follows:

Car Parking – Residential	
Medium Multiple Dwelling based on size (75 square metres- 110 square metres) – 1 bay per dwelling (4 multiple dwelling) = 4 car bays	5 car bays
Visitors = 0.25 per dwelling (4 multiple dwelling proposed) = 1 car bay	
Total car bays required = 5 car bays	
Total car bays provided	38 car bays
Surplus	33 car bays

With reference to Council Agenda Report on 11 May 2010, given 33 bays are now allocated for the commercial component, the car parking for the commercial component is recalculated as follows:

Car Parking – Commercial

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Shop- 1 car bay per 15 square metres gross floor area (proposed 278 square metres)= 18.53 car bays	
Office-1 car bay per 50 square metres gross floor area (proposed 2018 square metres) = 40.36 car bays.	
Total= 58.89= 59 car bays	59 car bays
Apply the parking adjustment factors.	(0.6141)
<ul style="list-style-type: none"> ▪ 0.85 (the proposed development is within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	36.23 car bays
Car parking provided on-site	33 car bays
Minus the most recently approved on-site parking shortfall	8.29 car bays
The Council at its Ordinary Meeting held on 26 February 2008 approved a shortfall of 8.29 car bays. The cash-in-lieu has been paid.	
Resultant Surplus	5.06 bays

Bicycle Parking

Bicycle Parking		
Bicycle Parking	Residential component (as per the R-Codes – 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 4 dwellings proposed): 1 bay for the residents and Nil for visitors.	If this application is supported, a condition of approval requiring 1 bicycle bay to be provided for the residents shall be imposed.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

The first proposal which consisted of Additional Five Multiple Dwellings to the Commercial Building was referred to Design Advisory Committee (DAC) on 20 September 2012.

DAC recommendation was as follows:

“The site is proposed to be zoned ‘District Centre’ with 5 storey construction and a permitted plot ratio of 2.0. This change in policy may be reflected in the proposal with the following recommendations:

1. *The size of the 5th level is assessed based on street site lines and stepped back to eliminate view from the adjacent footpath.*
2. *The site elevations (North and South) are stepped back from the boundary to reduce visual impact.*
3. *The west elevation glass is shaded by a sunscreen system to supplement the use of high performance glass.*
4. *Cross ventilation be improved to all apartments.*
5. *Access to natural north winter sunlight is obtained to all apartments. The introduction of clerestory windows may assist with this (and improving cross ventilation).*
5. *Improve the privacy to apartment entrances and the size of entry areas.*
7. *Confirm the material palette.”*

Following the DAC recommendation, the applicant had a meeting with the City’s Officers to discuss the issues raised by the DAC. After the meeting, the applicant submitted amended plans showing only four (4) multiple dwellings in lieu of five (5) multiple dwellings which were reconsidered by the DAC as follows:

“The revised design is a significant improvement, the DAC recommends the following items be addressed:

1. *The west facing glass requires sun screening of some form in addition to the high performance glass.*
2. *In addition we also recommend a sunshade system be developed for the office glass.”*

Following the above comments the applicant amended the plans and again the DAC reconsidered the proposal as follows:

“The revised drawings include the addition of louvered horizontal awning sunscreens. We recommend these be further developed to demonstrate shading of the west facing Glass however this could be included as a condition of approval. A simple sketch-up solar assessment will demonstrate the effectiveness of the sunscreen device.

The other items were addressed with the revision 2 design.”

In view of the above, the DAC was satisfied with the proposal subject to a specific condition for a louvered awning/horizontal screening on the western side.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City"*

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 layout of the proposed dwellings will ensure lighting and ventilation which reduces the reliance on artificial heating, lighting and cooling.	

SOCIAL	
Issue	Comment
The proposed multiple dwellings will provide the opportunity for greater housing choice within the City.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Health Services

Health Services express strong concerns in relation to the proposed addition of four (4) multiple dwellings on level five (5) of the 'under construction' development at No. 440 William Street, Perth. Upon request by the City, the applicant has submitted a preliminary 'Ambient Noise Level Assessment' in relation to the proposed development, dated November 2012 by Herring Storer Acoustics ("*Acoustic Report*"). The Consultant, Herring Storer Acoustics, states the following:

"Noise levels associated with the neighbouring nightclub are such that upgraded construction measures are required for the residential section of the development – particularly glazing treatments. With the proposed upgraded constructions, the internal sound levels set by the Town of Vincent Sound Attenuation Policy can be complied with, however the low frequency content of the noise emissions are such that are likely to remain both audible and annoying within the proposed apartments."

Furthermore, it is stated in the report that:

“The low frequency noise content of the calculated levels within the bedrooms are such that they are likely to be audible and annoying to occupants within the proposed apartments, It is considered likely that the neighbouring nightclub noise emissions will require reduction for noise levels within the proposed apartment to comply with the Town of Vincent Sound Attenuation Policy.”

Health Services conclude from this preliminary “Acoustic Report” that despite recommendations to modify the construction of the development, including proposed glazing and ceiling treatments, the predominant noise (namely low frequency noise in the range of 63 – 200 Hz) from the adjoining nightclub will be unable to be engineered out of the building. The noise impact is expected to cause ongoing disturbance to residents, and therefore Health Services recommend refusal of the application.

Planning

Public Art

As part of the previous approval for the commercial development the applicant agreed to comply with the public art condition. The previous development cost for the site was \$3,500,000, the current development cost for the additions is \$800,000 resulting in the total overall cost for the development being \$4,300,000. On the above basis a new condition in relation to public art contribution is proposed to replace the previous condition, which basically increases the public art contribution, as per the officers recommendation.

Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations

As per Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, the additional storey can be considered subject to complying with the height, essential criteria and one additional requirements which are addressed as follows:

Height

One additional storey not to exceed a height of 3.5 metres.

The height proposed is 4 metres. When the application was first referred to DAC on 20 September 2012, the Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations was not yet adopted by Council. Therefore the applicant was not advised to comply with the 3.5 metres and also DAC did not have any issue with height of the additional storey. In this instance the height variation 4 metres in lieu of 3.5 metres is supported.

Essential Criteria

The variation would not be detrimental to the amenity of the locality, nor will it result in development that would adversely affect the significance of any heritage place or area.

The proposal is located within a commercial zone; the building wall is setback 9.23 metres from the front boundary which minimises the impact on the streetscape in terms of bulk. Moreover the main building walls are setback from the side boundaries which minimise the overbearing of the building on the two adjoining side properties. With respect to the rear property, the building is setback 6 metres, which minimises the impact on the amenity of the apartments in terms of sunlight and ventilation.

The proposed dwelling does not occupy the full area of the site and the proposed design treatment (articulation, detailing and colour) to the building is considered to mitigate the bulkiness and height of the building.

Additional Requirements

The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee.

In this respect the proposed development addressed the Design Advisory Committee recommendations and received their support.

It is also noted that the desired future character for the area in draft Town Planning Scheme No. 2 and associated draft policy identifies this area as District Centre with a proposed height limit of five stories to a maximum of 18 metres (including loft) provided the amenity of the adjacent residential area is protected in terms of privacy, scale, and bulk.

Whilst Health Services has strong concerns of the proposed additional multiple dwellings on noise related grounds, the Herring Storer report states the development can technically achieve compliance with the City's Sound Attenuation Policy 3.5.21, if the necessary sound attenuation measures are implemented. Moreover it is suggested that potential purchasers or tenants would most likely be aware of the surrounding commercial uses, including the adjoining night club. The Section 70 A notification on title will however alert all buyers to this issue. However the council should be mindful that the City is still likely to receive noise complaints even if the above sound attenuation measures, such as glazing and ceiling treatments as indicated in the acoustic report, are implemented.

In light of the above and the concerns raised by Health Services, the planning application is recommended for approval, subject to standard and appropriate conditions.

9.1.5 No. 33 (Lot 421; D/P 301706) Church Street, corner Palmerston Street, Perth – Proposed Change of Use from Warehouse to Office and Unlisted Use (Community Service)

Ward:	South	Date:	7 December 2012
Precinct:	Beaufort; P13	File Ref:	PRO1075; 5.2012.218.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Additional Information 003 – Palmerston Street Q&A		
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 of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Professionals Davenport Commercial on behalf of the owner, N & R Milianku, for Proposed Change of Use from Warehouse to Office and Unlisted Use (Community Service) at No. 33 (Lot 421; D/P 301706) Church Street, corner Palmerston Street, Perth, and as shown on amended plans stamp-dated 23 August 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Church Street and Palmerston Street;
2. the doors, windows and adjacent floor areas fronting Church Street and Palmerston Street shall maintain an active and interactive relationship with these streets;
3. the maximum gross floor area of the office shall be limited to 615 square metres. 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. the hours of operation for the afterhours YouthBeat service shall be limited to 10pm to 3am Thursdays, Fridays and Saturdays;
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. 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;
7. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

7.1 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;

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

8.1 **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; and

8.2 **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

9. 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.

10. **Management Plan**

A detailed Management Plan that addresses the control of noise, traffic, car parking and antisocial behaviour (to reasonable levels) associated with the proposed development shall be submitted and approved by the Chief Executive Officer, prior to the first occupation of the development, and thereafter implemented and maintained;

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

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Harley

“That a new Clause 11 be inserted to read as follows:

11. this approval is valid for five (5) years from the date of approval for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.”

AMENDMENT 1 PUT AND CARRIED (7-2)

For: Cr Buckels, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

Against: Mayor Hon. MacTiernan, Cr Carey

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Carey

“That a new Clause 11 and Advice Note be added to read as follows:

11. this approval is valid for two (2) years from the date of approval for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

ADVICE NOTE

1. The City’s Officers shall review the approved use after a period of eighteen (18) months, with regards to the impact of the land use on the amenity of the locality.”

Debate ensued.

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

“That a new Clause 11 and Advice Note be added to read as follows:

11. this approval is valid for two (2) years from the date of ~~approval~~ **commencement of operation** for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

ADVICE NOTE

1. The City’s Officers shall review the approved use after a period of eighteen (18) months, with regards to the impact of the land use on the amenity of the locality.”

AMENDMENT 2 PUT AND LOST (4-5)

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

Debate ensued.

AMENDMENT 3

Moved Cr Harley, Seconded Cr Pintabona

“That Clause 4 be amended to read as follows:

4. the hours of operation for the afterhours YouthBeat service shall be limited to 10pm to ~~3am~~ **5am** Thursdays, Fridays and Saturdays;

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

Cr Harley departed the Chamber at 7.15pm.

COUNCIL DECISION ITEM 9.1.5

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 Professionals Davenport Commercial on behalf of the owner, N & R Milianku, for Proposed Change of Use from Warehouse to Office and Unlisted Use (Community Service) at No. 33 (Lot 421; D/P 301706) Church Street, corner Palmerston Street, Perth, and as shown on amended plans stamp-dated 23 August 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Church Street and Palmerston Street;
2. the doors, windows and adjacent floor areas fronting Church Street and Palmerston Street shall maintain an active and interactive relationship with these streets;
3. the maximum gross floor area of the office shall be limited to 615 square metres. 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. the hours of operation for the afterhours YouthBeat service shall be limited to 10pm to 5am Thursdays, Fridays and Saturdays;
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. 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;
7. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

7.1 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;

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 8.1 **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; and
- 8.2 **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
9. 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.
10. **Management Plan**
- A detailed Management Plan that addresses the control of noise, traffic, car parking and antisocial behaviour (to reasonable levels) associated with the proposed development shall be submitted and approved by the Chief Executive Officer, prior to the first occupation of the development, and thereafter implemented and maintained; and
11. this approval is valid for five (5) years from the date of approval for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

PURPOSE OF REPORT:

The application is referred to Council for determination given it is a "SA" use and more than five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
23 November 1998	The City approved a development application for the proposed change of use to warehouse (vehicle storage) under delegated authority.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the change of use from warehouse to office and unlisted use (community service) at No. 33 Church Street, Perth. The offices are to be used for the YouthBeat Service, which is run by Mission Australia and the West Australian Police, in partnership with the Department of Child Protection.

The following additional information was provided, which outlines the YouthBeat Service:

"It will operate between 10pm and 3am on Thursday, Friday and Saturday nights to re-connect children under the age of 16 who are found unaccompanied by an adult on the streets of Northbridge and the Perth CBD. They will be collected by either a Mission Australia staff operating the YouthBeat outreach bus service, or by police officers, and brought into the Palmerston Street service centre where they will be assessed while a safe place is found for them to be taken. Any young people picked up who have (or are in the midst of) committing a criminal act, or who are misbehaving under the influence of drugs and alcohol will be taken to a police station, NOT the YouthBeat facility.

We expect an average of around 25 young people will be brought to YouthBeat over the course of the three nights, usually in groups of 2-6, with minimal traffic movement and very little noise disruption. They are young people deemed at risk, who we are trying to re-connect with family and guardians, not young people being punished. If a safe place cannot be found, the young person will be taken to suitable emergency accommodation and our team will continue to work with them to resolve any issues or conflicts they may face.

It's important to note that no young people will be staying in the offices overnight and it is not an accommodation service."

Landowner:	N & R Milianku
Applicant:	Professionals Davenport Commercial
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Office and Unlisted Use
Use Classification:	"AA" and "SA"
Lot Area:	916 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	N/A		
Streetscape	✓		
Roof Form	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	✓		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	✓		

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

Car Parking	
Car parking requirement (nearest whole number) • Office 1 space per 50 square metres of gross floor area Gross Floor Area = 615 square metres = 12.3 car bays Total car bays required = 12.3 car bays	= 12 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required)	(0.65025) = 7.803 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	0.197 car bays

Bicycle Parking
Office (615 square metres): • 1 space per 200 square metres gross floor area (class 1 or 2) = 3.075 spaces • 1 space per 750 square metres over 1000 square metres (class 3) = Nil <u>Required</u> 3.075 spaces = 3 spaces <u>Provided</u> 4 spaces

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	30 October 2012 to 19 November 2012
Comments Received:	Five (5) support, three (3) neither support or object and thirty two (32) objections (1 Late)

Summary of Comments Received:	Officers Technical Comment:
Issue: Noise • Families or guardians collecting children in the early hours of the night might make noise. • Families from less-privileged backgrounds who have returned to do so won't do so quietly. There is the same risk from children who are brought to the centre. • The area consists of hard surfaces, in this environment noise bounces and is amplified.	Dismiss. Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i> . Noise complaints are responded to by the City's Health Services. It is also noted children are not collected from the site by families or guardians.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Security</p> <ul style="list-style-type: none"> • Children might damage properties around the area. • There are enough conflicts in the area and this service will add more conflict to the area. • The proposal should discourage young people to be in the area afterhours; however the proposal encourages the area to be seen as a drop-in centre and gives them reason to keep coming back. • Likelihood for vandalism to vehicles and property will increase and potential revenge-like incidents from those who return to the area at a later date. 	<p>Dismiss. This is not a valid planning objection.</p>
<p>Issue: Young People</p> <ul style="list-style-type: none"> • Young children who roam the streets after hours can be more dangerous than adults roaming the street as they quite often know that the law gives protection to under 16 year olds, and can exploit this. • Young people who are detained will see approaching this centre, with its police presence, as a challenge, and may loiter in hiding until they see their friends released. 	<p>Dismiss. This is not a valid planning objection.</p>
<p>Issue: Parking and Traffic</p> <ul style="list-style-type: none"> • There will be additional traffic generated by the centre. • Direct view of police cars is unwanted. • The parking provided on the plan is not sufficient for the needs of staff, volunteers, police and parents picking up children. 	<p>Dismiss. The proposal provides eight (8) parking spaces, therefore complying with the requirements of the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Proposed use</p> <ul style="list-style-type: none"> • The application states that the site will be used as offices during the day, there is no guarantee that the proposed day-time use will not evolve into a welfare service by indirect means. • There is the potential for a change of use for the site across all hours. 	<p>Dismiss. It is a condition of approval that any further change of use for the subject land shall require Planning Approval to be applied for and obtained from the City.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Location</p> <ul style="list-style-type: none"> • The proposal is not suitable for Palmerston Street. • The change of use is incompatible, and conflicts with the current use of the area. • The proposal will have a negative impact and deactivate the street. • The proposal is highly incompatible with the current uses and zoning of the area. • The proposal will take away the character and feel of the locality. • The proposal will negatively impact on property values. • Changing the facade of the building is not in keeping with the streetscape. 	<p>Dismiss. The proposal complies with the City of Vincent Town Planning Scheme No. 1 and the City's Policies No. 3.1.13 relating to the Beaufort Precinct, No. 3.5.15 relating to Shopfronts and Front Facades to Non-Residential Buildings and No. 3.7.1 relating to Parking and Access.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed office and unlisted use (community service) at No. 33 Church Street:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 3.1.13;
- Shopfronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant 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 proposal uses an existing building for the proposed office and unlisted use (community service). The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose. It is also noted that the development proposes to increase the amount of landscaping on-site.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The proposal facilitates business development within the City, whilst also creating job opportunities within the locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Safer Vincent

In liaison with Coordinator Safer Vincent and WA Police it has been confirmed that the proposed facility will be operated by Mission Australia as a secondary service provider for the Department of Child Protection.

The Northbridge Curfew has been operating on Thursday, Friday and Saturday nights for a number of years. It aims to reduce harm to vulnerable youth present in adult entertainment precincts after the hours of darkness.

The Palmerston Street facility will operate in a joint agency mode only during these curfew times of Thursday, Friday and Saturday night. Juveniles who are apprehended in need of care and protection are taken to the joint agency facility where arrangements are made for a responsible adult to take care of them. Under no circumstances are they released to the area without an appropriate guardian. Any juveniles who have committed offences, are wanted for questioning regarding offences or are under arrest (i.e. bench warrant) will not be taken to this facility, as the joint agency operation is aimed at reducing harms to juveniles and not processing offenders and the centre will not be equipped to deal with custodial matters. All such apprehensions will be dealt with through the local Police Station. It is anticipated that the increased visibility of Police vehicles parked and travelling in the street, knowledge of the location and so forth, will actually serve as a deterrent to anti-social behaviour. This may also assist with addressing recent stealing from vehicles and other crime in the area.

Planning Services

The proposed change of use complies with the City of Vincent Town Planning Scheme No. 1 and the City's Policies No. 3.1.13 relating to the Beaufort Precinct, No. 3.5.15 relating to Shopfronts and Front Facades to Non-Residential Buildings and No. 3.7.1 relating to Parking and Access.

In view of the above, it is recommended that the Council approve the development, subject to standard and appropriate conditions.

9.1.6 No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn – Proposed Construction of Three-Storey Office Building Comprising Four (4) Offices and Associated Parking

Ward:	North	Date:	7 December 2012
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		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Bollig Design Group on behalf of the owners, A Mazzitelli, B A Matteo, D Mazzitelli and Tropicast Investments Pty Ltd, for Proposed Construction of Three-Storey Office Building comprising Four (4) Offices and Associated Parking at No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 17 August 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road;
2. the owners shall make application to obtain the consent of the owners of Nos. 104-106 & 112 Scarborough Beach Road and No. 95 Hobart Street for entry onto their land, 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 walls are to be fully rendered or face brickwork;
3. 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;
4. 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;
5. the maximum gross floor area of the office shall be limited to 668.8 square metres. 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;
6. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

6.1 Cash-in-lieu

- 6.1.1 pay a cash-in-lieu contribution of \$15,575 for the equivalent value of 4.45 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

6.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$15,575 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;

6.2 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;

6.3 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;

6.4 Privacy Screening

The second floor northern and eastern office windows and the balcony on the second floor on the northern elevation, 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;

6.5 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:

- 6.5.1 provision of increased soft landscaping of ten (10%) percent of the total site with a view to significantly reduce areas of hardstand and paving;
- 6.5.2 the location and type of existing and proposed trees and plants;
- 6.5.3 all vegetation including lawns;
- 6.5.4 areas to be irrigated or reticulated and such method;
- 6.5.5 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.5.6 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);

6.6 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;

6.7 Schedule of External Finishes

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

6.8 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;

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

7.1 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; and

7.2 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

7.3 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;

8. 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 NOTE:

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.

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

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr McGrath

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (5-3)

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

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

PURPOSE OF REPORT:

The application is referred to Council for determination given it is a three-storey development.

BACKGROUND:

History:

Date	Comment
14 April 2009	The Council at its Ordinary Meeting resolved to approve a development application for the proposed demolition of an existing building (hire yard/open air display) and construction of a three-storey mixed use development comprising six (6) multiple dwellings, two (2) offices and associated basement car parking at Nos. 110-112 Scarborough Beach Road, Mount Hawthorn.
14 October 2011	The City under delegated authority approved a development application for the demolition of existing commercial building and construction of two storey commercial building comprising office and medical consulting rooms at Nos. 110-112 Scarborough Beach Road, Mount Hawthorn.

Previous Reports to Council:

Nil.

DETAILS:

The application proposes the construction of a three-storey office building and associated parking. The building comprises four (4) offices, with a gross floor area of 668.8 square metres.

Landowner:	A Mazzitelli, B A Matteo, D Mazzitelli and Tropicoast Investments Pty Ltd
Applicant:	Bollig Design Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Vacant lot
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	407 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	N/A		
Streetscape	✓		
Roof Form			✓
Front Fence	N/A		
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys			✓
Open Space			✓
Bicycles			✓
Access & Parking			✓
Privacy			✓
Solar Access	✓		
Site Works			✓
Essential Facilities	N/A		
Surveillance	✓		

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

Issue/Design Element:	Roof Form
Requirement:	Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	Flat 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:	<p><i>“The Mount Hawthorn Precinct states the building height of three storeys can be considered provided “the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk”.</i></p> <p><i>The architectural scale and form proposed is consistent with this policy in style, form and rhythm articulating the buildings to follow the current street patterning to the east, within the traditional streetscape of the Mount Hawthorn Precinct, stepping up to the scale of the recently approved adjacent buildings to the west with the third storey (refer streetscape drawings).</i></p> <p><i>In this context the proposed building design places a strong emphasis on the adjacent properties’ amenity in terms of privacy with no overlooking issues being applicable due to either substantial setbacks and appropriate window placement, and the appropriate 1.6 metre high visually impermeable screening to the balcony.”</i></p>
Officer technical comment:	<p>The proposed roof pitch complies with the Performance Criteria as it is considered that it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the design of the proposal.</p> <p>The proposal is in keeping with the existing streetscape, as the adjoining eastern dwellings and the building approved on the adjoining western property each have flat roofs.</p> <p>It is noted that the proposed building does not result in any undue overshadowing of the adjoining properties; with the shadow falling over Scarborough Beach Road.</p>

Issue/Design Element:	Front Setback
Requirement:	Residential Design Elements SADC 5 Ground Floor The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development. Average setback: 2.4 metres.

Issue/Design Element:	Front Setback
	<p><u>Upper Floor</u> A minimum of two metres behind each portion of the ground floor setback.</p> <p><u>Balconies</u> A minimum of one metre behind the ground floor setback.</p>
Applicants Proposal:	<p><u>Ground Floor</u> 0.6 metre – 7.5 metres.</p> <p><u>Upper Floors</u> In-line with the ground floor – 5.8 metres in front of the ground floor.</p> <p><u>Balconies</u> 0.6 metres – 7.5 metres in front of the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5 Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“The front boundary setbacks vary depending upon the level of the building: -</i></p> <ul style="list-style-type: none"> • <i>The ground floor setback varies from 1 metre on the western boundary to 8 metres on the eastern boundary.</i> • <i>The first floor level setback generally follows the angled front boundary with a 1.6 metre setback.</i> • <i>The second floor setback varies with the projecting feature balcony having a nil setback with the glazing line being setback 1.8 metres from the face of the balcony.</i> <p><i>The front facade windows are designed to facilitate ingress of light and visual permeability to the street frontage whilst the eastern side facade is designed to minimise overlooking and also achieve natural light ingress.”</i></p>

Issue/Design Element:	Front Setback
Officer technical comment:	<p>The proposed street setbacks are considered supportable in this instance as they maintain the streetscape character and the amenity of the adjoining properties, as there are examples of the adjoining eastern properties having a nil – 2.5 metres setback to the ground floor, with the balcony being in line with the ground floor. It is also noted that the proposed building setbacks are in keeping with the building approved on the adjoining western property.</p> <p>The proposed building does not result in any undue overshadowing of the adjoining properties; with the shadow falling over Scarborough Beach Road.</p>

Issue/Design Element:	Vehicular Access
Requirement:	<p>Residential Design Codes Clause 6.5.4 A4.3</p> <p>Formed driveways no close than 0.5 metres to a side lot boundary</p>
Applicants Proposal:	Driveway abuts the side lot boundary
Performance Criteria:	<p>Residential Design Codes Clause 6.5.4 P4</p> <p>Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape.</p>
Applicant justification summary:	<ul style="list-style-type: none"> <i>The vehicular access as previously highlighted is also from Scarborough Beach Road to the rear visually screened secured car parking. As previously highlighted the crossover has been located adjacent to the adjoining eastern property's crossover in order to maximise the continuous pedestrian footpath distances between crossover interruptions.</i>
Officer technical comment:	<p>The proposed vehicular access on the eastern boundary with a nil setback complies with the Performance Criteria provisions in this instance, as the vehicular access is strategically abutting the neighbouring driveway to minimise the number of crossovers and limit the impact on the streetscape.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Non-Residential/Residential Development Interface Policy No. 3.4.3</p> <p><u>Rear Setback</u> 6 metres</p> <p>Residential Design Codes Clause 6.3.1 A1</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</p> <p><u>Second Floor</u> Rear Setback: 1.5 metres – 5 metres Eastern wall: 2.5 metres – 6.7 metres</p>

Issue/Design Element:	Building Setbacks
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; • 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>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>

Issue/Design Element:	Building Setbacks
	<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.</p> <p><u>Eastern boundary</u> Length: 35.29 metres. Average height: 6.7 metres. Maximum height: 7.4 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>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>

Issue/Design Element:	Building Height/Building Storeys
Requirement:	<p>Residential Design Elements BDADC 5 Two (2) storey plus loft.</p> <p>Top of external wall (concealed roof): 7 metres.</p>
Applicants Proposal:	<p>Three (3) storeys.</p> <p>Top of external wall (concealed roof): 11 metres.</p>
Performance Criteria:	<p>Residential Design Elements BPDC 5 Building height is to be considered to:</p> <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 the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.

Issue/Design Element:	Building Height/Building Storeys
<p>Applicant justification summary:</p>	<p><i>“The height proposed for this development is considered appropriate in context of its “Mount Hawthorn Centre Precinct” boundary location and also in context of the recently approved height of the western building on Lots 443 and 444. The stepped nature of the building design to the east acknowledges the scale and an appropriate relationship with the adjoining residential buildings.</i></p> <p><i>The Scarborough Beach Road Urban Design Framework acknowledges maximum building heights up to 3 storeys with “staggering of the maximum height ...to provide suitable transition to adjacent lower residential zones”.</i></p> <p><i>The City’s Policy notes that it may consider height variations where it can be demonstrated that the development is compatible with the precinct’s objectives and that there is no unreasonable loss of amenity for neighbouring properties. The design outcomes proposed are clearly compatible and respectful of these conditions.</i></p> <p><i>The orientation of the lot with the building being directly to the north side of Scarborough Beach Road results in no overshadowing with the vast majority of the overshadowing being on Scarborough Beach Road.</i></p> <p><i>We confirm that the balconies to the rear of the development will incorporate a 1600mm high balustrade with semi opaque glazing or a masonry upstand (as has been approved elsewhere within the City) to ensure that neighbouring properties’ privacy is maintained.”</i></p>
<p>Officer technical comment:</p>	<p>The proposed development is considered to comply with the performance criteria in this instance as the building is not considered to dominate the streetscape. The third storey of the development is located along the western side of the site occupying approximately 43.7 per cent of the frontage, which abuts the approved adjoining western three-storey development with it being setback from the adjoining residential properties.</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>As it is a condition of approval for the proposed building to comply with Clause 6.8.1 “Visual Privacy” A1 of the R-Codes, the proposed building will not result in visual intrusion on the adjoining residential properties.</p> <p>The proposal is considered to maintain the character and integrity of the existing streetscape, as the third storey does not extend for the full width of the site, with it stepping down to the eastern boundary. This allows for the proposal to act as a transition between the three-storey development approved on the adjoining western property and the two-storey residential properties on the adjoining eastern property.</p>

Issue/Design Element:	Open Space
Requirement:	Non-Residential/Residential Development Interface Policy No. 3.4.3 Ten per cent of the site area for non-residential development adjacent to residential areas is to be landscaped, where possible this is to include front setback areas.
Applicants Proposal:	4.51 per cent of the site area is landscaped.
Performance Criteria:	Not Applicable
Applicant justification summary:	No justification received.
Officer technical comment:	It is a condition of approval that a landscape plan is submitted showing the provision of increased soft landscaping of ten (10%) percent of the total site with a view to significantly reduce areas of hardstand and paving.

Issue/Design Element:	Privacy
Requirement:	Residential Design Codes Clause 6.8.1 A1 Office 6 metres cone of vision setback.
Applicants Proposal:	<u>Northern boundary</u> 5 metres – 5.4 metres cone of vision setback <u>Eastern boundary</u> 4.5 metres – 5.4 metres cone of vision setback
Performance Criteria:	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. Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass. Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity. 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.
Applicant justification summary:	No justification received.
Officer technical comment:	The second floor northern and eastern windows and the balcony on the northern elevation do not comply with the Performance Criteria of the R-Codes as there is the potential to look directly into the rear of the adjoining northern properties. It is condition of approval that these windows are to be screened in accordance with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.

Issue/Design Element:	Site Works
Requirement:	Residential Design Elements BDADC 7 Retaining walls do not exceed 500 millimetres in height. Written justification must be provided for any retaining wall over 500 millimetres in conjunction with an application to commence development outlining the purpose and reason for an over-height retaining wall.
Applicants Proposal:	<u>Western boundary</u> Excavating up to 1.38 metres. <u>Northern boundary</u> Excavating up to 1.38 metres. <u>Eastern boundary</u> Excavating up to 0.88 metres.
Performance Criteria:	Residential Design Elements BPDC 7 Minimise changes to natural ground level of the development lot.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposed development is considered to comply with the Performance Criteria provisions in this instance as the development retains the visual impression of the natural level of the site, as seen from both Scarborough Beach Road and the adjoining properties. It is due to the sloping nature of the site to the front south-eastern corner, that the excavation and retaining of the site exceeds 500 millimetres to the rear of the site.

Car Parking	
Car parking requirement (nearest whole number) • Office 1 space per 50 square metres gross floor area Gross Floor Area: 668.74 square metres = 13.37 Total car bays required = 13.37	= 13 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.95 (within 400 metres of a public car parking place with in excess of 25 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required)	(0.72675) = 9.45 car bays
Minus the car parking provided on-site	5 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	4.45 car bays

Bicycle Parking
Office: • 1 space per 200 square metres gross floor area (class 1 or 2) = 3.34 spaces • 1 space per 750 square metres over 1000 square metres (class 3) = Nil <u>Required</u> 3.34 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 proposed shortfall of 4.45 is supported in this instance, subject to the payment of cash-in-lieu for the bays, as 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 car bays is considered acceptable 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.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	6 November 2012 to 27 November 2012
Comments Received:	Five (5) objections

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Roof Form</p> <ul style="list-style-type: none"> The flat roof proposed does not complement the existing streetscape and will significantly impact on the aesthetics of the street, due to its bulkiness. 	Dismiss. It is considered that the roof form does not unduly increase the bulk of the building and as such complies with the Performance Criteria provisions as stated in the Residential Design Elements, BDPC 3.
<p>Issue: Building Setbacks</p> <ul style="list-style-type: none"> The proposed setbacks are considerable less than the acceptable development standard. The decrease in setback requirements for the eastern boundary will increase the bulk and scale of the development and significantly affect the aesthetics of the adjoining property. 	Dismiss. The proposed northern (rear) and eastern setbacks will not result in an undue impact, in terms of visual impact and access to direct sun and ventilation, on the adjoining properties and therefore complies with the Performance Criteria provisions in the Residential Design Codes clause 6.3.1 P1.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Buildings on Boundary</p> <ul style="list-style-type: none"> The boundary wall heights are significantly outside the acceptable development standard. The proposed wall height of 6.7m (average) and 7.4m (maximum) along the entire boundary will create a significant visual barrier, reducing light to adjacent properties and significantly reducing the aesthetics of the neighbouring common area. The white aluminium cladding proposed on the side of the building will create considerable glare. 	<p>Dismiss. 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 and therefore complies with the Performance Criteria provisions states in the Residential design Codes clause 6.3.2 P2.</p> <p>Dismiss. The finish of the eastern wall is predominantly rendered and painted brickwork, with two minor sections of the third floor comprising grey aluminium cladding. This is not considered to produce a significant amount of glare.</p>
<p>Issue: Building height/Building Storeys</p> <ul style="list-style-type: none"> The proposed 11 metre wall will be a significant eyesore to adjoining neighbours and will alter the scale of their properties. Overshadowing will occur because of the three (3) storey building standing at 11 metres high and it will significantly reduce the afternoon sun to outdoor living areas on Hobart Street. The height of the building is not keeping with the aesthetics of the adjoining properties and is significantly higher than the acceptable development standard of 7 metres. 	<p>Dismiss. The building height is not considered to be dominant on the streetscape and complies with the performance criteria outlined in the Residential Design Elements, DPDC 5.</p> <p>Dismiss. The overshadowing of this development complies, as there is no undue impact on adjoining properties with the shadow occupying Scarborough Beach Road.</p> <p>Dismiss.</p>
<p>Issue: Open Space/Landscaping</p> <ul style="list-style-type: none"> Concerned about the visual impact and aesthetics of the development, particularly as such a small area of the property will be landscaped, much less than the required 10% stated in the acceptable development standard. This will add to the "bulky" appearance of the property and will further be exacerbated by the minimal setbacks from the boundary and the height and scale of the proposed development. 	<p>Supported. A condition has been imposed to submit a landscaping plan showing an increase in soft landscaping of 10%.</p>
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> The proposed 'terrace' over the ground floor at the rear of the building is elevated approximately 3 metres above the adjacent backyard and despite the proposed wall of 1.6m above this, would permit clear vision over and down onto the adjoining backyard as well as into our rear living room and bedroom above. 	<p>Dismiss. A 1.6 metre wall has been proposed to comply with Clause 6.8.1 <i>Visual Privacy</i> of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> The proposed first floor balcony has clear vision into the adjacent neighbours backyard, rear living room and bedroom. The office space full height first floor window closest to the rear boundary would permit unimpeded vision down into the adjacent neighbour's outdoor living area, living area and bedroom. Balcony on second floor will have an adverse impact on our property. 	<p>Dismiss. A 1.6 metre wall has been proposed to comply with Clause 6.8.1 <i>Visual Privacy</i> of the R-Codes.</p> <p>Supported. A condition has been imposed to ensure the second floor northern and eastern windows and 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, in accordance with the Acceptable Development provisions of Clause 6.8.1 <i>Visual Privacy</i> of the R-Codes.</p>
<p>Issue: Cut and Fill</p> <ul style="list-style-type: none"> Through a maximum of 1.38m excavation is indicated for the northern boundary, heights shown in the northern elevation drawing suggest more than this, particularly in light of the depth of footings below the indicated ground floor line. This excavation is likely to destroy root system of a large tree in the adjoining neighbours property as it is very close to the rear boundary, killing or at the very least destabilising it. Concern regarding the excavation of the site, given its past history of use as a petrol station and the potential for site contamination. 	<p>Dismiss. The excavation complies with the Performance Criteria provisions outline in the Residential Design Elements BPDC 7, as it retains the visual impression of the natural level of the site, as seen from both Scarborough Beach Road and the adjoining properties.</p> <p>Dismiss. Health Services have approved development on the site.</p>
<p>Issue: Vehicular Access</p> <ul style="list-style-type: none"> The proposed driveway does not meet the minimum setback distance of 0.5m stated in the acceptable development standard, this has the potential to increase noise to our property, particularly during business hours. 	<p>Dismiss. The proposed vehicular access on the eastern boundary with a nil setback complies with the Performance Criteria of the Residential Design Codes provisions in this instance, as the vehicular access is strategically abutting the neighbouring driveway to minimise the number of crossovers and limit the impact on the streetscape.</p>
<p>Issue: Car parking</p> <ul style="list-style-type: none"> I note that 13 parking bays represent an 'acceptable development standard' for this proposal but only 5 on-site bays have been planned for, the likely outcome being even more parking pressure on the already crowded neighbouring streets. The shortfall of car parking will increase traffic along the residential streets, creating a safety concern. In addition, will increase the already existing issue of on-street parking. 	<p>Dismiss. Thirteen (13) car bays refers to the figure prior to the application of adjustment factors and as such the shortfall is 4.45 car bays. As this is a high frequency public transport route, providing alternative forms of transport to the site cash-in-lieu has been supported in this instance.</p> <p>Dismiss. See Above.</p>

Summary of Comments Received:	Officers Technical Comment:
Issue: Vacant Lot <ul style="list-style-type: none">The vacant lot is covered in weeds, grass and is a concern to residents as it may be a potential fire hazard.	Supported. An advice note has been included.

Design Advisory Committee:

Referred to Design Advisory Committee: 4 July 2012

Summary of Design Advisory Committee Comments:

1. *Reduce the requirement for a 6.0 metre wide access driveway (in part) to enable the introduction of office space at ground level visually connected back to the street. This may function as a reception area but must be permanently staffed or inhabited.*

Applicant's Response to Design Advisory Committee Comments:

1. *The ground floor formally addresses Scarborough Beach Road via an entrance – lift lobby and with a vehicular access to the rear secured car parking. The ground floor lobby incorporates substantial glazing and permeability between the street and the interior areas. The entry to the retail areas is in accordance with the Universal Access and ACROD Standards.*

LEGAL/POLICY:

The following legislation and policies apply to the three-storey office building at No. 110 Scarborough Beach Road:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy No. 3.1.1;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Sound Attenuation Policy No. 3.5.21; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant 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 development consists predominantly of a non-permeable surface. As there are limited permeable surfaces, stormwater management is important. The proposal also has limited environmental design features incorporated.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The construction of the building will assist in creating employment opportunities. In addition, the proposed office land use 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 & CONCLUSION:

The overall scale of the proposed three-storey office building is considered to be consistent with the type of development desired within this locality. It is considered that the proposal is in keeping with the type of development and building form stipulated within the City's Precinct Policy No. 3.1.1 relating to the Mount Hawthorn Precinct.

It is considered that the proposed shortfall of 4.45 car parking bays is supportable in this instance due to the availability of alternate forms of transport and the proposed development providing interaction with the street at a pedestrian level from the ground floor of the building.

In accordance with the City's Policies No. 3.1.1 relating to the Mount Hawthorn Precinct, No. 3.4.3 relating to Non-Residential/Residential Development Interface, No. 3.7.1 relating to Parking and Access and the R-Codes, the proposed three-storey office building is in keeping with the desired built form, whilst providing a greater range services to the local community.

In view of the above, it is recommended that the Council approve the development, subject to standard and appropriate conditions.

9.1.7 No. 281 (Lot 17; D/P 1561) Vincent Street, Leederville – Proposed Demolition of Existing Single House and Construction of Four-Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings, Two (2) Three Bedroom Multiple Dwellings, Two (2) Home Offices and Associated Parking

Ward:	South	Date:	7 December 2012
Precinct:	Oxford Centre; P4	File Ref:	PRO4724; 5.2012.420.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Written Submission dated 20 September 2012 003 – Applicant’s Response to Design Advisory Committee Recommendations 004 – 3D Drawing Demonstrating Direct Sun Access 005 – Power Line Section		
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 Bold Green Developments on behalf of the owner, P Taylor, for Proposed Demolition of Existing Single House and Construction of Four-Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings, Two (2) Three Bedroom Multiple Dwelling, Two (2) Home Offices and Associated Parking at No. 281 (Lot 17; D/P 1561) Vincent Street, Leederville, and as shown on plans stamp-dated 4 December 2012, subject to the following conditions:

1. a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
2. the two home offices are limited to a business carried out solely within a dwelling by a resident of units 1 and 2 which does not:
 - 2.1 entail clients or customers travelling to and from the dwelling;
 - 2.2 involve any advertising signs on the premises; or
 - 2.3 require any external change to the appearance of the dwelling;
3. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street;
4. any new street/front wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the City’s Leederville Town Centre Masterplan and Built Form Guidelines;
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;

6. the owners shall make application to obtain the consent of the owners of Nos. 279 & 283 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 279 & 283 Vincent Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
7. detailed facade treatments, anti-graffiti coatings and 'unfriendly' shrubbery against walls are to be incorporated to prevent unwanted graffiti;
8. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

8.1 **Western Power**

The applicant should gain approval of Western Power in relation to the proposed development;

8.2 **Amended Plans**

Amended plans are required demonstrating that the details on the keyplan match their respective floor plans;

8.3 **Underground Power**

In accordance with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Vincent Street frontage of the property are to be undergrounded (with the exception of the high voltage lines), at the Developer's full cost. The developer is required to liaise with both the City of Vincent and Western Power to comply with the respective requirements;

8.4 **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;

8.5 **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:

- 8.5.1 a minimum of fifty (50) percent of the street setback area shall be landscaped;
- 8.5.2 provision of increased soft landscaping of to ten (10) percent of the total site with a view to significantly reduce areas of hardstand and paving;
- 8.5.3 the location and type of existing and proposed trees and plants;
- 8.5.4 all vegetation including lawns;

- 8.5.5 areas to be irrigated or reticulated and such method;
- 8.5.6 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 8.5.7 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 in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

8.6 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:

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

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

8.7 Schedule of External Finishes

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

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

9.1 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;

9.2 Vehicular Entry Gates

Any proposed vehicular entry gates shall be a minimum 70 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;

9.3 Clothes Drying

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

9.4 Residential Car Bays

A minimum of ten (10) and two (2) car bays shall be provided for the residents and visitors respectively. The twelve (12) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

9.5 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

9.6 Bicycle Parking

Three (3) and one (1) bicycle bays for the residents and visitors of the development shall be provided; and

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

COUNCIL DECISION ITEM 9.1.7

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Harley returned to the Chamber at 7.16pm.

Debate ensued.

Cr Wilcox and Cr Carey departed the Chamber at 7.19pm.

Debate ensued.

Cr Wilcox and Cr Carey returned to the Chamber at 7.21pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises four (4) or more dwellings and it is a four (4) storey development.

BACKGROUND:

History:

Date	Comment
2 June 2009	The City under delegated authority approved a development application for a shed addition to existing single house.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the demolition of existing single house and construction of a four-storey building comprising eight (8) two bedroom multiple dwellings, two (2) three bedroom multiple dwellings, two (2) home offices and associated parking at No. 281 Vincent Street, Leederville.

Landowner:	P Taylor
Applicant:	Bold Green Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	521 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	N/A		
Outdoor Living Areas			✓
Landscaping			✓
Bicycles			✓
Access & Parking			✓
Privacy	✓		
Solar Access			✓
Site Works	✓		
Essential Facilities			✓
Surveillance	✓		
Dwelling Size	N/A		
Leederville Masterplan			✓

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

Issue/Design Element:	Density/Plot Ratio
Requirement:	Leederville Town Centre Masterplan and Built Form Guidelines Precinct 7 Plot ratio: 1.5 (781.5 square metres)
Applicants Proposal:	Plot ratio: 1.69 (881.45 square metres)
Performance Criteria:	Not Applicable.
Applicant justification summary:	<i>"Complies with Acceptable development standard: The design has been amended to comply with plot ratio."</i>
Officer technical comment:	<p>The proposed plot ratio is considered supportable in this instance as the Leederville Town Centre Masterplan and Built Form Guidelines outlines that the vision for Precinct 7 "Carr Place Residential Precinct" <i>is to introduce sliding densities to encourage the amalgamation of smaller lots to allow for more substantial development within the Carr Place Residential Precinct.</i></p> <p>The proposal is consistent with the Leederville Town Centre Masterplan and Built Form Guidelines as the aim for the locality is to increase density and the quality of housing within the precinct.</p> <p>The proposed development is consistent with the desired character of the locality, where the proposal will aid in developing the future character of the area. It is considered that the proposed building respects the adjoining properties, as the proposal has a greater rear setback from rear properties therefore minimising the bulk and scale of the development on the single storey dwellings to the rear.</p> <p>It is noted that the proposed building envelope maintains the amenity of the adjoining properties with regards to overshadowing, solar access, ventilation and building bulk.</p>

Issue/Design Element:	Roof Form
Requirement:	Residential Design Elements BDADC 3 Roof pitches between 30 degrees and 45 degrees (inclusive).
Applicants Proposal:	25 degree roof pitch
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.

Issue/Design Element:	Roof Form
Officer technical comment:	<p>The proposed roof pitch complies with the Performance Criteria as it is considered that it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the design of the proposal.</p> <p>As the overall building height complies with the four-storey height limit under the City's Leederville Town Centre Masterplan and Built Form Guidelines, it is considered that the proposal will not have an undue impact on the existing and desired future streetscape.</p> <p>It is also noted that the overshadowing complies with the Performance Criteria provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; as the overshadowing is clear of major openings, balconies or verandahs and solar collectors, with the shadow being clear of the predominant outdoor living area, with the overshadowing falling over 81.8 square metres of the 250 square metres backyard.</p>
Issue/Design Element:	Front Setback
Requirement:	<p>Leederville Town Centre Masterplan and Built Form Guidelines Precinct 7</p> <p>One to two-storey developments with Vincent Street frontage are to be setback 4 metres from the Vincent Street boundary. Any development above two storeys is to be setback a minimum of 7 metres from the Vincent Street boundary. The area created by the setback is to be adequately landscaped. Vehicle parking is not to be located in the setback area. Developments within the 7 metres of the Vincent Street boundary are subject to approval from Western Power and may be subject to Metropolitan Region Scheme road widening requirements.</p>
Applicants Proposal:	<p>Second Floor: 5.5 metres to the balcony and 7.14 – 8.09 metres to the main building line. Third Floor: 5.5 metres to the balcony and 8.09 metres to the main building line.</p>
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>"Front Setbacks.</i> <i>We have taken a similar Performance Criteria approach here, and based the setback on our understanding of Western Power's need, rather than any prescriptive dimension. The Scheme document permits this.</i></p> <p><i>In our experience, and this was again confirmed from a direct conversation I had with a Western Power spokesman, a minimum of 6 metres clearance from 132kVa power lines is required. As the lines are more than 0.5 metres from the front property boundary, we chose to setback the second, third and fourth stories of the building a minimum of 5.5 metres from the front (balanced with 5.5 metre setback at the rear). The attached section helps to demonstrate in 3D.</i></p> <p><i>However, if necessary to get the support of your Planning Officer, we can shift the whole building back another 0.5 metres without affecting the car park column grid. The rear setback will reduce to 5 metres but this still exceeds the minimum requirement of 4 metres."</i></p>

Issue/Design Element:	Front Setback
Officer technical comment:	It is a condition of approval that the applicant seeks approval from Western Power prior to the submission of a building permit for the 5.5 metre setback to Vincent Street to the second and third storeys.
Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.2</p> <p><u>Ground Floor</u> Eastern boundary: 3 metres</p> <p><u>First Floor</u> Eastern boundary: 3 metres Western boundary: 3 metres</p> <p><u>Second Floor</u> Eastern boundary: 3 metres Western boundary: 3 metres</p> <p><u>Third Floor</u> Eastern boundary: 3 metres Western boundary: 3 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Eastern boundary: 2.6 metres</p> <p><u>First Floor</u> Eastern boundary: 1 metre Western boundary: 1 metre</p> <p><u>Second Floor</u> Eastern boundary: 1 metre – 1.7 metres Western boundary: 1 metre</p> <p><u>Third Floor</u> Eastern boundary: 1.5 metres – 3.6 metres Western boundary: 1.4 metres – 2.4 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1</p> <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><i>“We believe the current design satisfies the Performance requirements.</i></p> <p><i>However, to receive the Planning Officer’s endorsement, we will modify the design so that ALL apartments receive daylight, direct sun and ventilation to ALL habitable rooms.</i></p> <p><i>Windows and Privacy screens to 1.6m in all overlooking conditions (see drawings).”</i></p>

Issue/Design Element:	Building Setbacks
Officer technical comment:	<p>The proposed setback to the ground floor eastern boundary and the first, second and third floor eastern and western boundaries comply with the Performance Criteria as they provide for adequate daylight, direct sun and ventilation to both the subject site and the adjoining properties, with it also having minimal impact on the building bulk to adjoining properties.</p> <p>The building has been designed with it stepping in from the boundary to ensure windows provide adequate daylight.</p> <p>The overshadowing of the development complies with the Performance Criteria provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; as the overshadowing is clear of major openings, balconies or verandahs and solar collectors, with the shadow being clear of the predominant outdoor living area, with the overshadowing falling over 81.8 square metres of the 250 square metres backyard.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Boundary Wall
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>Permitted length: 30.87 metres Permitted maximum: 7 metres Permitted average: 6 metres</p>
Applicants Proposal:	<p>Boundary walls to two side boundaries.</p> <p><u>Eastern boundary</u> Length: 25.18 metres Maximum height: 7.97 metres Average height: 6.36 metres</p> <p><u>Western boundary</u> Length: 25.18 metres Maximum height: 8.29 metres Average height: 6.74 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.

Issue/Design Element:	Boundary Wall
Applicant justification summary:	<p><i>"We will modify the design so that ALL apartments receive daylight, direct sun and ventilation to ALL habitable rooms.</i></p> <p><i>Parapet walls are modulated to moderate visual impact.</i></p> <p><i>Parapet walls approx. 30% of site length.</i></p> <p><i>Neighbours have no objection to parapet wall."</i></p>
Officer technical comment:	<p>The proposed eastern and western boundary walls comply with the Performance Criteria as they provide for adequate daylight, direct sun and ventilation to both the subject site and the adjoining properties, with it also having minimal impact on the building bulk to adjoining properties.</p> <p>The overshadowing of the development complies with the Performance Criteria provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; as the overshadowing is clear of major openings, balconies or verandahs and solar collectors, with the shadow being clear of the predominant outdoor living area, with the overshadowing falling over 81.8 square metres of the 250 square metres backyard.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Outdoor Living Areas
Requirement:	<p>Residential Design Codes Clause 7.3.1 A1 Each unit is to be provided with at least one balcony or equivalent, accessed directly from a habitable room with a minimum area of 10 sq m and a minimum dimension of 2.4 m.</p>
Applicants Proposal:	Balconies have a minimum dimension of 2 metres and a minimum area of 10 square metres.
Performance Criteria:	<p>Residential Design Codes Clause 7.3.1 P1 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</p>
Applicant justification summary:	<i>"Balconies will be enlarged to minimum of 10 square metres."</i>
Officer technical comment:	<p>The proposal is considered to comply with the Performance Criteria in this instance as each of the multiple dwellings have been provided with a balcony which is capable of use in conjunction with a habitable room and open to winter sun, where possible.</p> <p>As each of the balconies have been increased to a minimum area of 10 square metres in accordance with the Acceptable Development provisions of Clause 7.3.1 A1 of the R-Codes, it is considered that the minimum dimension of 2 metres is in keeping with the requirements of the R-Codes as the balconies are of an adequate size.</p>

Issue/Design Element:	Outdoor Living Areas
	It is also noted that although the minimum dimension of the balconies is 2 metres; due to the shape of the balconies, it is possible to achieve a dimension of 2.4 metres in length and width within each balcony, therefore it is considered to be in keeping with the requirements of Clause 7.3.1 of the R-Codes.

Issue/Design Element:	Landscaping
Requirement:	Residential Design Codes Clause 7.3.2 A2 The street setback areas developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface.
Applicants Proposal:	No landscaping proposed.
Performance Criteria:	Residential Design Codes Clause 7.3.2 P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that: <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape.
Applicant justification summary:	<i>"A landscaping Plan showing < 50% hard surface will be developed during design development."</i>
Officer technical comment:	It is a condition of approval that a landscape and reticulation plan is submitted in accordance with the requirements of the R-Codes and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

Issue/Design Element:	Access and Parking
Requirement:	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. Visitors: 0.25 spaces per dwelling 10 x 0.25 = 2.5 = 3 spaces Residential Design Codes Clause 7.3.4 A4.2 Visitors' spaces, including bicycle spaces, must be: <ul style="list-style-type: none"> • clearly marked; • located close to and clearly signposted from the point of entry to the development and outside any security barrier; and providing a barrier-free path of travel for people with disabilities.
Applicants Proposal:	2 visitor spaces provided Visitor spaces are located behind a security barrier.
Performance Criteria:	Residential Design Codes Clause 7.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other offsite parking; and • the location of the proposed development in relation to public transport and other facilities.

Issue/Design Element:	Access and Parking
	<p>Residential Design Codes Clause 7.3.4 P4.1 and P4.2 Car parking facilities designed and located to be convenient, secure and consistent with streetscape objectives.</p> <p>The setting of vehicle accommodation does not detract from the streetscape or appearance of the development.</p>
Applicant justification summary:	<p><i>"Number of car spaces complies.</i></p> <p><i>Bicycle racks are provided on the wall of each resident's car space.</i></p> <p><i>Development is < 400m to 2 train stations. Bus route on Vincent Street."</i></p>
Officer technical comment:	<p>The provision of two visitor bays is considered to comply with the Performance Criteria in this instance as the subject site is located along Vincent Street, where there are a number of street parking bays and public parking bays within a close proximity to the development. It is also noted that there is sufficient public transport access to the site via bus and train.</p> <p>The proposed car parking configuration provides for the spaces to be conveniently located and secure, with the proposal having no parking bays located within the street setback area, therefore maintaining the existing streetscape and complying with the City's Leederville Town Centre Masterplan and Built Form Guidelines.</p> <p>It is also noted that the location of the visitor bays does not detract from the streetscape or appearance of the development.</p>

Issue/Design Element:	Bicycles
Requirement:	<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>
Applicants Proposal:	Bicycle racks provided.
Performance Criteria:	<p>Residential Design Codes Clause 7.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other offsite parking; and • the location of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	<p><i>"Number of car spaces complies.</i></p> <p><i>Bicycle racks are provided on the wall of each resident's car space.</i></p> <p><i>Development is < 400m to 2 train stations. Bus route on Vincent Street."</i></p>
Officer technical comment:	It is a condition of approval that 4 bicycle spaces are provided comprising three for residents and one for visitors in accordance with the Acceptable Development provisions of Clause 7.3.3 A3.2 of the R-Codes.

Issue/Design Element:	Solar Access
Requirement:	Residential Design Codes Clause 7.4.2 A2 Not Applicable
Applicants Proposal:	Not Applicable.
Performance Criteria:	Residential Design Codes Clause 7.4.2 P2 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow: <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 provided.
Officer technical comment:	The overshadowing of the development complies with the Performance Criteria provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; as the overshadowing is clear of major openings, balconies or verandahs and solar collectors, with the shadow being clear of the predominant outdoor living area, with the overshadowing falling over 81.8 square metres of the 250 square metres backyard.

Issue/Design Element:	Essential Facilities
Requirement:	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. Residential Design Codes Clause 7.4.7 A7.3 Developments are provided with: <ul style="list-style-type: none"> • an adequate communal area set aside for clothes-drying, screened from the primary or secondary street; or • clothes drying facilities excluding electric clothes dryers screened, from public view, provided for each multiple dwelling.
Applicants Proposal:	Stores have a minimum dimension less than 1.5 metre and an internal area less than 4 square metres. No outdoor clothes-drying area provided.
Performance Criteria:	Residential Design Codes Clause 7.4.7 P7 Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are: <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of the locality.
Applicant justification summary:	<i>“Bicycle racks are provided in basement</i> <i>“Dirty” store conveniently beside entrance.</i> <i>Substantial built-in floor to ceiling cupboards and internal wall units more than comparable apartments totals much more than the required performance standard.”</i>

Issue/Design Element:	Essential Facilities
Officer technical comment:	<p>The proposed internal dimension and area of the storage areas to each of the dwelling is considered to comply with Performance Criteria in this instance as they are considered to be adequate for the needs of residents without having a detrimental effect on the amenity of the locality.</p> <p>The 0.9 metre minimum dimension is considered to be sufficient in this instance as within each of the storage areas there they are able to achieve the 1.5 metres in length and width for a portion of it, which allows for adequate access to the stores and therefore maintains their usability.</p> <p>It is a condition of approval that each multiple dwelling is to be provided with screened outdoor area for clothes drying.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	23 October 2012 to 13 November 2012
Comments Received:	Three (3) support and two (2) objection

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Building Height</p> <ul style="list-style-type: none"> Four storeys are too high. Four storeys will result in overshadowing of adjoining properties. 	<p>Dismiss. The proposal complies with the four-storey building height permitted under the City's Leederville Town Centre Masterplan and Built Form Guidelines. No height variation is being sought. The proposal complies with solar access requirements.</p>
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> Balconies from the rear overlook the adjoining western, eastern and southern properties. 	<p>Supported and addressed. The amended plans propose screening to the rear balconies, with all windows and balconies complying with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>
<p>Issue: Number of Variations</p> <ul style="list-style-type: none"> The R-codes in conjunction with the Masterplan give guidelines for the development of the area as a whole, so the end result is a cohesive/well designed area where architectural form, size and style flows between the areas (for example the transitional area to residential in Carr place). Each application, including this one, has pushed outside that Masterplan to such a degree that if they were all built outside the guidelines it would appear that there is no form or design forethought put in. Assessing this in isolation is a mistake - it should adhere to the r-codes and the Masterplan to ensure development in Leederville is 	<p>Dismiss. The proposal dwelling aligns with the Leederville Town Centre Masterplan and Built Form Guidelines proposing a four-storey residential development. The proposed building complies with the relevant Acceptable Development and Performance Criteria of the City's policies and the R-Codes. It is also noted that the R-Codes states the following:</p> <p><i>"The acceptable development provisions illustrate one way of satisfactorily meeting the corresponding performance criterion, and are provided as examples of acceptable design outcomes. Acceptable development provisions are intended to provide a straightforward pathway to assessment and approval; compliance with an acceptable development provision automatically means</i></p>

Summary of Comments Received:	Officers Technical Comment:
<p>planned, managed and gives a consistent outcome.</p> <ul style="list-style-type: none"> • Property values and quality of life (noise/privacy) will be effected negatively with developments outside the guidelines. • The R-codes and masterplan guidelines should be enforced so that Leederville develops in a controlled manner and produces a sustainable and liveable solution for us all rather than just building whatever where ever with no overarching plan. 	<p><i>compliance with the corresponding performance criterion, and thus fulfilment of the objective.</i></p> <p><i>The codes have been designed to provide a clear choice for applicants to select either a performance criteria approach for assessment, an acceptable development provision approach, or a combination of the two."</i></p>

Design Advisory Committee:

Referred to Design Advisory Committee: 20 July 2012

Summary of Design Advisory Committee Comments:

1. *Engagement with the street is critical and is achievable with the introduction of part residential or retail/commercial space at ground level. A courtyard that addresses the street should accompany this space.*
2. *The ground level parking arrangement should be reviewed to assist with the improvement of street activation. A concession in the crossover width could be considered to increase the available width of ground level accommodation addressing the street. Please note the current proposal includes a surplus of 4 car bays.*
3. *Reduce the building footprint and increase the height of the building. This could reduce the extent of building required on the boundary and decrease the impact on the adjacent side boundaries.*
4. *Liaise with the senior planning officer/s to define the actual planning parameters affecting the site, in particular height and plot ratio parameters.*
5. *Re-design rear balcony to meet privacy requirements.*

Applicant's Response to Design Advisory Committee Comments:

1. *The two lower floor apartments now have Home Offices on the ground floor, setback 4 metres as stipulated by the guidelines. They will have a landscaped courtyard in front.*
2. *The crossover has been positioned so as to preserve the street tree. The crossover will remain in its existing position. Car numbers meets the requirements.*
3. *The height of the wall on the boundary complies with the 7 metres. The length of the wall on the boundary is considerable less than two-thirds of the boundary length.*
4. *Both side neighbours adversely affected have given their consent. If required, a further Amenity Impact Statement will be provided.*
5. *Privacy screens of frosted glass will be incorporated up to 1800 millimetres along the south facing balconies.*

Amended plans were presented to the Design Advisory Committee at its meeting held on 23 August 2012. The Design Advisory Committee provided the following comments:

1. *A street setback for the upper levels of 7.0m is required. (City of Vincent Policy).*
2. *Reduce the impact of the street façade, consider lowering the height of the red 'blade' wall.*
3. *Combine upper level balconies with conforming minimum dimensions.*
4. *Introduce conforming privacy screening to all balconies.*
5. *Increase the width of the entrance path.*
6. *Re-consider the central stair in terms of the space requirement and experiential benefit. Consider placing the stair to the edge.*
7. *Offset entrance doors to front apartments to improve privacy.*
8. *Add a north point and setback dimensions to assist with reading the drawings.*

The Applicant's response to the Design Advisory Committees comments is as follows:

1. *With plans now conforming with Design Advisory Committee comments of 23 August 2012, we will submit and seek Western Power's final approval that the proposed clearance exceeds their minimum requirement.*
2. *The height of the red "blade" wall has been reduced.*
3. *The balconies have been combined and relocated to the north and south, now conforming with minimum widths. East and west facing balconies have been removed and replaced with a roof/setback.*
4. *Translucent privacy screening up to 1.6 metres has been applied to south facade, and windows are above 1.8 metres on east and west walls.*
5. *Entrance path has been widened. Stairs up have been centralised in a more formal fashion.*
6. *The central stair has been moved to the side, where it receives natural light from the side as well as the skylight through an atrium. The space has been rationalised and the entry experienced enhanced.*
7. *The main entrance to the front first floor units is off the entry steps landing. A resident's back door has been retained.*
8. *North points have been added.*

The Design Advisory Committee has reviewed the amended plans and notes the following:

1. *Assess balcony sizes for compliant dimensions. The balconies are critical amenities for the apartments.*
2. *Review proposed setbacks, the dimension information provided is unclear and makes assessment difficult. We recommend setbacks conform with the requirements of the policy.*
3. *Review store sizes for conformity and modify as required.*
4. *Provide cone of vision diagrams to demonstrate conformity with privacy requirements or demonstrate impact on adjacent properties.*

5. *The central stair design requires significant space that is detrimental to the functioning of the apartment bathrooms and store sizes. We previously note the potential to reconfigure the stair, reducing space requirement and increasing bathroom sizes and rear setback.*

The Applicant's response to the Design Advisory Committees comments is as follows:

1. **Balconies.** *Section 6.4.3 Performance Criteria P3 requires "Balconies or equivalent outdoor areas which provide open space appurtenant to the dwelling" but does not specify any size or dimension.*

The two Penthouses and two first floor front units have generous balconies. Of the remaining six, it is our view that the orientation of the balconies as an extension of the internal living space, meets the Performance Criteria in an innovative. If, to obtain your Planning Officer's support however, you insist we enlarge the balconies to 10 square metres, we can simply do this by shifting the glass line into the living space, though this seems like robbing Peter to pay Paul. Another way is to extend the balconies on the side wings. Please advise.

2. **Front Setbacks.** *We have taken a similar Performance Criteria approach here, and based the setback on our understanding of Western Power's need, rather than any prescriptive dimension. The Scheme document permits this.*

In our experience, and this was again confirmed from a direct conversation I had with a Western Power spokesman, a minimum of 6 metres clearance from 132kVa power lines is required. As the lines are more than 0.5 metres from the front property boundary, we chose to setback the second, third and fourth stories of the building a minimum of 5.5 metres from the front (balanced with 5.5 metre setback at the rear). The attached section helps to demonstrate in 3D.

However, if necessary to get the support of your Planning Officer, we can shift the whole building back another 0.5 metres without affecting the car park column grid. The rear setback will reduce to 5 metres but this still exceeds the minimum requirement of 4 metres.

3. **Store Rooms** *are covered under Section 6.10.3 Essential Facilities Performance Criteria P3 and requires "Provision made for external storage, rubbish collection/storage areas that are (i) adequate for the needs of residents; and (ii) without detriment to the amenity of the locality."*

In our Performance Criteria solution, we have aimed to provide more than adequate store where it is most useful. Each unit has bicycle racks on the rear wall of their basement car space. A "dirty" store room has been provided adjacent to the front door, which we believe is a far more practical location than the basement. In addition, we have provided extensive floor to ceiling built-in cupboards and a wall unit almost the full length increasing the noise separation in the party wall. If all the storage provided were totalled up, it would exceed that normally provided in other comparable developments.

As a contingency, there is space on the roof to provide store rooms if you insist.

4. **Privacy and Vision Cones.** *The front facing windows are facing a street and a park across the road. Of the side windows, the bathroom windows are set higher than 1600 millimetres thus ensuring no one can see in or out and the second bedroom windows are protected by a "nib" wall which ensures privacy.*

The rear balconies have obscured glass screens up to 1600 millimetres as required, thus ensuring there is no overlooking or privacy issues. During the design, we have consistently taken privacy into account, but it will take a little time to produce vision cones if you insist.

5. **Central Stair.** *This comment appears to be a Design Advisory Committee design preference and we thank them for their view.*

We believe our stair is a major design feature, which visually link through an atrium stair, all the residents in a classic European way. This central stair provides natural light and ventilation into what is normally a nasty air-locked waste of space. We intend to install either a water feature or sculptural element as a focal point, seen as you enter the building. Incidentally the response from buyers/investors and the Valuer has been fantastic.

Provided we satisfy all bathroom, store room and setback performance requirements (points 2 and 3 above), we feel that there is no obligation for us to redesign this central stair, indeed we believe it would be counter-productive.

LEGAL/POLICY:

The following legislation and policies apply to the four-storey building comprising eight (8) two bedroom multiple dwellings, two (2) three bedroom multiple dwellings, two (2) home offices and associated parking at No. 281 Vincent Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Town Centre Masterplan and Built Form Guidelines;
- Oxford Centre Precinct Policy No. 3.1.4;
- Residential Design Elements Policy No. 3.2.1; and
- Multiple Dwellings in Residential Zones Policy No. 3.4.8.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation. The dwellings all have eastern light to their living areas and all have cross ventilation given their design. These design elements have the potential to reduce the need or reliance on artificial heating and cooling as well as high levels of artificial lighting.	
The development consists predominantly of a non-permeable surface. As there are limited permeable surfaces, stormwater management is important.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and 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 provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the subject proposal is not considered to have an undue impact on the amenity of the locality as it is within the height requirements and the proposed plot ratio is in keeping with the desired future development of the locality.

The design of the building, with regards to street setback, side and rear building setbacks and roof forms will not have an undue impact on the surrounding properties in terms of bulk, where the proposed development will significantly contribute to a change in the area and will contribute to the diversity in housing types that is a long-term strategic goal for the City of Vincent.

In respect of the Design Advisory Committee comments and response by the applicant it is considered that the proposal has significantly improved through a number of iterations and is considered to be generally consistent with the objectives and intentions of the City's Leederville Town Centre Masterplan and Built Form Guidelines.

In view of the above, the application is supportable as it is considered that the proposal complies with the Performance Criteria of the Residential Design Codes, the City's Residential Design Elements Policy No. 3.2.1 and the Leederville Town Centre Masterplan and Built Form Guidelines. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.8 No. 287 (Lot 140; D/P 3784) Walcott Street, North Perth – Proposed Construction of Three (3) Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling and Associated Car Parking

Ward:	North	Date:	7 December 2012
Precinct:	North Perth; P8	File Ref:	PRO3788; 5.2012.345.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 22 October 2012 003 – Applicant’s Response to Design Advisory Committee Recommendations dated 16 November 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 GDD Design Group Pty Ltd on behalf of the owners, Coastwood Nominees Pty Ltd, for Proposed Construction of Three (3) Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking at No. 287 (Lot 140; D/P 3784) Walcott Street, North Perth, and as shown on plans stamped 22 October 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Walcott Street;
2. any new street/front wall, fence and gate within the Walcott 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;
3. 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;
4. the owners shall make application to obtain the consent of the owners of No. 285 Walcott Street and No. 1 Clieveden Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 285 Walcott Street and No. 1 Clieveden Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
5. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

5.1 Construction Management Plan

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

5.2 Landscape and Reticulation Plan

A detailed landscape and reticulation plan 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:

- 5.2.1 provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 5.2.2 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;
- 5.2.3 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;
- 5.2.4 the location and type of existing and proposed trees and plants;
- 5.2.5 all vegetation including lawns;
- 5.2.6 areas to be irrigated or reticulated;
- 5.2.7 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.2.8 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

5.3 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;

5.4 Schedule of External Finishes

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

5.5 Department of Planning

The applicant should comply with any comments received by the Department of Planning in relation to the proposed development;

6. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 6.1 **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;
- 6.2 **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;
- 6.3 **Clothes Dryer**
Each multiple dwelling shall be provided with a screened outdoor area for clothes drying;
- 6.4 **Residential Car Bays**
A minimum of seven (7) and two (2) car bays shall be provided for the residents and visitors respectively. The nine (9) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;
- 6.5 **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
- 6.6 **Bicycle Parking**
Three (3) and one (1) bicycle bays for the residents and visitors of the development shall be provided; and
7. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Carey

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (5-4)

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

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises four (4) or more dwellings and it is a three (3) storey development.

BACKGROUND:

History:

Date	Comment
16 January 2008	A development application for the proposed demolition of existing single house and construction of three (3) two-storey grouped dwellings was approved under delegated authority.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the construction of a three-storey building comprising eight (8) two bedroom multiple dwellings, one (1) single bedroom multiple dwelling and associated car parking at No. 287 Walcott Street, North Perth.

Landowner:	Coastwood Nominees Pty Ltd
Applicant:	GDD Design Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	835 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:	Roof Forms
Requirement:	Residential Design Elements BDADC 3 Roof pitches between 30 degrees and 45 degrees (inclusive).
Applicants Proposal:	Flat roof and 5 degree roof pitch.
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:	<i>"The roof form better adapts to the existing street line and helps reduce the buildings bulk and scale from the street. The roof form contributes to some overshadowing on the adjoining southern boundary, however the proposal as on 38.37 per cent coverage and does not distract from the neighbours outdoor living space."</i>
Officer technical comment:	<p>The proposed roof pitch complies with the Performance Criteria as it considered that it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the contemporary design of the proposal.</p> <p>As the overall building height complies with the Acceptable Development provisions of Clause 7.1.2 "Building Height" of the R-Codes in accordance with the City's Policy No. 3.4.8 relating to Multiple Dwellings, along with Walcott Street being a District Distributor road on the Perth Metropolitan Area Functional Road Hierarchy, it considered that the proposal will not have an undue impact on the existing and desired future streetscape.</p> <p>It is also noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 330 square metres (30.84 per cent), whereas 535 square metres (50 per cent) is permitted.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5</p> <p><u>Ground Floor</u> The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development.</p> <p>Average setback: 7.68 metres.</p> <p><u>Balconies</u> A minimum of 1 metre behind the ground floor setback.</p>

Issue/Design Element:	Front Setback
Applicants Proposal:	<p><u>Ground Floor</u> 6.95 metres – 10 metres.</p> <p><u>First and Second Floor Balconies</u> In-line with the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5 Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“A minimum street setback of 7.68 metres to the ground floor and additional 1 metre setback to balconies above on the first and second levels is required. We have reduced the initial setback of 5.5 metres to 6.956 metres to try and accommodate the minimum requirements requested. The face of the first and second floor balconies are in line with the ground floor, however we have staggered the main building structure back another 3.75 metres to reduce the impact to the street. Also considering the shape of the site to the street, the proposal even though reduced does not result in any overlooking and therefore achievable without detriment to the amenity of others.”</i></p>
Officer technical comment:	<p>The proposed ground floor setback and the setback to the balconies are considered to comply with the Performance Criteria in this instance.</p> <p>The location of the proposed building results in the proposed ground floor street setback being a minimum 6.95 metres to a maximum of 10 metres, which assists in reducing the building bulk on Walcott Street. It is noted that 1.15 metres of the building sits forward of the required 7.68 metres, with the average setback of the proposed building being greater than the required 7.68 metres. As the proposed variation to the ground floor is 0.73 metres with the majority of the building being setback greater than the required 7.68 metres, it will not result in undue building bulk on the Walcott Street and is considered to be in keeping with the existing streetscape.</p>

Issue/Design Element:	Front Setback
	<p>Although the balconies to the first and second floors are flush with the ground floor setback, they are not considered to have an undue impact on the streetscape. The proposed balconies are setback behind the ground floor terrace, which aids in minimising undue building bulk from the balconies being flush with the ground floor wall, as it provides a roofed separation between the ground floor level and the upper floors.</p> <p>The amenity of the adjoining properties is maintained as the proposal is setback to maintain access to light and ventilation to the adjoining properties, along with the proposal complying with the Acceptable Development provision of Clause 7.4.1 "Visual Privacy" of the R-Codes therefore maintaining privacy between the subject site and adjoining properties. It is also noted that there is no car parking located within the street setback area, which aids in maintaining the traditional streetscape.</p>
	<p>The proposed landscaping space within the front setback area is typical of a residential development, with it complying with the Acceptable Development provisions of Clause 7.3.2 "Landscaping" of the R-Codes, with there being sufficient space provided for vegetation to grow.</p> <p>The proposed overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 330 square metres (30.84 per cent), whereas 535 square metres (50 per cent) is permitted.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.1 <u>Second Floor</u> Northern boundary: 9 metres (to balconies)</p>
Applicants Proposal:	<p><u>Second Floor</u> Northern boundary: 7.53 metres (to balconies)</p> <p>Note: All other building setbacks are compliant with the Acceptable Development provisions.</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.

Issue/Design Element:	Building Setbacks
<p>Applicant justification summary:</p>	<p><i>“The setback to the northern boundary is now compliant as per the R-Codes figure 2d, the distance between the bedroom wall and the living wall being 3 metres is treated as an independent wall length of 7.46 metres and with a wall height of 9.7 metres and no major opening is permissible to have a minimum setback of 1.5 metres. The proposed setback is 1.872 metre and therefore compliant.</i></p> <p><i>The walls from between Apartments 2 and 3 and 4 and 5 (similarly 6 and 7 and 8 and 9) are 6 metres apart and 3.5 metre setback between the balconies to apartments and again has an independent wall length of 15.6 metres and with a wall height of 8.8 metres, no major opening it is permissible to have a setback of 2.6 metres. The proposed setback is 4.1 metres and therefore compliant.</i></p> <p><i>The setbacks to the southern boundary now comply as per the R-Codes, with the walkway being set off the boundary 2 metres and the entire first and second levels have been reduced to 4.3 metres.</i></p> <p><i>There has also been privacy screens introduced to Apartments 5 and 9 so that there are no overlooking or privacy issues to the western boundary. All balconies to this development that face the northern boundary are set 7.5 metres from the boundary so privacy screens are not needed.</i></p> <p><i>As previously stated the proposed development has been scaled down in terms of general bulk and we have tried to introduce as much landscaping as possible to soften the impact to the streetscape and adjoining neighbours.”</i></p>
<p>Officer technical comment:</p>	<p>The proposed setback to the second floor northern wall of the three balconies comply with the performance Criteria as it provides for adequate daylight, direct sun and ventilation to the adjoining property, with it also having minimal impact on the building bulk to adjoining properties.</p> <p>The overshadowing of the development complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 330 square metres (30.84 per cent), whereas 535 square metres (50 per cent) is permitted.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 “Visual Privacy” A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Boundary Wall
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: 3.5 metres Average height: 3 metres</p>
Applicants Proposal:	<p>Boundary walls to two side boundaries.</p> <p><u>Southern boundary</u> Length: 25.5 metres Maximum height: 2.1 metres Average height: 1.48 metres</p> <p><u>Western boundary</u> Length: 1.7 metres Maximum height: 1.6 metres Average height: 1.5 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposal complies with the performance Criteria as it provides for adequate daylight, direct sun and ventilation to the adjoining property, with it also having minimal impact on the building bulk to adjoining properties.</p> <p>The southern and western boundary walls individually comply with the length and height requirements of Clause 7.1.4 “Side and Rear Setbacks” A4.4, with the height of each wall being in keeping with the height of a dividing fence; therefore it is considered that boundary walls to two side boundaries does not have an adverse impact on the building bulk to the adjoining properties.</p> <p>The overshadowing of the development complies with the Acceptable Development provision of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes; with the overshadowing being 330 square metres (30.84 per cent), whereas 535 square metres (50 per cent) is permitted.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 “Visual Privacy” A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Privacy
Requirement:	Residential Design Codes Clause 7.4.1 A1 Bedroom 4.5 metres cone of vision setback.
Applicants Proposal:	<u>Northern boundary</u> First Floor: 3.5 metres cone of vision setback Second Floor: 3.5 metres cone of vision setback
Performance Criteria:	Residential Design Codes Clause 7.4.1 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.
Applicant justification summary:	No justification received.
Officer technical comment:	The first and second floor bedrooms comply with the Performance Criteria in this instance as they do not result in the direct overlooking of an active habitable space. The adjoining northern property is approved as consulting rooms therefore the windows predominantly overlook the car parking associated with this use.

Issue/Design Element:	Site Works
Requirement:	Residential Design Elements BDADC 7 Excavation or filling proposed between the building line and street boundary, does not exceed 500 millimetres, except where strictly necessary to provide access for pedestrians or vehicles, or natural light for a dwelling. Retaining walls do not exceed 500 millimetres in height. Written justification must be provided for any retaining wall over 500 millimetres in conjunction with an application to commence development outlining the purpose and reason for an over-height retaining wall.
Applicants Proposal:	Eastern boundary: Excavating up to 1.25 metres Southern boundary: Excavating up to 2.1 metres Northern boundary: Excavating up to 0.95 metres
Performance Criteria:	Residential Design Elements BDPC 7 Minimise changes to natural ground level of the development lot.
Applicant justification summary:	<i>"We have design the ground level apartment, in particular the carpark to maintain matching levels with the gradient of Walcott Street to ensure safe pedestrian and vehicle access on and off the site."</i>
Officer technical comment:	The proposed development complies with the Performance Criteria as the development retains the visual impression of the natural level of the site, as seen from both Walcott Street and the adjoining properties. It is due to the sloping nature of the site to the rear north-western corner, that the excavation of the site exceeds 500 millimetres.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	11 September 2012 to 2 October 2012
Comments Received:	Eight (8) objections.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Visual Privacy</p> <ul style="list-style-type: none"> The proposed development will have a significant impact on amenity as the current proposed screening is grossly inadequate to alleviate overlooking and maintain visual privacy. The western ends of the balconies to the southern elevation are not screened. Despite them being landings they function in the same manner as balconies and are will inside the required 7.5 metre setback zone. The balconies of apartments 5 and 9 are inadequately screened to the northern elevation. The cone of vision has not been shown from these balconies and the 1800 high screen return to the northern face of the balconies does not adequately screen the balcony to meet the 7.5 metre setback provisions of the codes. This is unacceptable and we ask that the Council address this concern with a requirement for extra screening or a design of the balconies within the required setback. 	<p>Supported and Addressed. Amended plans have been received confirming that all major openings to the first and second floors on the rear elevations have been screened up to 1.6 metres above the finished floor level, in accordance with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p> <p>Screening has been provided to windows along all façades, with the proposed balconies being setback 7.5 metres from the northern boundary, therefore complying with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes; and protecting privacy between the subject site and the adjoining properties.</p>
<p>Issue: Acoustic Privacy</p> <ul style="list-style-type: none"> There is a concern over the acoustic impact of the proximity of the balconies to Apartments 5 and 9. These balconies provide the major outdoor living spaces for these apartments and as they are currently only 1.5 metres from the boundary, there is the potential for significant noise impact on adjacent sleeping areas and outdoor living space. We ask that the Council make consideration of the acoustic impact and the possible measures to attenuate sound from these areas. 	<p>Dismiss. This is not a valid planning objection. Acoustic Noise is cover by the Environmental Protection (Noise) Regulations 1997.</p>
<p>Issue: Building Height</p> <ul style="list-style-type: none"> The height of the development is particularly concerning. The proposal exceeds the 9 metre height limit and they have excavated considerably to achieve the three storey design which does not fit within the desired building envelope. The excessive height is within the three metres of a common boundary and there has been no scaling down of the development as it borders the 	<p>Dismiss. The proposal complies with the Performance Criteria of Clause 7.1.2 "Building Height" of the R-Codes as it provides for adequate sun and daylight to major openings and outdoor living areas. The height limit for Walcott Street is three storeys in the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p> <p>It is noted that the overshadowing complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 330 square metres</p>

Summary of Comments Received:	Officers Technical Comment:
<p>residential developments of a considerably smaller scale west.</p> <ul style="list-style-type: none"> This development will impose a structure of significantly detrimental visual bulk to the adjoining outdoor living areas. The visual bulk will be out of place and incompatible with the rear and neighbouring houses (and North Perth more generally) and will negatively impact the streetscape of the area. 	<p>(30.84 per cent), whereas 535 square metres (50 per cent) is permitted</p>
<p>Issue: Setbacks</p> <ul style="list-style-type: none"> This development has proposed a number of setback relaxations in order to achieve their desired planning outcomes. The current density of the development would not be possible without the relaxation of these provisions. To request some minor relaxations of the setback provisions may be considered reasonable but to require them on all sides of the development except one suggests that the size of the development or the overall planning is inappropriate for the land size. Properties or future properties to the south will be seriously visually impacted by the bulk of the proposed development. 	<p>Dismiss. All but the northern setbacks of three balconies comply with the Acceptable Development provisions. The proposed setback to the second floor northern wall balconies comply with the performance Criteria as it provides for adequate daylight, direct sun and ventilation to the adjoining property, with it also having minimal impact on the building bulk to adjoining properties.</p> <p>The overshadowing of the development complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 330 square metres (30.84 per cent), whereas 535 square metres (50 per cent) is permitted.</p> <p>The proposal also complies with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p> <p>The proposal complies with the Acceptable Development provisions of Clause 7.1.1 "Building Size" A1 of the R-Codes, relating to plot ratio.</p>
<p>Issue: Landscaping</p> <ul style="list-style-type: none"> Concerns about the lack of provision for adequate landscaping. North Perth is a suburb with significant mature landscaping and the requirement of the Council to permit a maximum of 50 per cent hardstand should be strictly adhered to so as to preserve the long term environment of North Perth. The vegetation represented on the Northern Elevation is unlikely as there is no provision for adequate planting zones for large trees and the southern 	<p>Supported and Addressed. Amended plans have been received with the proposed landscaping being provided in accordance with the Acceptable Development provisions of Clause 7.3.2 "Landscaping" of the R-Codes. The proposal is also conditioned to provide significant landscaping in accordance with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.</p> <p>The 50 per cent requirement is for the front setback area and the application complies.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>planting zones will be constantly shaded and are highly inadequate to support native vegetation, if any, currently encouraged by the City of Vincent.</p> <ul style="list-style-type: none"> The calculations of the landscaping do not represent the real shortfall of adequately vegetated area that will exist on a site of this nature and the long term possibilities for realistic mature vegetation growth. We ask the Council to strictly impose the provisions for a maximum of 50% hardstand and look at the proposed landscaping with the future of the mature vegetation possibilities in mind. 	
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> The parking layout does not meet visitor car parking requirements as noted in the Council assessment. The decision to place the visitor parking behind the barrier gates makes it extremely difficult for visitors to access the site. Despite the parking meeting the numerical requirements of the regulations there is a real parking shortfall that will majorly impact the local area. Eight of the apartments are two bedrooms and there is a very real possibility that owners and occupiers will have more than one car. There are limited provisions for safe street parking in Walcott Street, so the resultant car parking overflow will undoubtedly end up in Clieveden Street. This is unacceptable and should be addressed by the Council either by the reduction of dwelling numbers or the requirement to increase on-site parking. These days with more than one car per household, then parking becomes a problem. 	<p>Dismiss. The number of car parking spaces exceeds that required by the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes. Amended plans have also been provided which removed the security gate, therefore the location of the visitor bays comply with the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes.</p>
<p>Issue: Plot Ratio</p> <ul style="list-style-type: none"> Building size/plot ratio is not consistent with the neighbourhood. Asking to increase plot ratio from 0.7 to 0.8067 is another example of creating high density area. 	<p>Supported and Addressed. Amended plans have been received with the proposed plot ratio being reduced to comply with the Acceptable Development provisions of Clause 7.1.1 "Building Size" of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • Too many flats are proposed. • Letting blocks be subdivided that once was a house on a good size block, now houses 2 or 3 storey "houses" (not in keeping with the old style of buildings). 	

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

1. *The proposed approach to elevating all accommodation with no apartment (habitable rooms + openings) or tenancy connection to the ground level street frontage is not supported by the DAC. The DAC does not recommend this approach be approved as it does not contribute to the activation of the street and should not be encouraged with future developments.*
2. *The ground level is to be activated with either an apartment, townhouse or commercial/office or retail tenancy.*
3. *Increase the street connection with the front apartments by providing fenestrations in the large white wall (additional window to living area) and lower level sills for windows to the front bedrooms.*
4. *Reduce the bulk and height of the north elevation to reduce the impact to the adjacent property Lot 139. This can be achieved by reducing the height of the parapet walls to be lower than the roof.*
5. *Alternatively consider pitching the roof in the opposite direction providing better shade to the north elevation.*
6. *Increase the size and provide more design consideration to the proposed street landscaped area.*
7. *Improve access to the apartments by relocating bins and stores in the southern side passage.*
8. *Re-design visitor bays to conform to the City of Vincent requirements.*

Applicant's Response to Design Advisory Committee Comments:

1. *We have addressed this point as per the Design Advisory Committee's request, by adding an additional 1 Bedroom Apartment to the ground floor to provide interaction to the site.*
2. *We have addressed this point as per the Design Advisory Committee's request, by adding an additional 1 Bedroom Apartment to the ground floor to provide interaction to the site.*
3. *This point has been addressed, by adding additional windows to both living areas on both levels, however the bedroom sill remains at the same height as our proximity to the boundary will cause overlooking and privacy issues to the adjoining neighbours.*
4. *All of the parapet walls and roof heights have been amended to comply with the R-Codes and the City of Vincent's design requirements.*

5. *We have also taken this point into account and have amended the roof pitch so that it appears consistent with the fall of the street.*
6. *The front landscaped area has been redesigned to increase the landscaping to the street. The increase in landscaped area is a result of the building setback increased to be in line with the City of Vincent's street setbacks policies.*
7. *We have redesigned the bin storage and storerooms behind the building as recommended.*
8. *We have removed the security gate from our design so that both visitor bays and bicycles comply with the R-Codes and the City of Vincent's technical design requirements.*

The Design Advisory Committee has reviewed the amended plans and notes the following:

1. *Reduce the height and bulk associated with the two (2) main portions of the main building with a proposed height of ten (10) metres; this should be reduced to nine (9) metres or raked to decrease the bulk of the building.*
2. *Should consider moving the access way to the centre of the development and create a larger outdoor courtyard for Apartment 1 to facilitate better outdoor amenity.*
3. *Requires amendments to the ground floor bedroom of Apartment 1 to improve natural lighting, at present insufficient natural lighting will be achieved.*
4. *Consider decreasing the sill levels to improve the street connection with the most northern apartments.*
5. *The wrap around highlight windows on the eastern and western elevations should be full length windows as opposed to highlight windows to create a more interactive streetscape with Walcott Street and to limit the bulky aesthetic of the development.*
6. *The views from the balconies of Apartment 7 and 8 are limited, should consider proposing window openings with louvers from the kitchen, to create a more active space.*
7. *Some issues have been part-way addressed from the initial drawings.*
8. *The Design Advisory Committee (DAC) are of the view that in the event amended plans were submitted reflecting the abovementioned changes the proposed development would be greatly improved and supported by the DAC.*

Applicant's Response to Design Advisory Committee review of amended plans as follows:

1. The amended plans illustrate the maximum wall height for the proposal will be 9 metres in accordance with the recommendations made by the DAC, to reduce the bulk of the development.
2. Stores 1 and 2 have been moved to abut the wall of Apartment 1, to enable a larger courtyard for Apartment 1. This is in line with the DAC requesting more active habitable space for the subject Apartment. Furthermore, due to design constraints the proposal is unable to have a pathway to the centre of the development.
3. Apartment 1 has been reconfigured to try and receive as much northern sunlight as possible into the bedroom, as such the ensuite has been moved the rear of the apartment and the bedroom is now located in the centre which provides a better angle for natural sunlight.
4. The sills levels have increased on the eastern elevation to achieve a better street connection.

5. the wrap around highlight windows have been amended on the eastern and western elevations, with the introduction of full length windows to create a better streetscape connection with Walcott Street and reduce the aesthetic bulk of the proposal.
6. Windows have been incorporated into the wall between Apartments 8 and 9s balcony and kitchen, to create a more active space.
7. The applicant has amended their designs to satisfy the requests of the DAC.

LEGAL/POLICY:

The following legislation and policies apply to the three-storey building comprising eight (8) two bedroom multiple dwellings, one (1) single bedroom multiple dwelling and associated car parking at No. 287 Walcott Street:

- 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
- Multiple Dwellings in Residential Zones Policy No. 3.4.8.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation. The dwellings all have eastern light to their living areas and all have cross ventilation given their design. These design elements have the potential to reduce the need or reliance on artificial heating and cooling as well as high levels of artificial lighting.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and 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 provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS & CONCLUSION:

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the subject proposal is not considered to have an undue impact on the amenity of the locality as it is within the plot ratio and in a precinct of larger buildings.

The design of building, with regards to street setback, side and rear building setbacks and roof forms will not have an undue impact on the surrounding properties in terms of bulk and the City's Design Advisory Committee have provided their support in respect of the design, sitting and context of the proposal on Walcott Street.

In view of the above, the application is supportable as it is considered that the proposal complies with the Performance Criteria of the Residential Design Codes and the City's Residential Design Elements Policy No. 3.2.1. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.10 No. 49 (Lot 802; D/P 72694) Norfolk Street, North Perth – Proposed Construction of Two-Storey Single House

Ward:	South	Date:	7 December 2012
Precinct:	Norfolk; P10	File Ref:	PRO5784; 5.2012.289.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification received 10 September 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, REFUSES the application submitted by Lorimer Homes Pty Ltd on behalf of the owner, B & S Bairstow for Proposed Construction of Two-Storey Single House at No. 49 (Lot 802; D/P 72694) Norfolk Street, North Perth, and as shown on plans stamp dated 9 November 2012, for the following reasons:

1. non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, with regards to the following Clauses:
 - 1.1 Clause 6.4.1 “Open Space Provision” relating to the amount of open space provided onsite;
 - 1.2 Clause 6.4.2 “Outdoor Living Areas” relating to the extent of permanent roof cover; and
 - 1.3 Clause 6.9.1 “Solar Access for Adjoining Sites” relating to the extent of overshadowing on the adjoining property;
2. the proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1 to:
 - 2.1 cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
 - 2.2 protect and enhance the health, safety and general welfare of the Town’s inhabitants and the social, physical and cultural environment;
 - 2.3 ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 2.3.1 recognises the individual character and needs of localities within the Scheme zone area; and
 - 2.3.2 can respond readily to change; and
 - 2.4 co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –
 - 2.4.1 makes optimum use of the Town’s growing infrastructure and resources;

- 2.4.2 promotes an energy efficient environment; and
- 2.4.3 respects the natural environment; and
3. the proposed two-storey single house would create an undesirable precedent for development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.
-

COUNCIL DECISION ITEM 9.1.10

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.30pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.32pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Harley

That the item be DEFERRED to allow the Applicant to clarify several matters with the City's Planning Officers.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The application is referred to Council for determination at the request of the applicant as the administration's recommendation is to refuse the application.

BACKGROUND:

History:

Date	Comment
26 July 2011	The Council conditionally approved a development application for the demolition and construction of four (4) two-storey grouped dwellings at No. 36 Burt Street, North Perth.
21 March 2011	The Western Australian Planning Commission conditionally approved a four (4) lot freehold (green title) subdivision application on No. 36 Burt Street, North Perth.
1 December 2011	The Western Australian Planning Commission endorsed the Deposited Plan for the four (4) lot freehold (green title) subdivision application on No. 36 Burt Street, North Perth, which comprises No. 36 Burt Street and Nos. 49, 51 and 53 Norfolk Street.

Previous Reports to Council:

The previous development application for the proposed demolition of existing single house and construction of four (4) two-storey single houses and a grouped dwelling development was presented to Council at its Ordinary Meeting held on 26 July 2011.

Since the subdivision of the original parent lot into four (4) freehold lots was completed, separate development applications for each of the respective lots has been lodged with the City. It is noted that the previous proposal complied with the overshadowing requirements on the basis that overshadowing is calculated as the shadow cast on the adjoining parent lot; therefore as the subdivision had not been completed at the time of the last assessment; the overshadowing complied with the Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 26 July 2011 relating to this report are available on the City's website at the following link:
<http://www.vincent.wa.gov.au/files/d0a64b81-c424-4701-b965-9f2501001fad/20110726.pdf>

DETAILS:

The application is for the construction of a two-storey single house at No. 49 Norfolk Street, North Perth.

Landowner:	B & S Bairstow
Applicant:	Lorimer Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Vacant lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	251 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 Form			✓
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:	Roof Form
Requirement:	<p>Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicants Proposal:	6, 7 and 18 degree roof pitches
Performance Criteria:	<p>Residential Design Elements BDPC 3 The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p><i>"The house meets the above performance criteria as discussed below:</i></p> <ul style="list-style-type: none"> • <i>The proposed roof is minimal in appearance and is not considered to unduly increase the bulk of the building. In fact, the roof could be considered to reduce the potential bulk of the building.</i> • <i>There is no indication that the proposed roof will undermine any "recognised" streetscape value in the area. The roof however adds a modern "up to date" element to the design that helps support the house meeting SPC 10.</i> • <i>The roof does not cause undue overshadowing.</i> • <i>There are numerous other examples of similar roofs in the City. The proposed roof will therefore complement the City's constantly evolving streetscapes."</i>
Officer technical comment:	<p>The proposed roof pitch does not result in the building bulk being increased, as the proposal complies with the Acceptable Development provisions of SADC 10 "Dual Street Frontages and Corner Sites" of the City's Residential Design Elements Policy No. 3.2.1 and the overall building height complies with Acceptable Development provisions of BDADC 5 "Building Height" of the City's Residential Design Elements Policy No. 3.2.1. Therefore it is considered that the proposed bulk of the dwelling is in keeping with the style and type of development expected in this locality.</p> <p>As the adjoining properties are currently vacant lots, along with the locality predominantly comprising single storey dwellings with varying roof pitches, it is not considered to have a detrimental impact on the existing streetscape, with the roof pitch being in keeping with the design of the dwelling.</p> <p>It is considered that the proposed roof pitch does not result in the undue overshadowing of the adjoining southern property. The southern side of the proposed dwelling has a lower wall height than the northern side, which is due to the lower side of the pitch being to the south. It is considered that any increase in overshadowing is not the direct result from the proposed roof pitch.</p>

Issue/Design Element:	Open Space
Requirement:	<p>Residential Design Codes Clause 6.4.1 A1 45 per cent (112.95 square metres)</p> <p>Residential Design Codes Clause 6.4.2 A2 An outdoor living area to be provided with at least two-thirds of the required area without permanent roof cover.</p> <p>Two-thirds of the required area: 13.33 square metres</p>
Applicants Proposal:	<p>38.45 per cent (96.52 square metres)</p> <p>10 square metres without permanent roof cover.</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.4.1 P1 Sufficient open space around buildings:</p> <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. <p>Residential Design Codes Clause 6.4.2 P2.1 and P2.2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.</p> <p>An outdoor area that takes the best advantage of the northern aspect of the site.</p>
Applicant justification summary:	<p><i>“The open space provided complements the house by being appropriately positioned and allowing for the provision of essential facilities.</i></p> <p><i>With regard to essential facilities, there is sufficient space at the sides of the house for clothes drying and the storage of rubbish bins or other material out of view from the street.</i></p> <p><i>The open space at the rear ensures an appropriately sized outdoor living area/backyard is provided. This ensures that the amenity of the house will be in accordance with expectations inline with the lot’s R-Coding.</i></p> <p><i>The open space at the front, which is achieved by the house complying with the required front setback, ensures the house addresses the street in a traditional and attractive manner.</i></p> <p><i>In addition to open space at the front of the house complementing the building, it also allows for an attractive streetscape. The size of the front yard is consistent with others in the street and the house is setback the required amount from the street. The front elevation of the house is also well articulated with the use of large openings, varied setbacks and design features. In addition, the upper levels have been setback from the side boundaries, which provides visual relief and the perception of open space when the development is viewed from the street. The open space</i></p>

Issue/Design Element:	Open Space
	<p><i>provided also ensures onsite visitor parking can be provided, thereby limiting the need for cars to park on the street. All these elements, particularly the sufficient front yard, complement one another and add to ensuring the open space provided allows for an attractive streetscape.</i></p>
	<p><i>In relation to the need of the residents, a compliant outdoor living area and space at the side of the house for provision of essential facilities are proposed. The size and location of the open space can therefore be considered to provide for the needs of the residents, particularly considering the “town house” nature of the development. These types of developments generally attract residents who desire low maintenance and efficiently designed areas of open space, which the house provides.</i></p> <p><i>Overall, considering the above points, the open space proposed can be supported.”</i></p>
<p>Officer technical comment:</p>	<p>The proposed dwelling does not comply with the Acceptable Development or Performance Criteria of the R-Codes.</p> <p>The proposed amount of open space is not considered to complement the dwelling, with the majority of the site being provided with some form of roof cover.</p> <p>It is considered that the proposed amount of open space at the front of the building provides for an attractive streetscape, as the street setbacks comply with the Acceptable Development provisions of SADC 10 “Dual Street Frontages and Corner Sites” of the City’s Policy No. 3.2.1 relating to Residential Design Elements.</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 proposed dwellings are too large for the site areas, with alternative dwelling types being more suited to lots of this size.</p> <p>The location of the outdoor living area is capable of use in conjunction with both the living room and the kitchen.</p> <p>The proposed location of the outdoor living area is to the south-western corner of the site, not taking advantage of the northern most aspect of the site. It is noted that there is adequate opportunity for the design of the dwelling to accommodate a northern outdoor living area.</p>

Issue/Design Element:	Solar Access
Requirement:	<p>Residential Design Codes Clause 6.9.1 A1 Notwithstanding the boundary setbacks in design element 6.3, development in climatic zones 4, 5 and 6 of the state shall be so designed that its shadow only cast at midday 21 June onto any other adjoining property does not exceed the following limits:</p> <ul style="list-style-type: none"> • on adjoining properties coded R30 to R40 inclusive – 35 per cent of the site area <p>Permitted overshadowing: 88.9 square metres</p>
Applicants Proposal:	Overshadows 38.75 per cent of the adjoining property's site area (98.44 square metres)
Performance Criteria:	<p>Residential Design Codes Clause 6.9.1 P1 Development designed to protect 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:	<p><i>"Despite the overshadowing created by the proposed house exceeding the limit specified in R-Codes, overshadowing does not need to be regarded as a concern.</i></p> <p><i>Overshadowing can be expected when land is subdivided into small east west oriented lots, particularly in the City of Vincent where two storey houses on small lots are beaming common place. Furthermore, given there is a trend towards smaller lots, in most cases landowners need to build two storey houses to address their housing needs. In these demanding situations it is difficult to meet the overshadowing requirements of the R-Codes without significantly compromising a landowner's desired development outcome. The R-Code requirements therefore become unreasonably onerous. Considering this, it is hoped that the City takes a pragmatic approach when considering overshadowing impacts for this application.</i></p> <p><i>Notwithstanding the above, the proposed house does not disregard overshadowing considerations, as the upper level is setback from the rear boundary. This setback allows for the adjoining lot to have an outdoor area with easy and acceptable access to northern sun (major openings around such an outdoor area would also have a similar level of access to northern sun). This is what has resulted under the current proposal for the adjoining lot. The other "active" outdoor area under the same proposal is not affected by overshadowing. Furthermore, it should be noted that the level of overshadowing has been reduced as the setback of the alfresco from the southern boundary has been increased (this was in response to points 8 and 10 of your letter).</i></p>

Issue/Design Element:	Solar Access
	<p><i>Given the orientation of the lots and the lots being small in size and relatively narrow, it should also be noted that even if the level of overshadowing was reduced to comply, the impact on the adjoining property would essentially be the same. For example, even if the upper level shadow was reduced in depth by 1.4 metres (17.08 square metres), the shadow would still extend over 6 metres into the adjoining property and result in the same impacts. Therefore, reducing the overshadowing would not achieve a beneficial outcome of significance.</i></p> <p><i>Considering the above, the adjoining property will maintain reasonable and acceptable access to northern sun and in this regard, there are grounds on which the house can be supported."</i></p>
Officer technical comment:	<p>The proposal does not comply with the Performance Criteria as it results in overshadowing of the outdoor living area and major openings on the adjoining property.</p> <p>The City approved a development application on the adjoining southern property for a two-storey single house on 19 September 2012.</p> <p>The outdoor living area on the adjoining southern property (No. 36 Burt Street) is located to the northern most aspect of the site, which is being significantly overshadowed by the proposed two-storey dwelling. The adjoining outdoor living area is 25 square metres, with extent of the proposed overshadowing being 14.7 square metres (58.8 per cent).</p> <p>There are two major openings located on the northern elevation of the ground floor, which the proposed dwelling would completely overshadow; however it is noted that these windows would also be overshadowed by a single storey dwelling.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	10 August 2012 to 23 August 2012
Comments Received:	One (1) neither support or object

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Roof Forms</p> <p>Does not conform to the character of the neighbouring properties.</p>	<p>Dismiss. The proposed roof pitch complies with the Performance Criteria of BDPC 3 "Roof Forms" of the City's Residential Design Elements Policy No. 3.2.1.</p> <p>The proposal complies with the setback and building height requirements, therefore the proposed roof pitch does not result in undue building bulk or overshadowing.</p>

Summary of Comments Received:	Officers Technical Comment:
	As the adjoining properties are currently vacant lots, along with the locality predominantly comprising single storey dwellings with varying roof pitches, the proposed roof pitch does not have a detrimental impact on the existing streetscape, with the roof pitch being in keeping with the design of the dwelling.
Issue: Overshadowing Excessive overshadowing of adjoining properties	Support. The proposed overshadowing does not comply with the Acceptable Development or Performance Criteria provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes, as it results in the adjoining southern property's outdoor living area and major openings on the ground floor being overshadowed.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the two-storey single house at No. 49 Norfolk Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10; and
- Residential Design Elements Policy No. 3.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the R-Codes and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

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 plans do not depict if the front setback area and outdoor living area comprise permeable or non-permeable surfaces; however there is sufficient room for adequate landscaping, comprising a permeable surface to be incorporated into the development.
	The site has an east-west orientation, with the dwelling being provided with a southern outdoor living area that does not take advantage northern most aspect of the site. It is noted that there is adequate opportunity for the design of the dwelling to accommodate a northern outdoor living area.

SOCIAL	
Issue	Comment
	The proposed two-storey single house will assist in providing housing diversity within the City.

ECONOMIC	
Issue	Comment
	The construction of the two-storey single house will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The proposed two-storey dwelling results in a significant departure from the Acceptable Development and Performance Criteria provisions of Clauses 6.4.1 "Open Space Provision", 6.4.2 "Outdoor Living Areas" of the R-Codes, as the amount of open space provided does not complement the building nor does it suit the needs of future residents, along with the outdoor living area being located in the south-western corner of the site.

The proposed two-storey dwelling results in a significant departure from the Acceptable Development and Performance Criteria provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes, as it results in 58.8 per cent of the adjoining property's outdoor living area and the ground floor major openings being overshadowed.

In light of the above, it is considered that the proposed two-storey single house creates an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of Clauses 6.4.1 "Open Space Provision", 6.4.2 "Outdoor Living Areas" and 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes, it is recommended that the application be refused for the reasons outlined above.

9.1.15 No. 40 (Lot 700; D/P 79842) Bulwer Street, Perth – Proposed Change of Use from Residential to Consulting Rooms (Medical)

Ward:	South	Date:	7 December 2012
Precinct:	Forrest; P14	File Ref:	PRO5688; 5.2012.259.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Application Report received 13 June 2012 003 – Applicants Justification received 15 November 2012 004 – Local Context Plan		
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 Planning Solutions on behalf of the owner, MV & SJ Iriks for Proposed Change of Use from Residential to Consulting Rooms (Medical) at No. 40 (Lot 700; D/P 79842) Bulwer Street, Perth, and as shown on plans stamp dated 15 November 2012, for the following reasons:

1. non-compliance with the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface with regard to the use of a residential property for non-residential uses where it interrupts the residential amenity;
2. non-compliance with the City's Policy No. 3.5.22 relating to Consulting Rooms with regard to the following objectives:
 - 2.1 to facilitate the provision of consulting rooms in appropriate locations;
 - 2.2 to locate consulting rooms in appropriate areas without compromising the amenity of the surrounding area;
 - 2.3 where located within a Residential zone, to retain the provision of a residential component as part of the consulting rooms; and
 - 2.4 to maintain the amenity and character of the existing residential area;
3. non-compliance with the City of Vincent Economic Development Strategy 2011-2016 with regard to Action No. 3.8 relating to protecting residential areas from 'commercialisation';
4. the development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 4.1 to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 4.2 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-
 - 4.2.1 recognises the individual character and needs of localities within the Scheme zone area;

- 4.3 to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and
- 4.4 to ensure planning at the local level is consistent with the Metropolitan Region Scheme; and
5. the proposed consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.39pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.41pm.

MOTION PUT AND LOST (0-9)

REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION

1. The premises is of heritage value and should be protected.
2. The parking issues can be resolved, as agreed by the Applicant.
3. The proposed use is considered acceptable.

COUNCIL DECISION ALTERNATIVE RECOMMENDATION ITEM 9.1.15

ALTERNATIVE RECOMMENDATION:

Moved Cr Topelberg, Seconded Cr McGrath

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Planning Solutions on behalf of the owner, MV & SJ Iriks for Proposed Change of Use from Residential to Consulting Rooms (Medical) at No. 40 (Lot 700; D/P 79842) Bulwer Street, Perth, and as shown on plans stamp dated 15 November 2012, subject to the following conditions:

1. the provision of five car parking bays on-site (two in-tandem);
2. the use of the subject site for Medical Consulting Rooms is subject to and conditional upon the retention and reuse of the existing dwelling on the subject site;
3. this approval is for Consulting Rooms (Medical) use only, and any change of use from Consulting Rooms (Medical) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;
4. shall be limited to a maximum of two (2) consulting rooms/consultants operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;

5. the hours of operation shall be limited to the following times: 8.00am to 8:00pm Monday, Tuesday, Wednesday and Friday, 8:00am to 9:00pm Thursday, 9:00am to 1:00pm Saturday and closed on Sundays and Public Holidays;
6. the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;
7. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, the following shall be completed to the satisfaction of the City:
 - 7.1 **Qualifications**
The applicant shall submit copies of the Consultants certificates from a relevant legitimate and reputable association or organisation;
 - 7.2 **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; and
 - 7.3 **Bicycle Parking Facilities**
One (1) class three bicycle facility 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
8. 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 NOTE

1. An Occupancy Permit may be required in accordance with the Building Act 2011 and the Building Regulations 2012. If a Building Permit is required this constitutes an upgrade to the existing facilities, therefore an Occupancy Permit for the change of use will be necessary;
2. A qualified private building surveyor can determine if the proposed works require a Building Permit for a Class 5 in accordance with National Construction Code Series 2012 Volume 1 Building Code of Australia;
3. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Bulwer Street and Smith Street;
4. Any new street/front wall, fence and gate within the Bulwer 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;
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
6. 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.

ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

ADDITIONAL INFORMATION:

It is recommended that the hours of operation are condition in accordance with the hours proposed by the applicant. The table below outlines the hours of operation proposed compared to Policy No. 3.5.22 relating to Consulting Rooms and Amendment No. 103 to Policy No. 3.5.22.

It is also noted that Amendment No. 103 to Policy No. 3.5.22 stated that the hours of operation may be limited for consulting rooms in residential zones.

Comparison Table

HOURS	MON	TUE	WED	THUR	FRI	SAT	SUN
Application	8am-8pm	8am-8pm	8am-8pm	8am-9pm	8am-8pm	9am-1pm	-
Current Policy	8am-6pm	8am-6pm	8am-6pm	8am-6pm	8am-6pm	8am-1pm	-
Amended Policy*	8am-9pm	8am-9pm	8am-9pm	8am-9pm	8am-9pm	8am – 5pm	11am-5pm

The applicant has advised that they will provide the qualifications of the medical practitioners prior to the occupation of the building.

PURPOSE OF REPORT:

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

BACKGROUND:

Nil.

DETAILS:

The application is for a change of use from residential to consulting rooms at No. 287 Walcott Street, North Perth. The proposed consulting rooms are to be medical consulting rooms and proposed to be occupied by two medical practitioners; however the type of medical profession has not been advised.

The proposed hours of operation for the consulting rooms are as follows:

- 8am to 8pm Monday, Tuesday, Wednesday and Friday;
- 8am to 9pm Thursday; and
- 9am to 1pm Saturday.

Landowner:	MV & SJ Iriks
Applicant:	Planning Solutions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	403 square metres
Right of Way:	North-eastern side, 3.9 metres wide, sealed.

ASSESSMENT:

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

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

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

Issue/Design Element:	Economic Development
Requirement:	Economic Development Strategy 2011-2016 Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from 'commercialisation'.
Applicants Proposal:	The subject property is located outside the activity centre and within a residential area.
Performance Criteria:	Not applicable
Applicant justification summary:	<i>"The City's Economic Development Strategy is primarily focus on economic development and not specifically on land use planning matters which is the realm of the City's Town Planning Scheme and associated Local Planning Policies. It is noted the Town Planning Scheme provides for the use of Consulting Rooms in Residential zoned areas."</i>
Officer technical comment:	The proposed consulting rooms will contribute to the commercialisation of the residential zone, which will adversely affect the amenity for local residents. There is currently a delineation of commercial and residential precincts which is clearly defined by effective buffer sites acting as a transitional filter. As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site. It is considered that the consulting rooms would have an adverse impact on the residential locality, as the subject site has a residential zoning and is unable to be considered a buffer site.

Issue/Design Element:	Non-Residential Development Interface
Requirement:	<p>Non-Residential/Residential Development Interface Policy No. 3.4.3</p> <p>The City may consider an application for a non-residential or mixed use (i.e. residential and commercial) development on land immediately adjacent to residential areas where it is demonstrated that the following matters have been taken into consideration, to minimise the impact of the development on adjoining and nearby land uses;</p> <ul style="list-style-type: none"> a) the new development or redevelopment of existing buildings being of a type and character appropriate to the immediate area; b) where there is an identified heritage significance, the heritage character of the area is to be retained by the reinforcement of original development patterns and the re-use of existing building stock; c) the new development or redevelopment will not create undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution; d) the proposed land uses in mixed use developments, being compatible with on site and nearby uses, and take into consideration any impact on residential amenity that the proposed land uses may have; e) the development must be designed to prevent overshadowing and/or loss of privacy to adjoining residential properties; and f) the bulk and scale (including height) of the new development or redevelopment being reflective of the established building heights in the immediate area. <p>The City does not support the ad-hoc or indiscriminate use of residential properties for non-residential uses where it would result in an unreasonable interruption of the residential amenity and continuity of residential uses. Only those sites, commonly referred to as buffer sites, would be suited to low scale, low intensity, interactive uses which may serve the day-to-day needs of the local resident population and can generate pedestrian traffic and surveillance of the street.</p>
Applicants Proposal:	Non-residential development on a site with a residential zoning which is not a buffer site.
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>"The City's Officers have advised that the site is not a 'buffer site', and on that basis has expressed concerns that the proposed land use is problematic.</i></p> <p><i>We do not agree with the officer's assessment and provide the following comments in response.</i></p> <p><i>The subject site is immediately adjacent to a residential area as defined by the policy. Given the existing character dwelling is to be retained the proposal complies with points a), b), e) and f) of the Interface Policy.</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>The proposed change of use will not cause any undue traffic or parking issues given the number of car bays provided on the subject site complies with the City's car parking requirements. In addition there is a substantial amount of on-street car parking provided in both Smith Street and Bulwer Street as previously stated. It is also noted that both Smith Street and Bulwer Street function as local/neighbourhood distributor roads.</i></p> <p><i>Given the status of these two roads in the road hierarchy it is likely traffic associated with the consulting rooms will be indistinguishable from the traffic in the existing network.</i></p> <p><i>The nature of a consulting rooms use is such that it will not result in any form of emission, including noise or pollution that is beyond that of a residential area.</i></p> <p><i>Whilst the application does not propose a mix of uses on the site it is considered the proposed consulting rooms is compatible with the amenity of the surrounding area given the mix of land uses in the immediate locality. This mix includes NIB stadium, office, multiple dwellings (adjoining), Cheviot Lodge, sewer aeration stack, two aged accommodation and car facilities, and one proposed aged persons development.</i></p> <p><i>The use of the subject site for consulting rooms is not considered to be either ad-hoc or an indiscriminate use of a residential property as it <u>does not</u> interrupt the residential amenity or continuity of residential uses in the locality. The subject site is located in an area that comprises of a mixture of residential and non-residential land uses. It would be incorrect to characterise the immediate locality of the subject site as having a continuous residential amenity.</i></p> <p><i>The note associated with this clause provides an example of a buffer site, and should not be interoperated as being a definition of a buffer site.</i></p> <p><i>An inspection of the immediate locality indicates that there are no appropriate sites in the immediate locality that would be suitable for the proposed use. Furthermore, given the range and mix of uses in the immediate locality, which includes a number of Aged facilities the location is considered suitable and entirely appropriate.</i></p> <p><i>The building will be retained so as to maintain the character of the locality. The proposed floor layout utilises the existing floor plan to enable seamless reconversion back to a Residential use at some future date as appropriate."</i></p>

Issue/Design Element:	Non-Residential Development Interface
Officer technical comment:	<p>In accordance with the City's Policy No. 3.4.3 relating to Non-Residential/Residential development Interface, a buffer site is:</p> <p><i>"Where different zonings adjoin, a buffer site is the lot (or lots) that abut one another separating one zone from the other."</i></p> <p>As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site.</p> <p>The proposal interrupts the residential amenity as it is not in keeping with the residential nature with regards to passive surveillance, noise and visual amenity.</p> <p>An occupied residential property provides a sense of security through the reciprocal passive surveillance offered by the residential dwelling, which consulting rooms cannot provide.</p> <p>Noise associated with a residential property is generally characterised by low levels of activity and noise with occasional peaks. The proposed consulting rooms would have no noise outside of the hours of operation, as the premise would be unoccupied, which is not considered to be residential in nature and will adversely affect the residential amenity of the location.</p> <p>It is also noted that the visual amenity would not be residential in nature, as the visual amenity associated with the consulting rooms would change as there would be different clients visiting the site each day, which is not considered to be residential in nature.</p>

Issue/Design Element:	Consulting Rooms
Requirement:	<p>Consulting Rooms Policy No. 3.5.22</p> <p><u>Hours of Operation:</u> 8am to 6pm weekdays and 8am to 1pm Saturdays.</p> <p><u>Proposed Hours of Operation:</u> *Subject to the adoption of amended Policy No. 3.5.22: 8am to 9pm, Monday – Friday 8am to 5pm, Saturdays 11am to 5pm, Sunday and Public Holidays Closed Christmas Day, Good Friday and Anzac Day</p> <p>Clause 4.3 states <i>"The hours of operation may be limited for Consulting rooms in Residential zones."</i></p> <p><u>Location:</u> The preferred location for consulting rooms in within the following zones:</p> <ul style="list-style-type: none"> • Local Centre • District Centre • Commercial • Residential/Commercial

Issue/Design Element:	Consulting Rooms
	<p><u>Residential Areas:</u> In accordance with Consulting Rooms Policy No. 3.5.22 clause 3 (i) the use of a building for the sole purpose of consulting rooms is not permitted where located in a Residential zone. A minimum of 80 per cent of the total floor area of the building is to be dedicated for residential use.</p>
Applicants Proposal:	<p><u>Hours of Operation:</u> 8am to 8 pm Monday, Wednesday and Friday, 8am to 9 pm Thursday and 9am to 1 pm Saturday.</p> <p><u>Location:</u> Within the residential zone</p> <p><u>Residential Areas:</u> The building is being used for the sole purpose of consulting rooms.</p>
Performance Criteria:	Not applicable.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed consulting rooms is located within the residential zone which is not the preferred location for a consulting room as outlined in the City's Policy No. 3.5.22 relating to consulting rooms.</p> <p>As the proposal comprises the building being used for the sole purpose of consulting rooms combined with the proposed hours of operation, it is evident that the proposal is not in keeping with the surrounding residential amenity.</p> <p>The proposal interrupts the residential amenity as it does not provide passive surveillance in the same manner as a residential property, along with the noise and visual amenity not being residential in nature.</p> <p>An occupied residential property provides a sense of security through the reciprocal passive surveillance offered by the residential dwelling, which consulting rooms cannot provide.</p> <p>Noise associated with a residential property is generally characterised by low levels of activity and noise with occasional peaks. The proposed consulting rooms would have no noise outside of the hours of operation, as the premise would be unoccupied, which is not considered to be residential in nature and will adversely affect the residential amenity of the location.</p> <p>It is also noted that the visual amenity would not be residential in nature, as the visual amenity associated with the consulting rooms would change as there would be differed clients visiting the site each day, which is not considered to be residential in nature.</p>

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Consulting Room(s) 3 spaces per consulting room 2 consulting rooms = 6 car bays 	= 6 car bays
Total car bays required = 6 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required) 	(0.5527) = 3.3162 car bays
Minus the car parking provided on-site	3 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	0.3162 car bays

Bicycle Parking	
Consulting Room(s) – two (2) practitioners: <ul style="list-style-type: none"> • 1 space per 8 practitioners (class 2) = Nil • 1 space per 4 practitioners (class 3) = 0.5 spaces 	
<u>Required</u> 0.5 spaces = 1 space	
<u>Provided</u> Nil	

The applicant has provided justification which states the following:

“Bicycle Parking

The City’s assessment indicates one Class 3 bicycle parking space is to be provided. This will be provided on site. We request this be imposed as a condition of approval.

Revised Car Parking Calculations

In order to accommodate a disabled car parking bay the total number of bays able to be provided on-site has been reduced from 4 to 3. However, end of trip facilities will be provided on-site which results in a further reduction to the number of car parking bays required to be provided on-site.

It is noted the City’s Parking Policy states that:

If the resultant shortfall of parking is less than or equal to 0.5 bays, no parking bays or cash-in-lieu of parking is required for the shortfall.

It is clear from the car parking calculations there will be sufficient car parking on-site to accommodate the use.

Notwithstanding there is sufficient car parking on-site. It should also be noted there is a significant number of on street car parking bays available for patients within Bulwer Street (2 hour time limit) and Smith Street (3 hour time limit).”

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	19 July 2012 to 8 August 2012
Comments Received:	Two (2) objections and one (1) support

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> The proposal will impact on the living enjoyment of properties, which will exclude family and friends visiting due to the "lack of parking" which already exists. The proposal states 3 car bays which already exist on the premise and would be occupied by the staff, therefore leaving potential patients to park on the adjoining streets. There is no parking to accommodate such a proposal. The times the premise will be open 8am-8pm Mon-Fri, 8am-9pm Thurs and 9am-1pm Sat means there will be a lot of traffic looking for parking all day and all night. If the design could accommodate extra parking bays on the property to cater for the coming and going of patrons it might not be so bad, but under the present idea and design it will make the parking problem even worse. 	<p>Dismiss. Three parking spaces have been provided on-site in accordance with the requirements for consulting rooms under the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Residential Amenity</p> <ul style="list-style-type: none"> Heritage is built by people living in the area not by medical suites. Residents have the right to live in safe communities with real people as neighbours, safe streets to walk at night, parks that children can play in and safe roads that they can cross. The proposal does not aid in achieving any of these and should be strongly discouraged. 	<p>Supported. The proposed consulting rooms are not in keeping with the residential amenity as clients will be visiting the premises only during the hours of operation, with the property being vacant during the times when domestic premises are most typically occupied. This would change the character and adversely impact the residential amenity of the location.</p> <p>It is also noted that occupied residential properties provide a sense of security through the reciprocal passive surveillance offered by residential dwellings, which consulting rooms cannot provide after hours.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the consulting rooms (medical) at No. 40 Bulwer Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21;
- Consulting Rooms Policy No. 3.5.22; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

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

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

Economic Development

- 2.1 *Progress economic development with adequate financial resources*
 - 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS & CONCLUSION:

The proposed change of use from residential to consulting rooms (medical) results in a significant departure of the City's Policies No. 3.4.3 relating to Non-Residential/Residential Development interface, as the subject site is not a buffer site, and No. 3.5.22 relating to Consulting Rooms, as the proposed consulting rooms are on a residential zoned lot.

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

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

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

9.2.8 Money and Monger Streets, Perth - Street Verge Trees

Ward:	South	Date:	7 December 2012
Precinct:	Beaufort (13)	File Ref:	TES0234
Attachments:	Nil		
Tabled Items:	001 - Arborcare Report		
Reporting Officer:	K Godfrey, Parks Services Technical Officer J van den Bok, Manager Parks and Property Services.		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Arboricultural report dated 1 October 2012 prepared by Arborcare, in relation to the current structural integrity, health and long term future of the London Plane street verge trees within Money and Monger Streets, Perth, as shown in Appendix 9.2.8;
2. **APPROVES**;
 - 2.1 as a “*duty of care*” the immediate removal of those trees identified as serious risk, for safety reasons, as detailed in the Arboricultural report;
 - 2.2 the staged removal/replacement of the street verge trees within Money and Monger Streets, including those adjacent to Nos. 235 Beaufort/Money Streets and 54 Lindsay Street/Money Streets, with priority removal granted to the trees with extensive decay, as outlined in the attached arboricultural report;
3. **ADVISES** residents/businesses in Money and Monger Streets regarding the priority removal of the street verge trees that have been identified in the arboriculture report and **CONSULTS** in regard to the staged removal/replacement program;
4. **NOTES** that any tree that will be removed in Money and Monger Streets, will be replaced with mature London Plane tress (*Platanus acerifolia*) – as per Council decision of 12 April 2005; and
5. **LISTS** an amount of \$40,000 in the 2013/14 draft budget and further funding in subsequent years to undertake the works identified.

Moved Cr Topelberg, **Seconded** Cr Maier

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

“That the Council;

1. **RECEIVES** the Arboricultural report dated 1 October 2012 prepared by Arborcare, and the Plan No.3017-CP-01, replacement pages 24 and 25 (and appendices) and photographs of specific trees in relation to the current structural integrity, health and long term future of the London Plane street verge trees within Money and Monger Streets, Perth, as shown in Appendix 9.2.8;

- ~~2. APPROVES;~~
- ~~2.1 as a “duty of care” the immediate removal of those trees identified as serious risk, for safety reasons, as detailed in the Arboricultural report;~~
- ~~2.2 the staged removal/replacement of the street verge trees within Money and Monger Streets, including those adjacent to Nos. 235 Beaufort/Money Streets and 54 Lindsay Street/Money Streets, with priority removal granted to the trees with extensive decay, as outlined in the attached arboricultural report;~~
- ~~3. ADVISES residents/businesses in Money and Monger Streets regarding the priority removal of the street verge trees that have been identified in the arboriculture report and CONSULTS in regard to the staged removal/replacement program;~~
2. NOTES those trees identified as at serious risk, for safety reasons, as detailed in the Arboricultural report dated 1 October 2012 and the Plan No.3017-CP-01, replacement pages 24 and 25 (and appendices) and photographs of specific trees as shown in Appendix 9.2.8;
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 that will 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. LISTS an amount of \$40,000 in the 2013/14 draft budget and further funding in subsequent years to undertake the works identified; and~~
5. Requests a further report be submitted to the Council no later than the second meeting in February 2013.”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.8

That the Council;

1. **RECEIVES** the Arboricultural report dated 1 October 2012 prepared by Arborcare, and the Plan No.3017-CP-01, replacement pages 24 and 25 (and appendices) and photographs of specific trees in relation to the current structural integrity, health and long term future of the London Plane street verge trees within Money and Monger Streets, Perth, as shown in Appendix 9.2.8;
2. **NOTES** those trees identified as at serious risk, for safety reasons, as detailed in the Arboricultural report dated 1 October 2012 and the Plan No.3017-CP-01, replacement pages 24 and 25 (and appendices) and photographs of specific trees as shown in Appendix 9.2.8;
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.

PURPOSE OF REPORT:

The purpose of this report is to advise 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.

BACKGROUND:

Ordinary Meeting of Council 12 April 2005:

The purpose of this report was to advise 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.”*

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 Street 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) RECEIVES 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:

At the Ordinary Meeting of Council held on 12 April 2005 a further report was presented in relation to the results of the community consultation.

The Council resolved (in part) as follows:

“That the Council;

- (i) RECEIVES the Report on the Community Consultation results for the Street Tree Management proposal Money and Monger Streets, Perth and the Proposed Traffic Management Improvements Monger Street and Robinson Avenue, Perth;*
- (ii) NOTES that the results of the Community Consultation on the Street Tree Management Proposal for Money and Monger Streets 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 will 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.”*

DETAILS:

Parks Services Officers have been closely monitoring the health and condition of the street trees in Money and Monger Street for many years due to their known decline in structural integrity. Arboricultural reports have previously been undertaken and at the request of the Director Technical Services, a further assessment has been made.

Arboricultural Assessment 2005

Arboriculturalist, John Banks was commissioned to undertake an inspection of the streetscapes in both Money and Monger Streets and provide recommendations in relation to the existing trees health, structural integrity and useful life.

As indicated above, in the April 2005 report to Council, Parks Services have continued to monitor the health of all the trees located within each respective street and have planted new street verge trees (London Plane) where required.

Arboricultural Assessment 2012

The London Plane trees have been a dominant landscape and amenity feature of Money and Monger streets for the past eighty (80) years. Since the 2005 assessment, some of the street verge trees located within Money and Monger Streets have further declined in health and vigour and the structural integrity of some of these trees is now severely compromised.

Arboriculturalist John Banks was again commissioned to undertake an inspection of the streetscapes in both Money and Monger Streets in September 2012 and provide a current report on the existing trees health, structural integrity and useful life including recommendations. A total of forty nine (49) London Plane trees were assessed.

A “**Tree Inspection Table**” was formulated by the consultant to ascertain what trees warranted being listed as a “Priority” and they are numbered from one (1) to five (5), with number one (1) being a tree that is in the most hazardous state and removal is recommended. This table along with specific recommendations noted in the report has enabled Parks Services Officers to easily identify the trees that require immediate attention. In addition the report provides a time frame for a staged removal of the street verge trees.

Monger Street 2012

On the eastern side of the street, there are overhead power lines and all these trees are still reduced in height each season to comply with Western Powers requirements. The continued height reduction and property line pruning of the canopies of these trees over the years has resulted in significant and irreparable damage to all the trees located on this side of the street. This damage is evident with many of these trees displaying poor structural form and spindly epicormic regrowth (water shoots) of which have emerged from the billings (old pruned tree branch ends).

Of the trees located within the street a total of five (5) are rated in the “Tree Inspection Table” (see attached) as “Condition 1” which is a Priority rating that identifies them as having evidence of extensive decay to ground level (GL) with some trees having open cavities to ground level.

The trees located on the western side of Monger Street were also originally reduced in height however since the installation of underground power some years ago these trees have been left to attain their natural height and form. Whilst these trees have not been reduced in height like their counter parts on the other side of the street they are still in decline and now support large water shoots on old decayed boilings (old pruned tree branches) and trunks that are now hollow.

These branches will need to be monitored and where required may have to be reduced in size as they are growing from decaying limb structure which will not be able to support such weight and stress, therefore branch failure will occur. There is one (1) tree located on this side of the street that is in very poor health and requires removal.

Money Street 2012

In Money Street the overhead power lines were removed from both sides of the street a number of years ago and the trees have not been reduced in height therefore they have been left to attain their natural height and form. The result of these trees not being pruned has created a beautiful leafy avenue that provides welcome shade and respite for residents and the general public from the extreme summer heat.

There are a total of twenty eight (28) London Plan trees established within Money Street and the majority display similar characteristics of decline in health and vigour to the trees located in Monger Street. Again, years of reducing the height of all these trees has resulted in decayed bollings and hollow tree trunks. A number of the trees within the street are also hollow to ground level and are only surviving by the surrounding layer of bark (cambium layer)

Another concern also is the large heavy arching branch structure that some of these trees are carrying. The weight load on these branches combined with decayed bollings they are attached to have the potential to increase the incidence of branch failure. If left in their current state there will no doubt be liability issues for the City to contend with should no action be taken to remedy the situation.

Recommendations – Monger Street

Of the twenty one (21) trees located within Monger Street five (5) trees have been identified as being in the most serious category and have been listed as “**Priority 1**” which according to the arboricultural consultants report/recommendation require attention. A staged removal/replacement program has been recommended within Monger Street in order to avoid the streetscape being completely devoid of all trees. The replacement program is recommended to commence in 2012. New replacement trees (London Plane) should be planted as close as possible to where the existing tree/s were removed. This planting will maintain a similar alignment and spacing to mirror the old existing streetscape.

There is also another five (5) trees listed as “**Priority 2**” which again identifies these trees as being in a hazardous state and require attention. The remaining eleven (11) street verge trees have a Priority Rating of 3, 4 and 5 and therefore do not require immediate attention. Trees numbered 13 and 16 have been listed for removal. In the interim it is recommended that an arboricultural consultant oversee any crown/branch weight reduction pruning work that is required in order to render the tree/s safe and reduce potential branch failure. Parks Services Officers will also undertake inspections to monitor the trees to ensure they have not declined any further.

Recommendations – Money Street

Of the twenty eight (28) trees located within Money Street nine (9) trees have been identified as being in the most serious category and have been listed as “**Priority 1**” which as noted in the arboricultural consultants report/recommendation require immediate attention.

A staged removal/replacement program has been recommended for Money Street commencing in 2012 again to ensure that the streetscape is not completely devoid of trees. New replacement trees (London Plane) should be planted as close as possible to where the existing tree/s were removed. This new planting will maintain a similar alignment and spacing to mirror the old existing streetscape. In the interim it is recommended that an arboricultural consultant oversee any branch/crown weight reduction pruning work that is required in order to reduce branch failure. Parks Services Officers will also undertake inspections of all the trees listed to ensure they have not declined any further.

Officer's comments

The street verge trees within both Monger and Money Streets currently display great visual appeal and provide shade to residents and the general public. Whilst they appear to be a picture of health they are in fact in varying "end of life" stages and are in decline in structural health and vigour.

Structural integrity of any tree is paramount in terms of reducing the risk of branch failure that may have the potential to cause injury/damage to person/s property. Therefore it would be prudent for the City to adopt the recommendations contained within the arboricultural consultants report and action the required pruning works including tree removals along with the staged removal of the remaining trees.

As indicated by the arboricultural consultant a staged removal is recommended by applying the schedule (see attached) detailed within the report which indicates all the subject trees should have been removed by 2032, thus giving the new trees that have already been planted time to develop and replace what has been removed.

CONSULTATION/ADVERTISING:

It is recommended that the City consults with residents/businesses in Money and Monger Streets to determine the level of support for the staged removal and replacement of the existing trees that have been identified as hazardous.

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.

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".

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

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 be retained due to the strong views of residents /business owners that wish to retain the existing aesthetic values of the streetscape.

FINANCIAL/BUDGET IMPLICATIONS:

Given the scale of tree work required it is recommended that that an amount of \$40,000 will be required for the removal, replacement and pruning of these trees, with these funds to be listed for consideration upon the formulation of the draft budget for 2013/2014 financial year.

COMMENTS:

As noted in the arboricultural report it clearly states that there is no right or wrong approach in terms of timing when it comes to the removal of these trees. Failure to make the decisions now will only result in the existing streetscapes declining to a point whereby a staged removal will not be possible. This scenario will leave both streets with an immature streetscape and the loss of aesthetic appeal that a staged tree removal can offer.

The Council should approve the immediate removal of those trees identified as a serious risk, for safety reasons and to fulfil its "*duty of care*" to the public.

Approval of the Officer Recommendation is therefore requested.

9.4.3 Cultural Development Seeding Grant - Giro d'Perth

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	FIN0155
Attachments:	001 – Event Proposal		
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 application from 'South Perth Cycle Club' for a Cultural Development Seeding Grant of \$1,000 to organise a cycling 'Giro d' Perth – the Back lane Bike Odyssey' event throughout the City.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

The 'South Perth Cycle Club' (SPCC) met with the City's Officers in August 2012 regarding their proposal for a cycling 'Giro d' Perth – the Back lane Bike Odyssey' event as shown in Appendix 9.4.3. The event has been promoted as a fun, recreation based event involving the laneways within the Perth Metropolitan area using a bike, a map and planned journey.

The event is booked for Sunday, 17 March 2013 from 6:00am to 2:00pm, complementing the existing events through the 2013 Bike Week (17 to 24 March 2013).

DETAILS:

The SPCC has proposed to begin the 'Giro d' Perth' event at Britannia Reserve, Leederville. Participants will receive a map with clues that lead them around the Perth Metropolitan area, mainly throughout the Cities of both Vincent and Perth. The journey will involve a variety of back lanes and recreational cycling paths celebrating Perth's heritage places.

The participants will leave the start/finish area and return at a time most convenient to the individual and/or group. The SPCC expects to have the majority of riders leave within small groups between the hours of 9:00am and 1:00pm. The entry is capped at 500 people.

A key aim of the event is for participants to discover local heritage and points of interest. Furthermore, local residents will be able to participate in a positive recreation opportunity involving the discovery of new cycling routes and locations to use when commuting, contributing to the City's Travel Smart initiatives.

The event also coincides with the 'Giro d'Italia' event in Europe and celebrates the backgrounds and distinct geographic locations within Vincent. This unique event is suitable for the whole community, aimed at recreational cyclists.

CONSULTATION/ADVERTISING:

The event has been discussed with the City's Officers including the Community Development section and the Travel Smart Officer. SPCC has also consulted with the Department of Transport to ensure it is complementary with the events that have already been planned for the 2013 Bike Week and to avoid any duplication of projects and/or events.

The event has been targeted at recreational cyclists and will be advertised as non competitive. A variety of promotional avenues will be used including flyer and postcard distribution, social media, website and newsletter updates. The event is also directly promoted to local cycling groups and clubs, local commuters and the networks within the Department of Transport. Throughout this advertising period, the City's logo will be used on all promotional material, as well as acknowledgement as a sponsor on the event day.

LEGAL/POLICY:

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

The allocation of CDSGs aligns with the City's Policies as follows:

- Policy No. 2.1.7: Parks and Reserves – Conditions of Use and Hire; and
- Policy No. 3.10.5: Donations, Sponsorship and Waiving of Fees and Charges.

The application also aligns with the City's *Physical Activity Plan 2009 – 2013*.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective one (1) and three (3) states:

"Natural and Built Environment:

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

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

(b) *Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use).*

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

(d) *Promote alternative methods of transport.*

Community Development and Wellbeing:

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:

This event promotes the benefits of cycling to the community such as physical activity, healthy choices and alternative transport.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$ 6,000
Spent to Date:	<u>\$ 3,118</u>
Balance:	\$ 2,882

COMMENTS:

The SPCC has developed a thorough, well-organised plan to execute this unique event, 'Giro d' Perth' event, including engaging in sound consultation to ensure it meets its planned objectives.

The application meets the CDSG criteria and contributes to the City by acknowledging and celebrating:

- The cultural backgrounds of Vincent residents;
- The geographic location of Vincent;
- The history and significance of the buildings and streets within Vincent; and
- Encourages people to interact with each other and other residents and visitors in the City.

As a whole, the event provides the City with an exciting event opportunity to include in the City's 2013 Bike Week event agenda, as well as promoting the City as a liveable community with its renowned scenery, cultural heritage and cycling infrastructure.

9.4.10 Woodville Reserve Masterplan – Progress Report No. 4

Ward:	North	Date:	7 December 2012
Precinct:	North Perth (8)	File Ref:	CMS0123
Attachments:	001 – Draft Masterplan 002 – Draft Masterplan (large scale) 003 – Draft Masterplan (B)		
Tabled Items:	Nil		
Reporting Officers:	A Cole, Acting Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 4 on the progress of the Woodville Reserve Masterplan;
2. **APPROVES IN PRINCIPLE** the Draft Masterplan as shown in Plan No.2846-CP-01D, in Appendix 9.4.10;
3. **AUTHORISES** further community consultation to be carried out regarding the Draft Masterplan in accordance with the City’s Consultation Policy with the following stakeholders:
 - 3.1 Men’s Shed;
 - 3.2 Community Garden;
 - 3.3 Multicultural Services Centre of Western Australia;
 - 3.4 Friends of Woodville Community Group;
 - 3.5 Current lessees at the Reserve;
 - 3.7 Residents; and
 - 3.6 All other users of the Reserve and the attendees at the Public Meeting held on 12 November 2012; and
4. **NOTES** that a further report will be submitted to the Council in February 2013, at the conclusion of the consultation period.

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

“That clause 2 be amended to read as follows:

2. **APPROVES IN PRINCIPLE** the Draft Masterplan as shown in ~~Plan No. 2846-CP-01D, in Appendix 9.4.10~~ the attached revised plan at Appendix 9.4.10B depicting the removal of the parking area; increase in public open space; relocation of new buildings and installation of ‘grasscrete’ to the driveway;”

Debate ensued.

AMENDMENT 1 PUT AND LOST (1-8)

For: Cr Maier

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

AMENDMENT 2

Moved Cr Maier, Seconded Cr Topelberg

“That clause 2 be amended to read as follows:

2. **APPROVES IN PRINCIPLE the Draft Masterplan as shown in ~~Plan No. 2846-CP-01D, in Appendix 9.4.10~~the attached revised plan at Appendix 9.4.10B depicting the removal of the parking area; increase in public open space; relocation of new buildings and installation of ‘grasscrete’ to the driveway subject to the hardstand being converted to grass-crete or equivalent where possible;”**

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.10

That the Council;

1. **RECEIVES** Progress Report No. 4 on the progress of the Woodville Reserve Masterplan;
2. **APPROVES IN PRINCIPLE** the Draft Masterplan as shown in the attached revised plan at Appendix 9.4.10B depicting the removal of the parking area; increase in public open space; relocation of new buildings and installation of ‘grasscrete’ to the driveway subject to the hardstand being converted to grass-crete or equivalent where possible;
3. **AUTHORISES** further community consultation to be carried out regarding the Draft Masterplan in accordance with the City’s Consultation Policy with the following stakeholders:
 - 3.1 **Men’s Shed;**
 - 3.2 **Community Garden;**
 - 3.3 **Multicultural Services Centre of Western Australia;**
 - 3.4 **Friends of Woodville Community Group;**
 - 3.5 **Current lessees at the Reserve;**
 - 3.7 **Residents; and**
 - 3.6 **All other users of the Reserve and the attendees at the Public Meeting held on 12 November 2012; and**
4. **NOTES** that a further report will be submitted to the Council in February 2013, at the conclusion of the consultation period.

PURPOSE OF REPORT:

To provide a progress report to the Council on the consultation with the primary stakeholder group and wider community on the Woodville Reserve Masterplan.

BACKGROUND:

The Men’s Shed Proposal was approved in principle by the Council at its Ordinary Meeting held on 12 July 2011.

At the Ordinary Meeting of Council held on 24 April 2012, the Council approved the Implementation Plan for the establishment of a Community Garden and advertising of the Woodville Reserve Masterplan and to approve “in principle” a revised Masterplan, for further consultation.

The results of the community consultation were provided in the second Progress Report to Council at its Ordinary Meeting held on 24 July 2012. At this meeting, the Council also approved the Implementation Plan for the establishment of a Community Garden and did not support using part of the Reserve for car parking.

At this meeting, a separate Planning Services Item No. 9.1.7 was presented and approved for the Men's Shed building to be constructed at the facility, allowing workshop machinery to operate between the hours of 9:00am and 5:00pm.

Item No. 9.1.6 relating to the proposed alterations and additions for the Wellness Centre was deferred to the Ordinary Meeting of Council held on 25 September 2012. At this latter meeting, the Council approved a Proposed Alternative Recommendation which would result in a better outcome for the use of Woodville Reserve. This included approving alterations to existing recreational facilities of Multicultural Services Centre of Western Australia Inc. (MSCWA), investigating urgent negotiations with the MSCWA for a purpose built facility for Home and Community Care (HACC) and support services for the elderly and those with a disability.

On Thursday, 11 October 2012, the City's Officers met with the representatives from the MSCWA, Vincent Men's Shed Inc. Steering Committee, and Community Gardens Steering Committee. The representatives were briefed on the request to review the Woodville Reserve Masterplan with a view to accommodate the Men's Shed, Community Garden and alternative Dog Exercise area in order to accommodate sports training at the Reserve and additional parking.

DETAILS:

As part of the development of a Masterplan, consultation with all stakeholders was to be undertaken. A realistic timeframe of six (6) weeks was given to complete this task.

As a result of the meeting held on 11 October 2012 with representatives from Multicultural Services Centre of Western Australia, Vincent Men's Shed Inc. Steering Committee and Community Gardens Steering Committee, two (2) Masterplan options were developed by Technical Services and distributed to immediate residents and extended stakeholder groups for community consultation.

This community consultation was advertised on Thursday, 1 November 2012 for a period of twenty-one (21) days, closing at 5pm on Wednesday, 21 November 2012.

This consultation included a Public Meeting held on Monday, 12 November 2012 at 5:30pm at the Multicultural Services Centre, as well as distribution of information to all stakeholder groups and (707) properties within a one (1) kilometre radius.

Community consultation resulted in ninety-eight (98) people attending the public meeting and twenty-one (21) written community consultation submission forms.

Feedback from the public meeting held on 12 November 2012 and returned written community consultation outlined there to be a general consensus of support for each of the proposed community groups, but that the location of each of these community groups on Woodville Reserve required restructuring.

The key comments to emerge as a result of consultation were:

- Reduce the current planned size of Public Open Space (POS);
- Community Gardens needs to be North facing and increased in size;
- Ensure parking for minimum of five (5) standard bays, two (2) ACROD bays and one (1) set down bay;
- Suggestion for parking to be placed behind amenities to remove from street view;
- Vehicular access to Men's Shed and Community Gardens from Namur Street;
- Include a walkway to allow pedestrian access between Farmer Street and Namur Street;

- Ensure appropriate service access to all facilities; and
- Retain current Multicultural Services Centre building.

Each of the key comments to emerge as a result of consultation were considered and reflected upon in the development of the Draft Masterplan for Woodville Reserve as shown at Appendix 9.4.10.

Landscape and lighting plans, including budget provision, are to be developed for the planned Public Open Space to the northern aspect of Woodville Reserve once the Woodville Reserve Masterplan is adopted by the Council after further community consultation.

Stakeholder Workshop

In accordance with the outcome of the public meeting held on 12 November 2012, a stakeholder workshop intended to be held on Thursday, 6 December 2012 to develop a collaborative Masterplan. Two (2) or three (3) representatives from each of the stakeholder groups were nominated.

Due to the late notification of the workshop, several representatives and the Mayor were unavailable to attend; consequently, the workshop was cancelled.

Delaying the development of the Masterplan until a stakeholder workshop could be held would result in it not being presented to the Council until the first meeting in 2013, due to be held on 12 February 2013. Delaying the progression of the Woodville Reserve Masterplan for a further two (2) months would not be in the best interest of the stakeholders. As a result, a Draft Masterplan has been developed drawing from the key comments that have emerged from the consultation undertaken to-date.

CONSULTATION/ADVERTISING:

A further Community Consultation strategy will be prepared by the City's Officers to progress the project and will include all stakeholders, user groups and residents within a one (1) kilometre radius. This will also include a meeting with key stakeholders.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

The Men's Shed has been designed with the intention of being sustainable by *"meeting the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity"*.

The Steering Committee recognises the importance of reducing their impact on the environment and will give consideration to this in the design of the Shed. The Shed will create social benefits by providing a communal space for local men, thereby increasing belonging and a sense of community. The Shed will provide economic sustainability by supporting local businesses.

The approval of the Community Garden Implementation Plan will assist the project in advancing to the planting stage. As outlined in the Plan, the collaboration with Central Institute of Technology (CIT) is a financially sustainable collaboration as much of the costs would be at CIT's expense. This would leave funds remaining in the Community Garden budget for resources, supplies, landscaping and advertising.

FINANCIAL/BUDGET IMPLICATIONS:

Community Gardens

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

Budget Amount:	\$24,100
Spent to Date:	<u>\$ 165</u>
Balance:	\$23,935

Men's Shed

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

Budget Amount:	\$50,000
Spent to Date:	<u>\$ 0</u>
Balance:	\$50,000

A Grant from Lotterywest for \$85,000 for capital works was awarded on 4 July 2012 and must be expended by 30 June 2013.

COMMENTS:

The Woodville Reserve Masterplan aims to create a space that fosters grassroots community projects in a strategically planned and shared reserve facility. Preparing a comprehensive plan to coordinate the current and future uses for the various stakeholder and community users is essential to ensure the valuable public open space is maximised and coordinated to achieve the most effective use of space, and maximise the benefits to the community.

9.1.1 Nos. 201-203 (Lot 1; D/P 1239) Oxford Street, corner Melrose Street, Leederville – Proposed Alterations and Additions to Existing Three-Storey Commercial Building with Shop and Ancillary Tea House to Three-Storey Commercial Building with Shop, Warehouse, Ancillary Tea House and Club Premises

Ward:	South	Date:	7 December 2012
Precinct:	Oxford Centre; P4	File Ref:	PRO2011; 5.2012.215.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification received 10 May 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 of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Concept Building Design on behalf of the owner, Cameraland (WA) Pty Ltd, for Proposed Alterations and Additions to Existing Three-Storey Commercial Building with Shop and Ancillary Tea House to Three-Storey Commercial Building with Shop, Warehouse, Ancillary Tea House and Club Premises at Nos. 201-203 (Lot 1; D/P 1239) Oxford Street, corner Melrose Street, Leederville, and as shown on plans stamp-dated 18 October 2012, subject to the following conditions:

1. the maximum gross floor area of the shop and warehouse shall be limited to 328.25 square metres and 177.7 square metres respectively. 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;
2. the doors, windows and adjacent floor areas fronting Oxford Street and Melrose Street shall maintain an active and interactive relationship with these streets;
3. continuous and complementary awnings being provided over the Oxford Street and Melrose Street footpaths for the full length of Oxford Street and Melrose Street to the carpark driveway in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 3.3 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 Oxford Street and Melrose Street to be approved by the City;
4. ~~the owners shall make application to obtain the consent of the owners of Nos. 205-207 Oxford Street for entry onto their land,~~ the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 205-207 Oxford Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;”
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. 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;
7. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street and Melrose Street;

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

8.1 Construction Management Plan

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

8.2 Acoustic Report

Prepare and submit to the City 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;

8.3 Privacy Screening

The western side of the roof terrace, 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;

8.4 Refuse Management

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

8.5 Schedule of External Finishes

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

8.6 Artwork/Design Features

8.6.1 the artwork for the full extent of the southern wall, as per drawing E01, being submitted and approved by the City's Art Advisory Committee and installed;

8.6.2 the artwork as per drawing E02 or a minimum of two (2) appropriate significant design features are to be incorporated into the western elevation of the building; and

8.6.3 no advertising material is to be used on either the southern or western walls;

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

9.1 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; and

9.2 Bicycle Parking Facilities

One (1) class one or two and two (2) class three 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

10. 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 NOTE

1. the owners shall make application to obtain the consent of the owners of Nos. 205-207 Oxford Street for entry onto their land.

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 be adopted.

Debate ensued.

Cr Harley departed the Chamber at 8.27pm.

Debate ensued.

Cr Harley returned to the Chamber at 8.29pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

“That a new Clause 8.7 be inserted to read as follows:

8.7 Amended Plans

Amended floor plans are required denoting the area on the second floor as “private camera club roof terrace;”

Debate ensued.

AMENDMENT PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

COUNCIL DECISION ITEM 9.1.1

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 Concept Building Design on behalf of the owner, Cameraland (WA) Pty Ltd, for Proposed Alterations and Additions to Existing Three-Storey Commercial Building with Shop and Ancillary Tea House to Three-Storey Commercial Building with Shop, Warehouse, Ancillary Tea House and Club Premises at Nos. 201-203 (Lot 1; D/P 1239) Oxford Street, corner Melrose Street, Leederville, and as shown on plans stamp-dated 18 October 2012, subject to the following conditions:

1. the maximum gross floor area of the shop and warehouse shall be limited to 328.25 square metres and 177.7 square metres respectively. 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;
2. the doors, windows and adjacent floor areas fronting Oxford Street and Melrose Street shall maintain an active and interactive relationship with these streets;
3. continuous and complementary awnings being provided over the Oxford Street and Melrose Street footpaths for the full length of Oxford Street and Melrose Street to the carpark driveway in accordance with the City’s Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 3.3 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 Oxford Street and Melrose Street to be approved by the City;
4. the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 205-207 Oxford Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;”
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;

6. 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;
7. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street and Melrose Street;
8. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

8.1 Construction Management Plan

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

8.2 Acoustic Report

Prepare and submit to the City 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;

8.3 Privacy Screening

The western side of the roof terrace, 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;

8.4 Refuse Management

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

8.5 Schedule of External Finishes

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

8.6 Artwork/Design Features

8.6.1 the artwork for the full extent of the southern wall, as per drawing E01, being submitted and approved by the City's Art Advisory Committee and installed;

8.6.2 the artwork as per drawing E02 or a minimum of two (2) appropriate significant design features are to be incorporated into the western elevation of the building; and

8.6.3 no advertising material is to be used on either the southern or western walls; and

8.7 Amended Plans

Amended floor plans are required denoting the area on the second floor as "private camera club roof terrace";

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

9.1 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; and

9.2 Bicycle Parking Facilities

One (1) class one or two and two (2) class three 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

10. 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 NOTE:

1. The owners shall make application to obtain the consent of the owners of Nos. 205-207 Oxford Street for entry onto their land.

PURPOSE OF REPORT:

The application is referred to Council for determination given it is an addition to a three-storey development.

BACKGROUND:

History:

Date	Comment
11 June 2002	The Council at its Ordinary Meeting approved a development application for alterations and two-storey additions with terrace to existing commercial building.
19 November 2003	The City under delegated authority approved a development application for alterations and additions to existing signage.
21 January 2004	The City under delegated authority partly refused and partly approved a development application for signage to existing shop.
13 April 2004	The Council at its Ordinary Meeting refused a development application for alterations to signage to existing shop.
8 December 2006	The City under delegated authority refused a retrospective development application for signage addition to existing shop and change of use from shop to shop and eating house.
28 December 2006	The applicant lodged an application for review at the State Administrative Tribunal.
27 June 2007	The State Administrative Tribunal resolved to approve the retrospective development application for signage addition to existing shop and change of use from shop to shop and eating house, and resolved that the eating house was an ancillary tea house and the car parking is calculated as if this is a shop.
19 May 2008	The City under delegated authority approved a development application for signage addition to existing shop.
28 September 2010	The Council at its Ordinary Meeting approved a development application for change of use from two storey commercial building with shop and ancillary tea house to three storey commercial building with shop, unlisted use (art gallery), warehouse and ancillary tea house and associated alterations and additions.

Previous Reports to Council:

Nil.

DETAILS:

The application is for alterations and additions to existing three-storey commercial building with shop and ancillary tea house to three-storey commercial building with shop, warehouse, ancillary tea house and club premises at Nos. 201-203 Oxford Street. The additions and alterations comprise a foyer area on the ground floor, an increased storage area on the first floor and an increased roof terrace on the second floor.

Landowner:	Cameraland (WA) Pty Ltd
Applicant:	Concept Building Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
Existing Land Use:	Shop and Tea House (Ancillary)
Use Class:	Shop, Warehouse, Tea House (Ancillary) and Club
Use Classification:	"P", "P", "P" and "P"
Lot Area:	412 square metres
Right of Way:	Western side, 3 metres wide, sealed

ASSESSMENT:

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

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

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

Issue/Design Element:	Building Setbacks
Requirement:	Non-Residential/Residential Development Interface Policy No. 3.4.3 <u>Western Boundary (Rear)</u> Ground Floor: 6 metres First Floor: 6 metres Second Floor: 6 metres
Applicants Proposal:	<u>Western Boundary (Rear)</u> Ground Floor: 3 metres First Floor: 1.5 metres Second Floor: 1.5 metres Notes: There is a 3 metre wide right-of-way between the subject site and adjoining residential property.
Performance Criteria:	Residential Design Codes Clause 7.1.4 P4.1 and P4.2 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. In mixed use development, in addition to the above: <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.

Issue/Design Element:	Building Setbacks
	<ul style="list-style-type: none"> retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed western (rear) setback complies 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 western residential properties.</p> <p>It is a condition of approval that the second floor roof terrace is screened in accordance with the Acceptable Development Provisions of Clause 7.4.1 “Visual Privacy” A1 of the R-Codes; therefore privacy between the subject site and western residential properties is protected.</p> <p>The overshadowing of the development complies, as the proposed building does not result in any undue overshadowing of adjoining properties; with the shadow falling over Melrose Street.</p> <p>It is also noted that the rear right-of-way, which is 3 metres wide, combined with the condition of approval requiring two significant design features to be incorporated into the western elevation of the building, aid in minimising the building bulk on the western residential properties.</p>

Issue/Design Element:	Privacy
Requirement:	Residential Design Codes Clause 7.4.1 A1 Terrace 7.5 metres cone of vision setback
Applicants Proposal:	Second Floor Terrace 1.5 metres cone of vision setback (4.5 metres to the western residential property, including the 3 metre wide right-of-way)
Performance Criteria:	Residential Design Codes Clause 7.4.1 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.
Applicant justification summary:	No justification received.
Officer technical comment:	The second floor roof terrace does not comply with the Performance Criteria of the R-Codes as there is the potential to look directly into the western residential property. It is a condition of approval that the second floor roof terrace is screened up to 1.6 metres above the finish floor level.

Issue/Design Element:	Leederville Masterplan
Requirement:	Precinct 1 – Oxford Street North Awnings are to extend the full width of the site. Awnings to be a minimum 3.3 metres above the footpath. Awnings may extend to within 0.5 metres from the street edge.
Applicants Proposal:	The awning does not extend for the full width of the Melrose Street boundary.

Issue/Design Element:	Leederville Masterplan
	The awning extends for 20.86 metres of the 35.1 metre boundary.
Performance Criteria:	Not applicable.
Applicant justification summary:	No justification received.
Officer technical comment:	It is a condition of approval that a continuous and complementary awning be provided over the Oxford Street and Melrose Street footpaths.

Car Parking	
Car parking requirement (nearest whole number)	= 25 car bays
<ul style="list-style-type: none"> • Shop Retail Premise (Shop) – 1 space per 15 square metres of gross floor area Gross Floor Area = 328.25 square metres = 21.88 car bays • Warehouse Warehouse – 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof Gross Floor Area = 177.7 square metres = 3 car bays 	
Total car bays required = 24.88 car bays	
Apply the adjustment factors.	(0.5527)
<ul style="list-style-type: none"> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required) 	= 13.82 car bays
Minus the car parking provided on-site	5 car bays
Minus the most recently approved on-site car parking shortfall	9.06 car bays
Resultant surplus	0.24 car bays

Bicycle Parking	
Shop (328.25 square metres):	
<ul style="list-style-type: none"> • 1 space per 300 square metres gross floor area (class 1 or 2) = 1.09 spaces • 1 space per 200 square metres (class 3) = 1.64 spaces 	
<u>Required</u>	
2.73 spaces = 3 spaces	
<u>Provided</u>	
3 spaces	

It is noted that the above car parking and bicycle parking calculations do not include the floor area of the roof terrace, as it is considered that this use is incidental to the shop and warehouse functions of the site. It is also noted that the Leederville Masterplan outlines in Precinct 1- Oxford Street North that roof spaces may be used as an outdoor terrace.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	6 November 2012 to 19 November 2012
Comments Received:	One (1) objection

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Car Parking</p> <ul style="list-style-type: none">The site has no allowance for parking, with clients parking at adjoining premises.Proposed three-storey building with only three parking bays will result in an increase of clients parking at adjoining businesses.	<p>Dismiss. The proposal complies with the requirements of the City Policy No. 3.7.1 relating to Parking and Access.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: 21 November 2012

Summary of Design Advisory Committee Comments:

1. *Overlooking to the West;*
2. *Sculpture garden could provide privacy if people cannot walk in the area;*
3. *Art feature to be wrapped around the new section walls and no advertising material used;*
4. *Vent upper floor;*
5. *Natural vent louvers to the foyer; and*
6. *Roof terrace to comply with fire escape as per Building Code of Australia.*

LEGAL/POLICY:

The following legislation and policies apply to the three-storey commercial building at Nos. 201-203 Oxford Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Town Centre Masterplan and Built Form Guidelines;
- Oxford Centre Precinct Policy No. 3.1.4;
- Non-Residential/Residential Development Interface Policy No. 3.4.3; and
- Sound Attenuation Policy No. 3.5.21.

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 development consists of a one-hundred (100) per cent non-permeable surface. As there are no permeable surfaces, stormwater management is important. The proposal has no environmental design features incorporated.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The proposed alterations and additions to the building will assist in creating employment opportunities. In addition, the proposal facilitates business development within the City, whilst also creating job opportunities within the locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS & CONCLUSION:

The overall scale of the commercial building is considered to be consistent with the type of development desired within this locality. It is considered that the proposal is in keeping with the type of development and building form stipulated within the Leederville Town Centre Masterplan and Built Form Guidelines and the City's Policies No. 3.1.4 relating to the Oxford Centre Precinct and No. 3.4.3 relating to Non-Residential/Residential Development Interface.

In view of the above, it is recommended that the Council approve the development, subject to standard and appropriate conditions.

9.1.2 No. 15 (Lot 31) Franklin Street, Leederville – Demolition of Existing Single House and Construction of Two Storey Single House

Ward:	North	Date:	7 December 2012
Precinct:	Leederville, P3	File Ref:	PRO5634; 5.2011.637.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission and Justification		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by Brewer Constructions on behalf of the owner, A Teede, for the proposed Demolition of Existing Single House at No. 15 (Lot 31; D/P 2330) Franklin Street, Leederville, and as shown on amended plans stamp-dated 8 November 2012 and 27 November 2012, subject to the following conditions:
 - 1.1 a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
 - 1.2 a development proposal for the redevelopment of the subject property shall be submitted to and approved by the City prior to the submission of a Demolition Permit;

2. 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 Brewer Constructions on behalf of the owner, A Teede, for the proposed Construction of a Two-Storey Single House at No. 15 (Lot 2330) Franklin Street, Leederville, and as shown on amended plans stamp dated 8 November 2012 and 27 November 2012, for the following reasons:
 - 2.1 Non-compliance with the Acceptable Development and Performance Criteria provisions of the City's Policy No 3.2.1 relating to Residential Design Elements as follows:
 - 2.1.1 Clause SADC 5 and SPC 5 relating to "Street Setbacks"
 - 2.1.2 Clause SADC 6 and SPC 6 relating to "Minor Incursions into Street Setback Area"; and
 - 2.1.3 Clause SADC 8 and SPC 8 relating to "Setback of Garages and Carports"; and
 - 2.2 The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1 to:
 - 2.2.1 protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment; and
 - 2.2.2 ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and need of localities within the Scheme zone area; and

- 2.3 The proposed two storey single house 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.

Advice Notes to Clause 1

1. Support of the demolition shall not be construed as support of the Planning Approval/Building Permit application for the redevelopment proposal for the subject property; and
2. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies; and

COUNCIL DECISION ITEM 9.1.2

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.31pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.32pm.

Debate ensued.

MOTION PUT AND CARRIED LOST (2-7)

For: Cr Maier, Cr Topelberg

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

REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION

There is no acceptable Development Application at the current time and the Council requires an acceptable Development Application preferable before approving a demolition.

Debate ensued.

COUNCIL DECISION ALTERNATIVE RECOMMENDATION ITEM 9.1.2

ALTERNATIVE RECOMMENDATION:

Moved Cr McGrath, Seconded Cr Wilcox

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 Brewer Constructions on behalf of the owner, A Teede, for the Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House at No. 15 (Lot 2330) Franklin Street, Leederville, and as shown on amended plans stamp dated 8 November 2012 and 27 November 2012, 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 as follows:**
 - 1.1 **Clause SADC 5 and SPC 5 relating to "Street Setbacks"**
 - 1.2 **Clause SADC 6 and SPC 6 relating to "Minor Incursions into Street Setback Area"; and**
 - 1.3 **Clause SADC 8 and SPC 8 relating to "Setback of Garages and Carports"; and**
2. **The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1 to:**
 - 2.1 **Protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;**
 - 2.2 **Ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and need of localities within the Scheme zone area; and**
 - 2.3 **The proposed two storey single house 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.**

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (7-2)

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

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the development application proposes variations to the front setback (garage and porch) and vehicular access to the property from the primary street (Franklin Street) rather than the right of way. In addition the applicant has requested the application be presented to Council for consideration rather than be refused by administration.

BACKGROUND:

Not Applicable

History:

Not Applicable

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Mr A Teede
Applicant:	Brewer Constructions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	587 square metres
Right of Way:	South, Sealed, 5.0 metre width, City owned.

The application involves the demolition of the existing single storey dwelling and the construction of a two storey residential dwelling. The application proposes vehicular access from Franklin Street rather than the existing right of way, due to the presence of significant vegetation and mature trees at the rear of the property. The existing single storey dwelling has its vehicular access from Franklin Street with a garage in the middle of the property accessed from Franklin Street. The property is located along the southern side of Franklin Street which consists of mainly single storey dwellings; only one property has a carport within the front setback area.

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	✓		
Street Setback			✓
Minor Incursions			✓
Building Setbacks	✓		
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Carports and Garages			✓
Access & Parking	✓		
Privacy			✓
Roof Forms			✓
Solar Access	✓		
Site Works	✓		
Surveillance	✓		

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

Issue/Design Element:	Street Setbacks						
Requirement:	<p>Residential Design Elements Clause SADC 5 –</p> <p>(a) The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development.</p> <p>(b) Where the predominant setback pattern requires a setback distance that exceeds or is less than the below required minimum, the greater or lesser setback required to maintain the character of the street will apply.</p> <p>(c) The upper floor setbacks are as follows:</p> <table border="1" data-bbox="678 656 1342 875"> <thead> <tr> <th data-bbox="678 656 981 719">Upper Floor Feature Facing Primary Street</th> <th data-bbox="981 656 1342 719">Setback (metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="678 719 981 813">Walls on Upper Floor</td> <td data-bbox="981 719 1342 813">A minimum of two metres behind each portion of the ground floor setback.</td> </tr> <tr> <td data-bbox="678 813 981 875">Balconies on Upper Floor</td> <td data-bbox="981 813 1342 875">A minimum of 1.0m behind the ground floor setback.</td> </tr> </tbody> </table> <p><i>Note: The above setback requirements are a minimum requirements and an average of the above requirements is not acceptable.</i></p> <p>Lower – Ground Floor (Average of five (5) properties either side of subject property) – 5.6 metres</p> <p>Upper – Balcony – 1.0 metre behind lower floor (front) – 6.6 metres (as per average front setback) 9.8 metres (1.0 metre behind entry as per present proposed configuration) – Main Dwelling – 2.0 metres behind lower floor – 7.6 metres – 10.8 metres (2.0 metres behind entry as per present proposed configuration)</p>	Upper Floor Feature Facing Primary Street	Setback (metres)	Walls on Upper Floor	A minimum of two metres behind each portion of the ground floor setback.	Balconies on Upper Floor	A minimum of 1.0m behind the ground floor setback.
Upper Floor Feature Facing Primary Street	Setback (metres)						
Walls on Upper Floor	A minimum of two metres behind each portion of the ground floor setback.						
Balconies on Upper Floor	A minimum of 1.0m behind the ground floor setback.						
Applicants Proposal:	<p>Lower – House (Entry) – 8.8 metres Garage – 6.0 metres</p> <p>Upper – Balcony – 1.0 metre behind garage – 7.0 metres Main Dwelling – 2.65 metres behind garage – 8.6 metres</p>						
Performance Criteria:	<p>Residential Design Elements SPC 5</p> <p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building</p>						

Issue/Design Element:	Street Setbacks
	on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
Applicant justification summary:	<i>It is considered that Franklin Street is not an "intact" streetscape. It is a street in transition and includes some anomalies. Three of the houses on the south side have high front walls for the full width of the blocks. There is a small weatherboard cottage, one 1910 brick renovated dwelling and one 1970's brick with low fibro roof. There are three small 1940's detached houses, two medium 1930's renovated dwelling, and one 1930's dwelling recently sold. Therefore it is considered that the streetscape is something that requires some invigoration. In terms of the visual dominance, the proposed dwelling will not have an adverse effect on the streetscape, as it is proposed that it is a dwelling of high quality.</i>
Officer technical comment:	It is considered the development does not comply with the performance criteria due to the following: <ul style="list-style-type: none"> • The proposal provides for a garage which encroaches 2.8 metres in front of the proposed building line (entry) which is considered excessive and leads to an overbearing impact on the Franklin Street streetscape, which is mainly comprised of single storey dwellings with only one carport structure at the front of one dwelling. • The proposed upper storey balcony, although setback 1.0 metre from the lower floor garage and the upper storey main building line by 2.0 metres behind the balcony, provides for a non compliant front setback as technically the front main building line of the dwelling is the entry and the upper floor is located in front of this. This will result in an excessive scale of the development to Franklin Street and present a bulky development to the adjoining properties.

Issue/Design Element:	Minor Incursions into Street Setback Area
Requirement:	<p>Residential Design Elements Clause SADC 6 - Lower</p> <p>Porch – May not project not more than one (1) metre into the street setback area, provided that the maximum total width of such projections do not exceed 20 percent of the lot frontage at any level - 1.0 metre in front of ground floor average setback.</p> <p>(The proposed porch is permitted to have a minimum front setback of 4.6 metres based on the average front setback requirements and 7.8 metres based on the proposed setback of the entry (main building line) (8.8 metres) in the proposed plans.</p>
Applicants Proposal:	Porch – Encroaches 3.36 metres in front of entry and at a minimum front setback of 5.5 metres. The porch occupies 27 per cent of the lot frontage.
Performance Criteria:	<p>Residential Design Elements Clause SPC 6</p> <ul style="list-style-type: none"> • Minor incursions and projections may be permitted where it will not detract from the character of the streetscape or dominate the appearance of the existing dwelling.

Issue/Design Element:	Minor Incursions into Street Setback Area
Applicant justification summary:	<i>It is considered that Franklin Street is not an "intact" streetscape. It is a street in transition and includes some anomalies. Three of the houses on the south side have high front walls for the full width of the blocks. There is a small weatherboard cottage, one 1910 brick renovated dwelling and one 1970's brick with low fibro roof. There are three small 1940's detached houses, two medium 1930's renovated dwelling, and one 1930's dwelling recently sold. Therefore it is considered that the streetscape is something that requires some invigoration. In terms of the visual dominance, the proposed dwelling will not have an adverse effect on the streetscape, as it is proposed that it is a dwelling of high quality.</i>
Officer technical comment:	<p>It is considered the development does not comply with the performance criteria due to the following:</p> <ul style="list-style-type: none"> • The proposed porch is considered to detract from the front elevation of the dwelling and dominate the facade when viewed from the street given its bulky nature. • The proposed porch occupies more than 20 per cent of the lot frontage (27 per cent) which will impact on the existing streetscape along Franklin Street in terms of bulk and scale. • The predominant nature of the southern side of Franklin Street is of a simple single storey nature with a consistent streetscape pattern which if altered in the proposed design will impact the rhythm of the street.

Issue/Design Element:	Setback of Garages and Carports
Requirement:	<p>Residential Design Elements Clause SADC 8. Setbacks of Garages and Carports</p> <p>(a) Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.</p> <p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a right of way is available to the property, where</p> <ol style="list-style-type: none"> (1) The right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the City's right of way upgrade program; OR (2) More than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; OR (3) The applicant demonstrates there is a mobility or access issue by using the right of way; OR (4) The applicant demonstrates there would be a major impact on the existing amenity or open

Issue/Design Element:	Setback of Garages and Carports
	space at the rear of the property by using the right of way.
	<p>(c) Where vehicular access to car parking, carports and garages are permitted to be from a street (primary or secondary), the following requirements are to be met:</p> <ol style="list-style-type: none"> (1) Garages and carports should be integrated into the development, and should be constructed of compatible materials, colours, scale and roof pitch to the dwellings on site; (2) Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling (not open verandah, porch, portico and the like); (3) Carports should be located behind the street setback line and at the side of the dwelling where space exists. (4) Carports may be located within the street setback area provided it is one hundred (100) per cent open on all sides at all times (open style gates/panels with a minimum visual permeability of eighty (80) percent are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico and the like); (5) Solid roller doors, tilt doors and the like are not permitted for any carports located within the street setback area; and (6) The total width of any carport (inclusive of support structures) within the street setback area is not to exceed 50 per cent of the lot frontage at the building line or primary street setback, whichever is greater. <p>Garage – To be setback a minimum of 0.5 metres behind the front main building line of the dwelling (not open verandah, porch, portico and the like) – 6.1 metres required as per average setback requirements and 9.36 metres as per proposed dwelling configuration (0.5 metres behind Entry – 8.86 metres front setback).</p>
Applicants Proposal:	<p>Garage located to front of property with access from primary street (Franklin Street) in lieu of the right of way.</p> <p>Garage – 3.01 metres in front of main building line (entry).</p>
Performance Criteria:	<p>Residential Design Elements Clause SADC 8. Garages and Carports are not to visually dominate the site or the streetscape.</p>
Applicant justification summary:	<p><i>“Setbacks to Garages and Carports as per SADC 8 of the Policy normally require garages and carports to be located at the rear of the property where a laneway exists, As per SADC 8 (b) vehicular access from the Primary Street can be considered where,</i></p> <ol style="list-style-type: none"> <i>(1) The right of way is unsealed; OR</i> <i>(2) More than 50 per cent of the dwellings in the</i>

Issue/Design Element:	Setback of Garages and Carports
	<p><i>immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; OR</i></p> <p><i>(3) The applicant demonstrates there is a mobility or access issue by using the right of way; OR</i></p> <p><i>(4) The applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way.</i></p>
	<p><i>We note that to comply with SADC 8(b), we need to consider the above and ensure we comply with one element. The policy, in the guidance notes under 6.4.2 (iv) offers one instance that an applicant could consider as an example and refers in particular to SADC (b) 2.</i></p> <p><i>In this regard we proposed to consider the proposal with respect to SADC 8 (b) (4). This proposal complies with SADC 8 (b) (4), where if the garage and access was to be at the rear of the property, this would cause disruption and removal of existing mature vegetation on the property which is proposed to be retained. The landowner wishes to utilise the rear area as open space for the family, as it provides significant amenity and shading in the summer months. This site is one of only a few in the surrounding vicinity to have considerable mature vegetation at the rear of the respective properties, which would be beneficial to retain.</i></p>
	<p><i>The objectives of this (Streetscape) part of the Policy aim to ensure that development is of a high quality, whilst also minimising the impact of vehicles on the amenity of the streetscape.</i></p> <p><i>Out of the 13 residences, approximately 5 residences have vehicular access from Franklin Street (on the southern side of it); one of which is the dwelling on the subject land. Therefore by proposing a new garage accessed from Franklin Street, this will not change the current number of residences with vehicles accessing the land directly from Franklin Street. Of note, 11 out of 13 residences on the northern side of Franklin Street have vehicular access to the street, so it's something that is quite common in this area.</i></p> <p><i>Noteworthy also is that vehicles often use the verge for parking regardless of whether there is a laneway to access the land, so that they access front doors of the respective dwellings. This method of accessing the dwellings is unsightly and causes impact on the amenity of the street.</i></p> <p><i>We also consider that the garage is integrated into the development, as it forms part of the main double storey residence, which includes balconies and interesting features. Existing vegetation in the front setback area which is to be retained), as well as the existing mature street tree will assist in softening the proposed dwelling visually.</i></p>

Issue/Design Element:	Setback of Garages and Carports
	<p><i>In the circumstances of this proposal, the proponent is aiming to retain mature vegetation at the rear of the property (see attached photographs), and in this regard the owner proposes placing a garage with access from the Franklin Street frontage, rather than at the rear fronting the laneway; (where this would require removal of a substantial part of the mature vegetation). This would have the deleterious effect of severely compromising the area available for this young family's safe, secure recreational opportunities.</i></p> <p><i>Council's Residential Design Elements Policy states (at SADC 8(b)) that access to the Primary Street can be considered, "where the Applicant demonstrates that there would be a major impact on the existing amenity and open space at the rear of the property by using the right of way." Clearly that is the case in this instance.</i></p> <p><i>The proposal before you complies with SADC 8(b)(4), where if the garage and access was to be at the rear of the property, this would cause disruption and removal of existing mature vegetation on the property which is proposed to be retained, and would also severely impact on the open space and amenity of this site.</i></p>
	<p><i>The landowner wishes to utilise this rear area as it also provides significant amenity and shading in the summer months. This site is one of only a few in the surrounding vicinity to have considerable mature vegetation at the rear of the respective properties, which would be beneficial to retain, and important from a sustainability point of view, not only for this site, but the shading effect would also be beneficial for adjoining landowners.</i></p> <p><i>Therefore, we consider that it has been demonstrated that the amenity and open space at the rear of the property would be compromised if a garage and associated access ways were constructed in this location at the rear of the property. This is one of the principal reasons that the owners propose the garage to be located at the Franklin Street frontage of the land.</i></p> <p><i>We consider that the proposal complies with this (Acceptable Development) Part of the Policy, and therefore would be grateful if you could acknowledge the benefits of retaining this amenity (or explain why this amenity may not be considered important)."</i></p>
Officer technical comment:	<p>It is considered the development does not comply with the performance criteria due to the following:</p> <ul style="list-style-type: none"> • It is noted of the twelve (12) properties along the southern side of Franklin Street between Shakespeare and Loftus Street(s), there are two (2) properties which have a carport or garage with access obtained from the primary street (Franklin Street). Five (5) other properties have a hardstand at the front of the property, with access from the primary street (Franklin Street). However these properties as per the provisions of SADC (8) (b) (2) are not counted in the percentage of dwellings with

Issue/Design Element:	Setback of Garages and Carports
	<p>access from the primary street. The remaining five (5) properties have access from the right of way. Therefore based on the current lot vehicular access, not more than 50% of these properties along the southern side of Franklin Street have garage or carport access from the primary street.</p>
	<ul style="list-style-type: none"> • The right of way is sealed and new developments along Franklin Street have and are utilising the right of way for access. • Although as noted above in the applicant's justification, there are significant amounts of landscaping, mature trees (5 noted on the proposed plans) and vegetation to the rear of the property which are of a significant height and coverage and are proposed to remain as part of a larger rear backyard area for the owners of the property, they are not considered as significant according to the City's Municipal Heritage Inventory or listed on the City's Significant Trees register and therefore can be removed and vehicular access obtained from the existing right of way. It is noted if one to two of these trees were removed from the south east corner of the site, there would still be appropriate access to the property afforded with the availability of area for either a garage or area for two (2) vehicles to be parked and a substantial backyard area for the owners of the property given the size of the lot. • Following on from this, if the Council deem it appropriate to support the garage at the front of the property, rather than the rear with access from the right of way, a condition relating to the requirement for a Notification on the title (Section 70a) would be required to ensure that the mature trees at the rear of the property are protected and maintained going forward. • The City's Parks Services have noted that there are a number of trees located within the rear of this property with the largest trees being the Cape Lilac and a Gum tree (possibly Eucalyptus Camaldulensis) which are located on the western side of the property. Parks Services also note that should the owner of the property wish to construct the garage on the eastern side they would only have to remove two (2) immature trees, one of which is a Gum and a Liquid Amber tree, still leaving the majority of the existing trees intact. All the trees located within the rear of this property do not appear on any of the City of Vincent's "Trees of Significance Register" list numbers 1, 2 or 3. In addition the Cape Lilac and the Gum tree are a common species of tree and there are many fine examples established throughout the City of Vincent. Given this information, Parks Services would not object to the removal of any of the trees located within the rear of this property to accommodate the construction of a new car garage.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Clause BDADC 3. Roof Forms 30 - 45 degrees Roof Pitch
Applicants Proposal:	7 - 25 degrees
Performance Criteria:	Residential Design Elements Clause BDPC 3. Roof Forms 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:	<i>“Exceeding the requirements of Roof Forms, the hanging gable roof forms were specifically chosen in homage to the existing house and a gable style common in Leederville. There are minimal streetscape implications as the buildings in Franklin Street have a great diversity of styles and materials and have been constructed in various years over the past century.”</i>
Officer technical comment:	It is considered the proposed roof pitch is compliant with the performance criteria of the Residential Design Elements Policy due to the following: <ul style="list-style-type: none"> • The proposed elevation to the street, gives the impression of a pitched roof design which fits in with the existing Franklin Street streetscape. In addition the skillion roof to the rear of the dwelling is of a design and style, which is well incorporated into the pitched roof design of the dwelling and will not be seen from the street frontage. On this basis the roof form is maybe supported.

Issue/Design Element:	Visual Privacy
Requirement:	Residential Design Elements Clause BDADC. 9 Visual Privacy Upper Rear Balcony – 7.5 metres Cone of Vision Privacy Setback
Applicants Proposal:	Upper Rear Balcony - 2.5 metres (East)/5.0 metres (West) Cone of Vision Privacy Setback
Performance Criteria:	Residential Design Elements Clause BDPC. 9 Visual Privacy (i) Private Open spaces and habitable rooms of a dwelling and adjacent dwellings should be protected from direct and unreasonable overlooking.
Applicant's Justification Summary:	<i>No specific justification provided by the applicant.</i>
Officer technical comment:	It is considered the proposal is not compliant with the performance criteria of the Residential Design Codes as: <ul style="list-style-type: none"> • The proposed rear balcony allows for overlooking to occur to the south east of the adjoining property. • In the event of an approval of this application, privacy screening would be required to be provided on the upper rear balcony in accordance with the cone of vision privacy setback requirements of the Residential Design Elements Policy to prevent any overlooking.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 10 January 2012 – 23 January 2012

Comments received: Neighbour consultation was undertaken in relation to the proposed two storey dwelling, with regard to street setbacks (porch), building setbacks, buildings on the boundary, visual privacy, cut and fill, retaining walls, setback of garages and roof forms. Three (3) comments were received, with one (1) comment objecting to the development with two (2) comments noting general concerns to the development. At the conclusion of the neighbourhood consultation period, the applicant, in response to the neighbour comments, amended the proposed plans to comply with the provisions of building setbacks, buildings on the boundary, cut and fill and retaining walls.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Privacy</p> <p>Concern in relation to the rear upper balcony and the omission of screening to the rear of the balcony and the possibility of uninterrupted views of the adjoining property's backyard. Concern also if glass screens are used it will allow for further privacy concerns. Would request solid screening/balustrading be provided?</p> <p>Concern in relation to the open west side of the upper lounge room balcony and its privacy impacts to the adjoining property. Would request frosted glass bricks be provided for privacy.</p> <p>Concern in relation to the western upper windows and their impact on privacy, and subsequently should be fixed, frosted and screened accordingly.</p> <p>Concern in relation to privacy with regard to overlooking to the east of the rear upper balcony.</p>	<p>Noted and Dismiss. Given the potential for overlooking, the applicant has provided screening to the eastern and western elevations to be in compliance with the cone of vision setback requirements of the Residential Design Codes. In the event of an approval however, screening would also be required to be provided along the southern elevation to comply with the privacy requirements of the Residential Design Elements Policy.</p> <p>Noted and Dismiss. The proposed plans have been amended to include a privacy screen on the western elevation to eliminate direct overlooking.</p> <p>Noted and Dismiss. The applicant has provided highlight windows to all major habitable rooms along the upper western elevation. The bathroom and toilet windows are not considered major openings under the definitions of the Residential Design Codes WA 2010 and do not require screening or obscure glazing to be provided.</p> <p>Noted. In the event of an approval screening would be required to be provided to comply with the privacy requirements of the Residential Design Elements Policy.</p>
<p>Issue: Boundary Fencing</p> <p>Note that the plans indicate that along the western boundary there is to be a replacement in fencing. A request by the adjoining owner is made that as the existing fence is in good order that no contribution to new fencing is made.</p>	<p>Noted and Dismiss. Any change to fencing is to be as per the Dividing Fences Act and in consultation with both owners.</p>

Summary of Comments Received:	Officers Technical Comment:
Issue: Boundary Parapet Wall Concerns in relation to the nil setbacks of the garage and height of parapet wall and its impact on the adjoining property.	Noted and Dismiss. The applicant has amended the plans to ensure that the proposed garage parapet wall is compliant with the Residential Design Codes requirements in terms of height and length of boundary parapet wall.

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 two-storey single house at No. 15 Franklin Street, Leederville:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Precinct Policy No. 3.1.3; and
- Residential Design Elements Policy No. 3.2.1.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the City's Residential Design Elements Policy No. 3.2.1 and the City of Vincent Town Planning Scheme No. 1; therefore creating a undesirable precedent for the redevelopment of properties fronting Norfolk Street.

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 design adequately responds to the northern aspect of the site, allowing for sunlight and ventilation to permeate the dwelling, reducing the need for additional heating and cooling.	

SOCIAL	
Issue	Comment
The proposed two-storey single house will assist in providing housing diversity within the City, bringing more families to the locality.	

ECONOMIC	
Issue	Comment
The construction of the two-storey single house will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The Wise Post Office Directories indicate that the dwelling was constructed circa 1935 as the site was first occupied by Mr Arth Russel in 1936. Mr Russel lived in the subject dwelling until at least 1949. A Metropolitan Water Supply Sewerage & Drainage Department (MWSS&DD) Plan dated 1935 illustrates that the land at No. 15 Franklin Street was vacant and other dwellings surrounding the site had been built.

No original Building Permit Plans are located for the subject place; however a Building Licence for a garage was approved by the City of Perth on 11 November 1952. No other historical information relating to the subject place was obtained as part of this assessment.

The subject single storey brick and tile dwelling was constructed circa 1935 in the Interwar Bungalow. The dwelling is setback approximately 8.2 metres from the street by a 1.8 metre high fence with brick pillars and timber infill.

The subject dwelling has a medium pitched tile roof with a gable over the front room of the dwelling and a larger gable behind that. The external walls of the subject dwelling have been rendered and painted white, with the gables and gutters painted sky blue. There is a medium sized window on the front elevation that appears to be original and a wrap-around porch to the right of the front room. A paved driveway runs along the eastern boundary which gives access to the garage located along the eastern boundary towards the rear of the property.

A full heritage assessment was undertaken for No. 15 Franklin Street, Leederville, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place doesn't meet the threshold for entry on the City's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to the standard demolition condition.

Planning

Clause SADC 5 and SPC 5 relating to "Front Setbacks"

The proposed garage encroaches forward of the proposed entry by 2.8 metres in front of the building line (entry) which is considered excessive and leads to an overbearing impact on the Franklin Street streetscape, which is mainly comprised of single storey dwellings. The proposed upper storey balcony, although setback 1.0 metre from the lower floor garage and the upper storey main building line 2.0 metres behind the balcony, provides for a non compliant front setback as technically the front main building line of the dwelling is the entry and the upper floor is located in front of this.

Clause SADC 6 and SPC 6 relating to "Minor Incursions into the Street Setback Area"

The proposed porch encroaches 0.5 metres in front of the proposed garage and 3.36 metres in front of the main building line (entry), at a minimum front setback of 5.5 metres and occupies more than 20 per cent of the lot frontage of the property (27%). It is considered the porch detracts from the front elevation of the dwelling and dominates the facade when viewed from the street given its bulky nature.

Clause SADC 8 and SPC 8 relating to "Setback of Garages and Carports"

The proposed garage structure, located at the front of the property fronting Franklin Street is not supported as there are less than 50 per cent of the dwellings in the immediate street block on the southern side of the street with carports or garages accessed from the primary street (Franklin Street). Moreover there are existing properties along this section of Franklin Street which utilise the right of way and still have provision for significant active areas. The proposed garage extends forward of the main building line of the dwelling by over three (3) metres, presenting a dominant feature to the Franklin Street façade of the property.

It is also noted that this is a new house which provided the applicant the opportunity to design a house in accordance with the City's requirements whilst meeting their design needs. The lot being 587m² is quite large and offers enough space for vehicle parking off the rear whilst only removing two (2) immature trees and keeping the remaining.

Whilst the applicant has requested discretion in relation to the use of the rear yard for active back yard area and to retain the significant amount of existing vegetation and mature trees, the existing vegetation is not considered "significant" and therefore it cannot be used as an argument against the applicant not providing vehicular access at the rear of the property from the right of way. It is argued that the removal of trees in the south east corner of the site could provide appropriate access to the site, a location to site two (2) car parking bays and still maintain significant vegetation and trees.

CONCLUSION

It is considered that the presence of variations, particularly to the front setback (porch and garage) and location of vehicular access to the block (garage off the primary street in lieu of the right of way); will contribute to a reduction in amenity in the present and future streetscape. It is therefore considered the variations do not comply with the performance criteria or acceptable development provisions of SADC and SPC 5, 6 and 8 the Residential Design Elements Policy and are therefore not supported.

In light of the above, it is recommended that the proposed two storey single house be refused accordingly.

9.1.13 No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Three (3) Lot Subdivision (WAPC Referral No. 146837) Relating to the John Tonkin Water Centre (Water Corporation WA)

Ward:	South	Date:	7 December 2012
Precinct:	Oxford Centre; P04	File Ref:	146837; 7.2012.45.1
Attachments:	001 – Property Information – Aerial; 002 – Subdivision Plan; 003 – Original report submitted to the WAPC as part of the subdivision application titled John Tonkin Water Centre Subdivision Proposal – October 2012, 711-118A; 004 – City’s letter to tpg dated 1 November 2012; 005 – Letter from tpg dated 13 November 2012 to the City		
Tabled Items	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECOMMENDS REFUSAL** to the Western Australian Planning Commission for proposed Subdivision (WAPC Referral No. 146837) stamp dated 14 November 2012, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville, for the following reasons:
 - 1.1 The subdivision if granted, would effectively render the current development approval No. 5.2010.524.4 granted by the Council at its Ordinary Meeting held on 11 October 2011 invalid, as the lots will be physically incapable of accommodating the future approved development as it proposes to subdivide through such buildings and car parking at different levels, would also result in building approvals not being achievable, and does not resolve ownership of the new road;
 - 1.2 The proposed subdivision is irregular in shape; and
 - 1.3 The subdivision if granted, would create an unacceptable precedent for subdivision of other lots in the immediate vicinity;

2. **ADVISES** the Western Australian Planning Commission that should it be inclined to approve the Subdivision (No. 146837), at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville, that the following conditions be imposed:
 - 2.1 All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City’s Technical Service Directorate;
 - 2.2 A public access easement is required over proposed Lots 1 and 3, dimensioned as per the drawing submitted to the City and numbered 712-118 CP1A 11.9.12.dwg (stamp dated 14 November 2012), in which the City is to be a beneficiary of the easement, and the terms of the easement must be agreed by the City, including all costs incurred in preparation of the easement including the City’s legal cost is borne by the Water Corporation;

- 2.3 The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this subdivision;
 - 2.4 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government);
 - 2.5 Approval of the subdivision is not to be construed as support or approval of the demolition of the existing building(s) and/or any development on the proposed lots; and
 - 2.6 If any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Permit are to be obtained from the City for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the City; and
3. ADVISES the Western Australian Planning Commission as follows:
- 3.1 That it is prepared to consider and support a well developed subdivision layout for the subject sites that addresses the issues in 1 above; and
 - 3.2 In relation to 2, the City advises the applicant that clearance of this subdivision would make the existing development approval No. 5.2010.524.4 granted by the Council at its Ordinary Meeting held on 11 October 2011 invalid over the new lots.

COUNCIL DECISION ITEM 9.1.13

Moved Cr Buckels, **Seconded** Cr Topelberg

That the recommendation be adopted.

Cr McGrath departed the Chamber at 8.41pm.

Debate ensued.

Cr Carey departed the Chamber at 8.47pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.50pm.

MOTION PUT LOST (2-6)

For: Cr Pintabona, Cr Wilcox

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

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

REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION

The Council did not accept the Officer reasons for the refusal.

COUNCIL DECISION ALTERNATIVE RECOMMENDATION ITEM 9.1.13

ALTERNATIVE RECOMMENDATION:

Moved Cr Maier, Seconded Cr Topelberg

That the Council;

- 1. RECOMMENDS APPROVAL to the Western Australian Planning Commission for proposed Subdivision (WAPC Referral No. 146837) stamp dated 14 November 2012, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville, subject to the following conditions:**
 - 1.1 All storm water produced on the subject land shall be retained on site by suitable means to the satisfaction of the City's Technical Services Directorate;**
 - 1.2 A public access easement is required over proposed Lots 1 and 3, dimensioned as per the drawing submitted to the City and numbered 712-118 CP1A 11.9.12.dwg and stamp dated 14 November 2012, in which the City shall be a beneficiary of the easement, the terms of the easement shall be agreed by the City, and all costs incurred in preparation of the easement, including the City's legal cost shall be borne by the Water Corporation;**
 - 1.3 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia; and**
 - 1.4 If any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Permit are to be obtained from the City for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the City; and**
- 2. ADVISES the Western Australian Planning Commission in relation to 1 above, that clearance of the subdivision would make the existing development approval No. 5.2010.524.4 granted by the Council at its Ordinary Meeting held on 11 October 2011 invalid over the proposed new lots.**

ADVICE NOTES:

- 1. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this subdivision; and**
- 2. Approval of the subdivision is not to be construed as support or approval of the demolition of the existing building(s) and/or any development on the proposed lots.**

ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

Cr McGrath returned to the Chamber at 8.55pm.

PURPOSE OF REPORT:

This application requires referral to the Council for determination as it is a significant and large landholding within the Leederville Masterplan area.

BACKGROUND:

History:

Date	Comment
13 September 2011	The Council at its Ordinary Meeting deferred the proposed Demolition of Existing Two (2) Storey Building on Newcastle Street frontage, Construction of a new Mixed Use Development consisting of Six (6) Multi Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and including Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville.
11 October 2011	The Council at its Ordinary Meeting conditionally approved the Demolition of Existing Two (2) Storey Building on Newcastle Street frontage, Construction of a new Mixed Use Development consisting of Six (6) Multi Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and including Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville.
17 July 2012	The Water Corporation lodged an appeal with the State Administrative Tribunal in relation to some of the conditions imposed by the Council at its Ordinary Meeting held on 11 October 2011, which resulted in a mediated outcome for both parties.

DETAILS:

The application is for the amalgamation and subdivision of two (2) existing lots, and creating three (3) new lots, with frontage to Newcastle Street. The proposed lot sizes are 0.4990 (4990 square metres) hectares, 0.9118 (9118 square metres) hectares and 2.6022 hectares (26,022 square metres).

Landowner:	Water Corporation of Western Australia
Applicant:	tpg Town Planning Urban Design and Heritage
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Offices and Child Care Centre
Use Class:	Offices and Child Care Centre
Use Classification:	"P", "AA"
Lot Area:	40,149 square metres
Right of Way:	Not applicable

ASSESSMENT:

Based on WAPC Development Control Policy 1.1 relating to Subdivision of land and the Policy Objectives, one of which is to ensure that lots can be physically capable of accommodating future development for the site, which in this case can be achievable. Also to be considered is to ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1, associated Policies and Western Australian Planning Policy relating to subdivision of lots.

RISK MANAGEMENT IMPLICATIONS:

Should the Council recommend refusal of the application for subdivision approval, and if the Western Australian Planning Commission (WAPC) which is the determining authority also refuses the application, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*. The WAPC will then have to defend the appeal in this instance, and may seek assistance from the City in this respect.

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."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

While it is acknowledged that there is no direct linkage between the subdivision and the development approval, the fact that a planning approval has been approved over the site after substantial negotiations and discussion with the Water Corporation raises concerns. While the City fundamentally does not have any objection to orderly subdivision of the site, there are concerns that the proposed lot configurations do not take into account the current Planning Approval over the whole site, which was approved by the Council at its Ordinary Meeting held on 11 October 2011, which indicates buildings at various levels and the basement car parking, straddling the proposed lot boundaries.

There are also concerns there would be complications regarding ownership and maintenance responsibilities in relation to the Frame Court easement. Such issues can however be addressed via subdivision conditions.

Due to the above concerns, the City has written to the Water Corporation's Planning Consultant tpg Town Planning and Urban Design, on 1 November 2012 (letter attached) outlining its concerns and sought further clarification. tpg has since forwarded their response dated 13 November 2012 (attached) and larger scaled plans, to the matters raised by the City.

The City's Officers are not against subdivision of the site, but not in its current form and configuration.

On the above basis, the City is not convinced that the subdivision has taken into account the implications of the approved planning approval, however if the Commission is inclined to approve the subdivision that the conditions in clause 2 of the above Officer Recommendation are imposed.

9.1.16 Community Energy Efficiency Program (CEEP) Round Two Grant Application

Ward:	Both	Date:	12 December 2012
Precinct:	All	File Ref:	FIN0199
Attachments:	001 – Community Energy Efficiency Program Round Two Guidelines		
Tabled Items:			
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officers:	C Eldridge, Director Planning Services – Grant Application; R Lotznicker, Director Technical Services – Project Implementation; M Rootsey, Director Financial Services – Project Funding.		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** of an application for a Community Energy Efficiency Program (CEEP) Grant to be submitted by 7 February 2013;
2. **AUTHORISES** the Chief Executive Officer to engage consultants for the preparation of the CEEP grant application, at a cost of \$3,000;
3. **APPROVES BY ABSOLUTE MAJORITY** the reallocation of \$250,563 from Reserve Funds as determined by the Chief Executive Officer, and the green Power saving account, for the proposed projects, included in the CEEP grant application; and
4. **LISTS FOR CONSIDERATION** an amount of \$270,000 in the Draft Budget 2013/14 for geothermal space heating and cooling projects for Beatty Park Leisure Centre and the Administration and Civic Centre, should the CEEP application be successful.

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

COUNCIL DECISION ITEM 9.1.16

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 8.54pm.

Debate ensued.

Cr Buckels returned to the Chamber at 8.55pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

PURPOSE OF REPORT:

The purpose of this report is to advise the Council about the second round of the Australian Federal Government's Community Energy Efficiency Program (CEEP) and to seek approval to submit a grant application.

BACKGROUND:

The CEEP is a competitive merit based grant program designed to assist Local Government, not-for-profit and community organisations to undertake energy efficiency measures to adjust to the new price on carbon. CEEP does not provide funding for renewable energy infrastructure such as photovoltaic systems, but will fund geothermal heating and energy efficient co-generation and tri-generation systems. Eligible projects must cost in the range of \$150,000 to \$6,000,000, with the maximum grant contribution from the Federal Government being two thirds of the project cost.

DETAILS:

The City submitted an application in early 2012 for Round one (1), however was unsuccessful – mainly due to the significant high number of applications, which exceeded the amount of funding available. (\$42 million was awarded to sixty three (63) successful recipients in June 2012.

On 30 October 2012 the Australian Federal Government opened round two of its Community Energy Efficiency Program (CEEP). CEEP provides funding for Local Government, not-for-profit and community organisations to undertake energy efficiency upgrades to community infrastructure and local government buildings. The current round of applications closes on 7 February 2013 and calls for fully costed, planned and community-supported projects for which at least 2/3 of the required funding can be met from existing budgets and other non-Commonwealth funding sources.

This second round of CEEP prioritises funding for low socio-economic and disadvantaged communities (local governing authorities ranked in the lowest 50 per cent of the Australian Bureau of Statistics 2006 *Local Government Area Index of Relative Socio-economic Disadvantage*). Applicants who fall into this category are eligible for CEEP funding of up to 2/3 of the project costs.

This is a competitive merit-based grant program, with defined funding limits. Only the strongest proposals that most successfully meet the assessment criteria will be funded. An independent Program Advisory Committee will assess projects against the merit criteria, but the Minister for Climate Change and Energy Efficiency will make final decisions regarding which applications will receive grant funding.

Objectives of the program

- To support a range of local councils and community organisations to increase the energy efficiency of different types of non-residential council and community-use buildings, facilities and lighting (particularly where this will benefit low socio-economic or other disadvantaged communities); and
- To demonstrate and encourage the adoption of improved energy management practices within councils, organisations and the broader community.

Funding arrangements

Successful applicants must enter into a funding agreement with the Commonwealth Government prior to the commencement of projects. The funding agreement must be executed within sixty (60) days from the date the offer is made, and this date of execution becomes the project commencement date. All projects must be completed by June 2016.

Funding limits vary for different categories of applicant. The City of Vincent, being a metropolitan council that is not categorized as a low socio-economic area, is eligible to apply for between \$50,000 and \$2 million in CEEP funding (making up no greater than 1/3 of project costs).

Applicants must demonstrate their ability to fund the remaining project costs and provide documentary evidence of such funding at the time of application.

Applications will be assessed through a four-part assessment process involving:

1. Eligibility
2. Viability
3. Merit
4. Low socio-economic benefit

Eligibility Criteria

The applicant must be:

- A local governing body or non-profit organisation;
- The owner of the building, facility or site that is the subject of the proposal; and
- Able to demonstrate with documentary evidence the ability to fund 2/3 or more of the total cost of the proposed project.

Viability Criteria

- Capacity of the applicant to deliver the project;
- Financial viability of the proposal;
- Technical feasibility of the proposal; and
- Risks relating to the proposed project.

Merit criteria (and corresponding weighting)

- Energy efficiency improvement potential (20% weighting);
- *Targeting low socio-economic and other disadvantaged communities (20% weighting);
- Potential to encourage improved energy management practices and evidence of support from a broad cross-section of the community (20% weighting);
- Project design, funding and management (20% weighting); and
- Value for money (20% weighting).

***“LOW SOCIO-ECONOMIC BENEFIT CRITERION**

The Department will give additional consideration, in terms of potential funding ratios, to Council applicants from areas regarded as having low socio-economic status (see Appendix E) and to projects predominantly focussed on benefitting low socio-economic and other disadvantaged communities”. – The City of Vincent is not prescribed as a low-socio-economic Local Government.

Mandatory documentation to be submitted with the grant application

- Proof of public liability insurance;
- Evidence of broad-based community support for the proposed project;
- Formal planning approvals (if applicable);
- Project Budget;
- Project Plan;
- Risk Management Strategy;
- Relevant energy efficiency reports; and
- Financial statements and relevant financial documents (to demonstrate ability to fund 2/3 of the proposed project).

Proposed Projects

The projects shown in the following table have emerged as priority energy efficiency measures during the preparation of the City’s corporate energy management plan (EMP), which is currently in progress and expected to be completed in early 2012 (refer to Information Bulletin - *Corporate Energy Management Plan – Progress Report 1*).

Under CEEP, individual projects costing less than \$150,000 will be ineligible for grant funding and will need to be bundled with other projects to reach this eligibility threshold. There are multiple benefits to bundling of projects:

- ❖ The CEEP selection panel has previously favoured projects that combined multiple sites and technologies into one package;
- ❖ The payback period for the largest and most costly project (geothermal heating and cooling to the Administration and Civic Centre) is significantly improved when combined with smaller projects that have shorter payback periods (improving financial viability);
- ❖ Lighting projects are eligible for lease-purchase arrangements, requiring no capital outlay and thereby maximising the grant funding available to offset capital expenditure on geothermal heating and cooling systems.

Project	Facility	Estimated project cost	Estimated pay-back period
1. Geothermal space heating and cooling (using excess geothermal heat from Beatty Park Leisure Centre and onsite cold-water bores)	Administration and Civic Centre	\$685,000 (plus \$36,650 consultant cost for detailed project design)	*6.61 years *6.17 years
2. Geothermal space heating to indoor pool and office areas	Beatty Park Leisure Centre	\$120,000	*4 years *3.73 years
3. Geothermal space heating and cooling (using excess geothermal heat from Beatty Park Leisure Centre and onsite cold-water bores)	Library and Local History Centre	Approximately \$200,000	*6.85 years *6.39 years
4. Lighting retrofit	Robertson Park Tennis Centre (court lighting)	\$120,000	*3 years *2.8 years
5. Lighting retrofit	Loftus Recreation Centre	\$100,000	*3 years *2.8 years
6. Lighting retrofit	Beatty Park Leisure Centre	\$100,000	*3 years *2.8 years
7. Lighting control retrofit	Beatty Park Leisure Centre, Loftus Recreation Centre and Loftus Community Centre	\$5,000	*1 year *0.93 years

❖ Adjusted based on predicted electricity price increases for Western Australia 2012-13 to 2015-16 (from the Western Australian Treasury's 2012-13 Budget Economic and Fiscal Outlook Paper). Based on current energy costs. Pay back periods are likely to change if future price increases for energy are used — the City is awaiting this information as at the time of writing this report.

Reserve funds available for the above facilities are shown in the table below:

Building	Reserve Fund Amount 31 October 2012	Reserve Fund Amount 30 June 2013
Beatty Park Leisure Centre	\$4,839,458	\$34,615
Administration and Civic Centre	\$177,040	\$135,132
Loftus Recreation Centre & State Gymnastics Centre	\$149,944 \$40,097	\$12,630 \$44,306
Loftus Community Centre	\$21,038	\$53,854
Totals	\$5,227,577	\$280,537

There are no reserve funds for the Library and Local History Centre or for Robertson Park Tennis Centre.

Expected costs:	
Total cost for all listed projects	\$1,366,650
Implementation of Communication Plan (required as part of CEEP process)	\$20,000
Total expected costs:	\$1,386,650

Potential funds:	
Maximum eligible CEEP grant amount	\$455,550
Total expected building reserve funds	\$280,537
Renewable Energy/Energy Efficiency reserve (formerly Green Power expenditure)	\$75,000
Lighting project costs (operational expenditure)	\$325,000
Total potential funds:	\$1,136,087

Expected shortfall in funds: \$270, 563

This shortfall can be reduced to **\$137,230** by excluding the least financially viable project (geothermal heating/cooling for the Library and Local History Centre) from the CEEP application.

As CEEP projects are expected to commence after 30 June 2013 and to be completed by 30 June 2016, there is opportunity for funding to be allocated over the 2013/14, 2014/15 and 2015/16 budgets to make up the above shortfall.

CONSULTATION/ADVERTISING:

Community consultation will be essential for obtaining the broad-based community support required to fulfil the merit criteria within the application package. An important part of this consultation process is consideration of the proposed energy efficiency projects by the City's Sustainability Advisory Group, and liaising with specific community groups to seek letters of support for proposed works. Additionally, the operators of the Loftus Recreation Centre and Robertson Park Tennis Club will need to be consulted in relation to the projects affecting their respective facilities.

LEGAL/POLICY:

Successful applicants must enter into a funding agreement with the Commonwealth Government prior to the commencement of the project. The funding agreement is a performance-based, legally enforceable agreement between the Commonwealth Government and the successful applicant that sets out the terms and conditions governing the funding provided.

The City's Policy No. 2.2.12 relating to Asset Management states:

"Objectives:

- *Ensure that assets service the community for current and future generations;*
- *Ensure that assets provide a level of service and risk the community is willing to support;*
- *Ensure the sustainable management of assets;*
- *Encourage and support the economic and social wellbeing of our community; and*
- *Allow informed decision making, incorporating life cycle costing principles."*

The City's Policy No. 3.5.10 relating to Sustainable Design states:

“Objectives:

- *To demonstrate the Town’s commitment to environmental, economic, and social stewardship, and to contribute to the Town’s goals of protecting, conserving, and enhancing the Town’s and the State’s environmental resources;*
- *To encourage the retention of existing buildings capable of reasonable adaptation and re-use;*
- *To encourage the incorporation of sustainable design principles and features in existing and new development in the Town of Vincent as standard practice; and*
- *To set out the Town’s expectations of the sustainability outcomes to be achieved by home owners, developers and builders in new building and renovation projects.”*

RISK MANAGEMENT IMPLICATIONS:

Medium: In order to meet viability criteria, the City’s grant application will need to include a comprehensive Risk Management Plan for the proposed project. This plan must be implemented as part of the City’s obligations under the funding agreement.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.3 *Take action to reduce the City’s environmental impacts and provide leadership on environmental matters.*
 - 1.1.4 *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

“Leadership, Governance and Management

- 4.3 *Promote and Implement Knowledge Management and Technology*
 - 4.3.1 *Promote technology opportunities to improve the City’s business, communication, security and sustainability.”*

In keeping with the City’s *Sustainable Environment Strategy 2011-2016* the following Objective states:

“General Actions

Ensure that the City acts in an environmentally sustainable manner in all of its operations.

- F. *Monitor and avail of opportunities for state and federal funding and grants which could fund environmental projects or initiatives.*

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

- J. *Make environmental and sustainability information more readily accessible to the community.*
- K. *Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice.*
- L. *Promote responsible consumption that has a reduced environmental impact.”*

“Air and Emissions

Reduce and offset the use of non-renewable energy in the City’s operations, and promote the same to the community.

Action 1.7 Continue to investigate and implement the use of alternative lighting technologies, including solar-powered lights and LEDs, in lighting owned by the City.

Action 1.14 Offer guidance and encourage energy efficient design for new developments and retrofitting for existing developments within the City.”

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the proposed efficiency upgrade and retrofit project.

ENVIRONMENTAL	
Issue	Comment
	Increased energy efficiency and the adoption of clean energy technologies will translate into significant greenhouse gas emission reductions from the City’s operations. This will mitigate the City’s contribution to global climate change impacts and help to meet its commitments under the Local Government Declaration on Climate Change – signed on 15 May 2012.

SOCIAL	
Issue	Comment
	Implementation of these measures will demonstrate leadership on climate change mitigation and provide opportunities to engage and inform the City’s community about related issues.

ECONOMIC	
Issue	Comment
	Increasing energy costs mean that the efficiency/clean technology measures proposed as part of this project will result in cost savings that will far outweigh the value of energy savings at current market rates.

FINANCIAL/BUDGET IMPLICATIONS:

Successful CEEP grant application will require a written commitment from the City to meet all co-funding requirements for proposed projects.

Community engagement and the potential to encourage energy efficiency in the wider community receives a 20% weighting in the grant application merit criteria. It is therefore expected that a further \$20,000 will be required to fund a community engagement program, which would include interpretive/interactive displays at relevant facilities.

COMMENTS:

The geothermal bore located at Beatty Park Leisure Centre has sufficient excess capacity to provide for the space heating needs of the Beatty Park Leisure Centre, the City’s Administration and Civic Centre and the Loftus Centre Complex.

Advice from the City’s energy consultants is that geothermal heating/cooling retrofits for the Loftus Recreation Centre and Loftus Community Centre are not appropriate for CEEP grant application due to the length of payback periods – expected to be eight to ten years.

While the Library and Local History Centre has a greater chance of grant success with a ~~6.85~~ 6.39 year payback period, the relatively new and efficient heating/cooling system at this site means that investment would be better prioritised for on-site renewable energy generation.

On the other hand, a geothermal retrofit for the Administration and Civic Centre is appropriate at this time, as the aging heating/ventilation/air condition system at the site is already in need of upgrade. By using a CEEP grant to co-fund the replacement of this aging system with a highly efficient geothermal system and bundling the project with lighting upgrades eligible for lease-purchase finance, the cost to the City would be minimised and future energy savings optimised.

In relation to the proposed lighting projects, the costs for Beatty Park Leisure Centre and Robertson Park Tennis Centre can be met from the City's operational budgets under lease-purchase finance arrangements, designed to use savings resulting from the upgrades to repay project costs over subsequent years. At the Loftus Recreation Centre, electricity accounts are held and managed by Belgravia Leisure, independently from the City. Belgravia Leisure's support of the above-mentioned lease-purchase finance arrangement will therefore be required for the proposed lighting upgrade to proceed at that facility.

9.2.1 Beaufort Street Enhancement Working Group – Approval of Additional Seating and Drinking Fountains and Progress Report No. 6

Ward:	South	Date:	7 December 2012
Precinct:	Beaufort (13)	File Ref:	TES0067
Attachments:	Nil		
Tabled Items	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services; J Anthony, Manager Community Development; and C Wilson, Manager Asset and Design		
Responsible Officer:	R Lotznicker, Director Technical Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the progress, as at 18 December 2012, of the Beaufort Street Enhancement Works as outlined in the report; and
2. **APPROVES** the remaining funds of approximately \$17,000 being used to install additional seating planters and drinking fountain/s, in locations approved by the Director Technical Services (in liaison with the Beaufort Street Enhancement Working Group).

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

COUNCIL DECISION ITEM 9.2.1

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Cr Harley departed the meeting at approximately 8.55pm and did not return.

PURPOSE OF REPORT:

The purpose of this report is to update the Council of progress regarding the Enhancement Works in Beaufort Street.

BACKGROUND:

Ordinary Meeting of Council – 27 September 2011:

The following decision was made in part:

That the Council;

2. *REQUESTS that the Beaufort Street Enhancement Group provides advice on:*
 - 2.2 *the proposed funding to be listed for the 2012/2013 budget to commission more substantial works for the project;..”*

The Council subsequently allocated \$200,000 for the Stage 2, Beaufort Street Enhancement Works in the 2012/2013 budget.

Ordinary Meeting of Council - 28 February 2012:

The Council considered a further report on the first (1st) stage of the proposed Enhancement Works in Beaufort Street where the following decision was made (in part):

“That the Council;

1. *APPROVES the proposed first (1st) stage Enhancement Works in Beaufort Street, estimated to cost \$182,400..;*
2. *AUTHORISES the City’s Administration to liaise with the Beaufort Street Enhancement Working Group to deliver Stage One (1) of the project.”*

Ordinary Meeting of Council – 12 June 2012:

The Council considered a report on some additional art work in Beaufort Street where the following decision was made:

“That the Council APPROVES the commission of wall art by the artist, ‘Beastman’, for an amount up to \$3,000 (excl GST) at No. 648 Beaufort Street, Highgate or another suitable location as determined by the Chief Executive Officer.”

Ordinary Meeting of Council – 11 September 2012:

The Council considered a further report where the following decision was made (in part):

“That the Council;

2. *APPROVES the proposed Second (2nd) Stage Beaufort Street Enhancement Works, estimated to cost \$200,000....; and*
3. *AUTHORISES the City’s Administration, to liaise with the Beaufort Street Enhancement Working Group to deliver Stage 2 of the project.”*

DETAILS:

Stage 1 works:

The following table outlines the status of the works, as approved by the Council, in the first stage of the Beaufort Street enhancement project.

Description	Comments
Bus Shelters	Two shelters have been installed and plantings completed.
Twig @ Hungry Jacks/ landscaping	The twig seating and associated landscaping has been completed (in part) some additional planting will be implemented in the new year.
Small Style ‘New York’ Seating	Seats fabricated/artwork completed. Will be installed shortly.
Planter Boxes around trees	Not commenced – <i>funds remaining to be reviewed as the cost and logistics of this proposal are considered to be prohibitive.</i>
Street Litter Bins	Bins installed additional bins ordered.

Stage 2 works:

The following table outlines the status of the works, as approved by the Council, in the second stage of the Beaufort Street enhancement project.

Description	Comments
Major Artwork	Work on artwork in progress.
Secondary Art Installation	Work on artwork in progress.
Lighting Boxes	Being fabricated.
Artistic Bike Racks	All bike racks have been installed.
Large Planter Boxes	Bath tub planters sourced and are being refurbished/painted in readiness for planting – <i>funds remaining</i> .
Landscape Improvement Works	Works will be commencing in April/May 2013 – tree species yet to be determined.
Stencil art, seating and contingency	Stencil art commenced in conjunction with Beaufort Street Festival/ additional litter bins have been ordered – <i>funds remaining</i> .

Expenditure to date:

The following table outlines the Status of stages 1 and 2 and the expenditure to date.

	Description	Budget	Expenditure	Remaining
Stage 1 Works				
1	Bus Shelters	\$ 93,000	\$ 93,000	\$ 0.00
2	Twig @ Hungry Jack's	\$ 34,000	\$ 34,000	\$ 0.00
3	Small Style 'New York' Seating	\$ 20,400	\$ 20,400	\$ 0.00
4	Planter Boxes around trees	\$ 15,000	\$ 0.00	\$15,000
5	Landscaping Hungry Jack's	\$ 5,000	\$ 5,000	\$ 0.00
6	Street Litter Bins	\$ 15,000	\$ 18,975	-\$ 3,975
	Subtotal	\$182,400	\$171,375	\$11,025
Stage 2 Works				
7	Major Artwork	\$ 95,000	\$ 99,000	-\$ 4,000
8	Secondary Art Installation	\$ 40,000	\$ 40,000	\$ 0.00
9	Lighting Boxes	\$ 10,000	\$ 10,000	\$ 0.00
10	Artistic Bike Racks	\$ 15,000	\$ 15,000	\$ 0.00
11	Large Planter Boxes	\$ 10,000	\$ 3,000	\$ 7,000
12	Landscape Improvement Works	\$ 35,500	\$ 35,500	\$ 0.00
13	Stencil art, seating and contingency	\$ 15,000	\$ 11,675	\$ 3,325
	Subtotal	\$220,500	\$214,175	\$ 6,325
	BUDGET (Stage 1 & 2)	\$402,900	\$385,550	\$17,350

Discussion:

As can be seen from the above table (excluding the committed expenditure) there is approximately \$17,000 remaining.

The Council previously approved of the City's Administration, liaising with the Beaufort Street Enhancement Working Group to deliver the project.

It is considered that the remaining funds be used to implement additional seating and drinking fountain/s.

CONSULTATION/ADVERTISING:

Individual businesses will be consulted regarding location of additional street furniture

LEGAL/POLICY:

Beaufort Street is classified as a District Distributor A road under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Low: Improvement to aesthetics and amenities.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

To improve the economic vibrancy of the area and make the area more sustainable for both business activities by the type of infrastructure improvements proposed.

FINANCIAL/BUDGET IMPLICATIONS:

Refer financial information in the report.

COMMENTS:

It is recommended that the Council endorses the remaining funds of approximately \$17,000 being used to install additional seating and drinking fountain/s.

9.2.5 State Underground Power Program – Outcome of the Round 5 Localised Enhancement Project Submissions – Progress Report No. 1

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	TES0311
Attachments:	001 – SUPP Steering Committee Approved Survey 002 – Brookman, Moir Streets Electrical Design Plan		
Tabled Items:	-		
Reporting Officers:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report on the outcome of the City's State Underground Power Program – Localised Enhancement Project (LEP) Round 5 submissions;
2. **APPROVES IN PRINCIPLE** the City to participate in the Brookman and Moir Streets Heritage Precinct LEP Project subject to;
 - 2.1 noting that it is a Round 4 Project;
 - 2.2 the costs being re-couped from the residents and businesses within the project area;
3. **NOTES** that the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000;
4. **AUTHORISES** the Chief Executive Officer to;
 - 4.1 enter into discussions with Western Power to determine detailed costs and the Scope of Works; and
 - 4.2 undertake a SUPP Steering Committee Approved Survey of the residents and businesses within the project area; and
5. **RECEIVES** a further report when clause 4 has been completed.

Moved Cr Maier, Seconded Cr Carey

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

That the Council;

1. **RECEIVES** the report on the outcome of the City's State Underground Power Program – Localised Enhancement Project (LEP) Round 5 submissions;
2. **APPROVES IN PRINCIPLE** the City to participate in the Brookman and Moir Streets Heritage Precinct LEP Project subject to;
 - 2.1 noting that it is a Round 4 Project;
 - 2.2 the costs being re-couped from the residents and businesses within the project area **based on a similar funding model as used for the Highgate East Major Residential Project;**

3. **NOTES** that the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000;
4. **AUTHORISES** the Chief Executive Officer to;
 - 4.1 enter into discussions with Western Power to determine detailed costs and the Scope of Works; and
 - 4.2 undertake a SUPP Steering Committee Approved Survey of the residents and businesses within the project area; and
5. **RECEIVES** a further report when clause 4 has been completed.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.5

That the Council;

1. **RECEIVES** the report on the outcome of the City's State Underground Power Program – Localised Enhancement Project (LEP) Round 5 submissions;
2. **APPROVES IN PRINCIPLE** the City to participate in the Brookman and Moir Streets Heritage Precinct LEP Project subject to;
 - 2.1 noting that it is a Round 4 Project;
 - 2.2 the costs being re-couped from the residents and businesses within the project area based on a similar funding model as used for the Highgate East Major Residential Project;
3. **NOTES** that the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000;
4. **AUTHORISES** the Chief Executive Officer to;
 - 4.1 enter into discussions with Western Power to determine detailed costs and the Scope of Works; and
 - 4.2 undertake a SUPP Steering Committee Approved Survey of the residents and businesses within the project area; and
5. **RECEIVES** a further report when clause 4 has been completed.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of its Round Five (5) State Underground Power Program (SUPP) – Localised Enhancement Projects (LEP) submissions and the SUPP's subsequent and repeated offer to undertake the Brookman and Moir Streets Precinct LEP as a Round 4 project.

BACKGROUND:

At its Ordinary Meetings of 22 November 2011 the Council received a report on the (then) Office of Energy's call for submissions from Local Governments to participate in Round 5 of the LEP Program.

With submissions closing on 6 December 2011 the Council directed that the following proposals be presented:

1. Brookman and Moir Streets Heritage Precinct (previously submitted in round 4).
2. Fitzgerald and Angove Streets, North Perth Town Centre.
3. Lacey Street Heritage Precinct (previously submitted in round 4).
4. Streets with significant trees;

Commonwealth Avenue, North Perth
Farmer Street, North Perth
Harrow Street, Mount Hawthorn
Leake Street, North Perth
Matlock Street, Mount Hawthorn
Milton Street, Mount Hawthorn
Norfolk Street, North Perth
Tasman Street, North Perth
Monger Street, Perth

At the time, the Office of Energy advised that they expected to announce the successful projects in June 2012.

The Office of Energy, formerly being the department responsible for SUPP, ceased to exist as 31 March 2012 and their responsibilities transferred to the *Public Utilities Office, Department of Finance*.

As a consequence the announcement was delayed until mid October 2012.

The City was advised that all its Round 5 submissions, other than Lacey Street, had been unsuccessful. Lacey Street having been selected as a 'reserve' project in the event another approved LEP did not proceed.

The intention was to report to Council in November 2012. However the Project Development Manager for SUPP subsequently wrote to the City advising that if the City were interested that the opportunity to do the Brookman and Moir Streets Heritage Precinct as a Round 4 project was still open. However this is on the express understanding that the Round 4 funding criteria would apply (as discussed in the main body of the report).

DETAILS:

LEP projects typically seek to replace up to 1,000 metres of overhead distribution power lines with an underground supply. To date, more than thirty (30) LEPs have either been completed or are in progress throughout Western Australia. Completed LEP's within City include Mary Street, Highgate a Round Two (2) Project completed in 2002 and Walcott Street, Coolbinia, Menora and Mt Lawley in 2011, which was fully funded by Western Power on safety grounds

With Round 5 LEP's the cost of project is shared between the State Government, through the Public Utilities Office and Western Power, and Local Government with the State's contribution capped at \$500,000 per project. If a project exceeds \$1,000,000 in total the Local Government is then responsible for funding any shortfall.

However for Round 4 (and earlier) projects the State's contribution was/is capped at \$250,000.

Round 5 LEP submissions closed in December 2011 with the City submitting the aforementioned proposals.

In October 2012, the Public Utilities Office advised the City that all its Round 5 submissions, other than Lacey Street, had been unsuccessful. However Lacey Street had been selected as a 'reserve' project in the event another approved LEP did not proceed.

At this time there is no indication if / or when Lacey Street is likely to be approved as an LEP but at earliest it would not proceed until 2014/15 and therefore a report would be presented to Council if the City receives future correspondence in regards the matter.

Brookman and Moir Streets Heritage Precinct Project.

At its Ordinary Meeting of 14 June 2011 Council received a report on the previously unsuccessful 2007 Round 4 LEP submission for the Brookman and Moir Streets Heritage Precinct.

The purpose of the report was to advise Council that SUPP had subsequently offered to undertake the Brookman and Moir Streets Heritage Precinct works as a Round 4 project.

Council approved "in principle" of the City's taking up the offer pending the outcome of its Round 5 submission.

At the time the Council noted that "the City's Undergrounding of Power Policy (Policy 2.2.2) states that the City's contribution will be recouped from property owners in the project area."

As a Round 4 project the potential cost to the City and/or the ratepayers is in the order of \$950,000, based upon Western Power's estimated project cost of \$1.2 million.

In 2011 the Office of Energy and Western Power doubled their combined contribution for Round 5 LEP's to \$500,000 in recognition of the increasing costs incurred in these projects.

Therefore it was in the City's interests to re-apply for the Brookman and Moir Streets Heritage Precinct project as a Round 5 LEP as the cost to the City, and therefore the residents, would reduce by \$250,000 to approximately \$700,000.

The City's officers subsequently contacted Western Power to ascertain what the implications would be for the project if the City were to re-apply in Round 5.

Western Power's position is that:

- It would not affect the reserve status of the Round 4 submission, but that the old funding model would continue to apply.
- The City is eligible to re-apply under Round 5, but there is no guarantee that the submission will be successful, however if it were, it would be funded under the new model and the Round 4 submission would lapse.

As indicated above the City's Round 5 submission was unsuccessful.

Western Power's SUPP Project Development Manager again wrote to the City in mid November 2012 advising that the project was still 'active' under the Round 4 criteria.

The implications for the City, and therefore the directly affected residents and businesses, is that City's contribution would be in the order of \$950,000, whereas the State's contribution will be capped at \$250,000.

Project Area

Western Power has provided the City with a preliminary Electrical Design Plan, as attached, in which the boundary of the proposed project area is clearly defined.

As can be seen on the drawing the project would include all of/or in part of the following streets, as shown on Plan UPD5084;

- Robinson Ave, Lake Street to William Street.
- Wellman Street, Robinson Avenue to Forbes Road.
- Brookman Street, Robinson Avenue to Forbes Road.
- Moir Street, Robinson Avenue to Forbes Road.
- Lake Street, Robinson Avenue to Forbes Road.
- Forbes Road, Lake Street to Wellman Street.
- Brisbane Place, Robinson Ave to midway between Brisbane Terrace and Brisbane Street.

There is also additional cabling works required to link the recently installed Stuart Street Reserve transformer and the Robinson Avenue transformer to the east of William Street.

Indicative Costs

There are 116 properties within the project boundary that would be connected to the 'new' underground power scheme.

Ignoring discounts for pensioners, existing underground service connections or alternate charging methods for multiple units and commercial properties, a simple straight line calculation indicates that if the estimated project cost is \$1.2 million and state contributes \$250,000, then cost per property is in the order of \$8,190.

Note: the actual cost per property is approximately \$10,345.

When the undertaking the Highgate East Major Residential Project (MRP) in 2008/09 the City developed a funding model in which all of the above factors were taken into consideration and if which were applied to this project would likely see the cost per single residential decrease to the order of \$7,000 - \$7,500.

However before this can be determined with any degree of accuracy, a detailed cost estimate needs to be undertaken.

Further, it should be noted that while there are a number of commercial properties within the project area. Centre Ford, potentially the largest consumer of electricity in the immediate area, is technically outside the boundary and any contribution would be subject to negotiation. The only direct benefit for Centre Ford would be the removal the power poles in Forbes Road adjacent their site.

Survey

As a condition of accepting the offer the City is required to undertake an independent SUPP Steering Committee Approved Survey (as attached) of the residents/businesses preparedness to participate in the project.

SUPP imposed the standard survey requirement as a condition of LEP's as part of the Round 5 process to ensure standardised results.

Construction

At this time Western Power are looking to proceed in the third quarter of 2013 with a construction period of three (3) months.

CONSULTATION/ADVERTISING:

As part of the standard agreement with the *Public Utilities Office* and Western Power the City is required to undertake the SUPP Steering Committee Approved Survey.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The Power network is owned and operated by Western Power Corporation. There is a low risk to the City should the proposal not proceed.

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.

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

(d) Pursue options and funding for undergrounding of power throughout the City.

SUSTAINABILITY IMPLICATIONS:

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an identified safety risk and reduces maintenance for Western Power.

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has \$1.2 million dollars in its 2012/13 budget for the project. However SUPP has advised that if approved the project will not proceed before 30 June 2013 and at earliest in the first quarter of 2013/14 financial year.

Western Power and the Public Utilities Office will contribute a maximum of \$250,000, out of the total estimated project cost of \$1,200,000, with any costs over above to be paid by the City.

COMMENTS:

While the City has an opportunity to underground the power supply in the Brookman and Moir Streets Heritage Precinct, it comes at considerable cost.

However it considered that now that the LEP project has been resurrected, that the Council approve in principle investigating a detailed costing and implementation timetable. Further, the City, in accordance with the SUPP requirements, undertakes a survey of the residents and businesses within the project area.

When the above has been completed a progress report will be presented to Council outlining the results of the consultation and possible funding models for consideration if the Council decide to proceed to the next stage of the LEP process.

9.2.7 Tender No. 461/12 – Design and Construction of the Restoration of Walter’s Brook, Mount Lawley

Ward:	South	Date:	7 December 2012
Precinct:	Banks (15)	File Ref:	RES0008 & TEN0470
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J Parker, Project Officer – Parks & Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **ACCEPTS** the tender submitted by Natural Area Management (Option 1) for the Design and Construction of the Restoration of Walter’s Brook, at a total cost of \$173,360, in accordance with the specifications as detailed in Tender No. 461/12;
2. **NOTES** that;
 - 2.1 in accordance with the Aboriginal Heritage Act 1972, a Section 18 Certificate is required for permission to ‘Use the Land’, prior to the commencement of any works;
 - 2.2 \$30,000 has been included in the 2012/2013 Budget for obtaining a Section 18 Certificate; and
 - 2.3 \$90,000 is available for the project, as outlined in the report;
3. APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$74,750 for the Charles Street footpath projects, as outlined in the report; an
34. LISTS FOR CONSIDERATION a further ~~\$23,360~~ \$8,610 on the draft budget 2013/2014 to complete the remaining restoration works and \$74,750 for the Charles Street footpaths, if required.

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

COUNCIL DECISION ITEM 9.2.7

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to award the tender for the Design and Construction of the Restoration of Walter’s Brook, Mount Lawley.

BACKGROUND:

Walter’s Brook is situated within Banks Reserve at No. 62 Joel Terrace, Mount Lawley and is a modified stream measuring approximately 150 metres, that flows directly into the Swan River. The channel is part of the Water Corporations Mount Lawley main drain which mainly comprises a 1200mm diameter concrete pipe culvert.

Aim of Project

The City's intention is to restore Walter's Brook to a highly functioning state which will allow enhanced support for local eco-systems, improve the water flow through the brook, enhance safety around the banks edges and reduce ongoing erosion and to re-introduce local flora which once inhabited the site.

Tenders for the Design & Construction of the Restoration of Walter's Brook were advertised in The West Australian newspaper on 7 November 2012. Tenders closed at 2pm on 28 November 2012 after a twenty one (21) day advertising period.

Three (3) tenders were received for Tender No. 461/12. Present at the tender opening were Contracts Officer, Mary Hopper and the Projects Officer, Kon Bilyk.

DETAILS:

Details of the three (3) tenders received for Tender No. 461/12 are listed below.

The prices are GST inclusive.

STAGE	DESCRIPTION	NATURAL AREA MANAGEMENT		ADVANTEERING	SYRINX
		Option 1	Option 2		
1	Design/approvals	\$ 15,000	\$ 20,000	\$ 59,500	\$ 53,700
2	Earthworks and bank stabilisation	\$ 85,000	\$100,000	\$119,188	\$189,600
3	Revegetation	\$ 27,200	\$ 46,000	\$ 46,342	\$ 20,000
	<i>Others</i>	\$ 46,160	\$ 57,800	-	-
	SUB-TOTAL	\$173,360	\$223,800	\$225,030	\$263,300
	Goods and Services Tax (GST)	\$ 17,336	\$ 22,380	\$ 22,503	\$ 26,330
	TOTAL (Inc. GST)	\$190,696	\$246,180	\$247,533	\$289,630

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>
Financial Offer/Fee Proposal	50%
Relevant experience, expertise and project team	20%
History and Viability of Organisation	15%
Methodology	10%
Quality Assurance	5%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Jeremy van den Bok, Manager Parks and Property Services, Bee Choo Tan, Manager Financial Services and Jackie Parker, Project Officer – Parks and Environment.

The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 4 December 2012 to assess the submissions. The tender was further independently evaluated by each of the panel members and the final evaluation scores submitted for collation.

Tender Summary

Design & Construction of the Restoration of Walter's Brook

	Weighting	Natural Area Management; Option 1	Natural Area Management; Option 2	Syrinx	Advantearing
Financial Offer/Fee Proposal	50%	50	40.42	32.92	40.19
Relevant experience, expertise and project team	20%	16.7	16	18	14
History and Viability of Organisation	15%	12	12	13.5	12
Methodology	10%	8.5	9	9.3	7.3
Quality Assurance	5%	4.5	4.5	5	3.8
Total	100%	91.7	81.9	78.8	77.4
Rating		1	2	3	4

Tender Evaluation Panel comments are shown below:

Natural Area Management; Option 1

Total Weighted Score	First 91.7
Financial Offer/Fee Proposal	This proposal presented as the best value for money for the City to complete the proposed restoration works.
Relevant experience, expertise and project team	The project team is well qualified with a great deal of experience in similar works.
History and Viability of Organisation	The organisation is reputable within the industry with a proven performance. The organisation is equipped to provide the required works.
Methodology	The methodology of the works is thoroughly discussed in the submission adequately addressing the main points.
Quality Assurance	Quality assurance has been sufficiently met in the submission.

Natural Area Management; Option 2

Total Weighted Score	Second 81.9
Financial Offer/Fee Proposal	This proposal presented as the second best value for money for the City to complete the proposed restoration works.
Relevant experience, expertise and project team	The project team is well qualified with a great deal of experience in similar works.
History and Viability of Organisation	The organisation is reputable within the industry with a proven performance. The organisation is equipped to provide the required works.
Methodology	The methodology of the works is thoroughly discussed in the submission adequately addressing the main points. Additional works have been included in Option 2 of the submission.
Quality Assurance	Quality assurance has been sufficiently met in the submission.

Difference between Option 1 and Option 2

Syrinx

Total Weighted Score	Third 78.8
Financial Offer/Fee Proposal	This proposal was the most costly submission received which is reflected in the assessment matrix.
Relevant experience, expertise and project team	The project team is very well qualified with a large amount of relevant experience and expertise.
History and Viability of Organisation	The organisation has a very good track record with similar and more complex projects. The viability of the organisation has been detailed in the submission.
Methodology	The methodology reflects a high quality approach and detailed understanding of the site.
Quality Assurance	Quality assurance has been sufficiently met in the submission.

Advanteering

Total Weighted Score	Fourth 77.4
Financial Offer/Fee Proposal	This proposal was the second most costly submission received which is reflected in the assessment matrix.
Relevant experience, expertise and project team	The project team includes the input from designers that are to be subcontracted as well as landscapers who are also to be subcontracted in order to complete the project.
History and Viability of Organisation	The organisation has a proven track record and has detailed the organisational viability within the submission.
Methodology	The methodology is sufficient for the project.
Quality Assurance	Quality assurance has been sufficiently met in the submission.

Comments:

All companies who have submitted a proposal to the City, for the Design and Construction of the Restoration of Walter's Brook are well qualified, sufficiently resourced and sufficiently experienced to complete the proposed works.

The submissions have each been assessed and comments have been included regarding the assessable items.

After compiling the scores of each member on the assessment panel, the officer recommendation is to accept the Tender as submitted by Natural Area Management for Option 1 of their proposal for the Design and Construction of the Restoration of Walter's Brook.

CONSULTATION/ADVERTISING:

The tender was advertised in The West Australian Newspaper on the 7 November 2012, for a period of twenty one (21) days.

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.

The Section 18 Certificate will be progressed in early 2013 and whilst this is being finalised the contractor upon approval by the Council will commence the final design for the project and undertake the relevant approvals required from stakeholders, ie. Water Corporation. Construction works are proposed to commence in April/May 2013 and will be completed by around July 2013.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: A high risk of further erosion and degradation exists of the City if the proposed restoration Works at Walter's Brook are not completed.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The effective management of sensitive areas is crucial in maintaining the City's assets and facilities. Walter's Brook serves many diverse purposes, such as an increase in habitat opportunities, biodiversity, functionality and aesthetics. Operating within sustainable best practice includes the restoration and conservation of these sensitive areas within the City.

FINANCIAL/BUDGET IMPLICATIONS:

The total cost of works relating to this tender amounts to \$173,360 (GST exclusive) for the Design and Construction of the Restoration of Walter's Brook.

The total cost of works relating to this tender amounts to \$173,360 (GST exclusive) for the Design and Construction of the Restoration of Walter's Brook.

An amount of \$150,000 was allocated in the 2012/2013 budget made up of the following:

- \$45,000 from a Natural Resource Management (NRM) grant
- \$45,000 from municipal funds, and
- \$60,000 from the Swan River Trust (SRT).

The City was successful in obtaining the NRM grant but did not receive the SRT grant and therefore the actual funds available are \$90,000 (\$83,360 shortfall).

Two (2) footpath projects in Charles Street - Angove to Albert and Scarborough Beach Road have been on hold for some time pending developments. These funds have been carried forward. The funds total \$74,750 and it is recommended that these funds be reallocated to the Walters Brook project.

Therefore an additional \$8,610 will be required to be listed on the 2013/14 draft budget to complete the works.

An amount of \$30,000 has been included in the 2012/2013 Budget for consultancy relating to the S.18 Certificate.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by Natural Area Management, Option 1 for the Design and Construction of Walter's Brook in accordance with the specifications as detailed in Tender No. 461/12.

9.3.5 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 14

Ward:	South	Date:	7 December 2012
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 14 as at 18 December 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
2. **NOTES** that the existing main grandstand on the eastern side suffered roof and ceiling damage as a result of the severe storm on 2 November 2012, necessitating the closure of the Centre for ½ day for safety reasons, and the cost of repairs will be the subject of an Insurance Claim.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Debate ensued.

Cr Pintabona departed the Chamber at 9.15pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

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

3. **REQUESTS** a further report be presented to the Council in relation to the external louvers to the new gym.”

Debate ensued.

Cr Pintabona returned to the Chamber at 9.17pm.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley had departed the meeting.)

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley had departed the meeting.)

COUNCIL DECISION ITEM 9.3.5

That the Council;

1. **RECEIVES** Progress Report No. 14 as at 18 December 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth;
2. **NOTES** that the existing main grandstand on the eastern side suffered roof and ceiling damage as a result of the severe storm on 2 November 2012, necessitating the closure of the Centre for ½ day for safety reasons, and the cost of repairs will be the subject of an Insurance Claim; and
3. **REQUESTS** a further report be presented to the Council in relation to the external louvers to the new gym.

PURPOSE OF REPORT:

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

BACKGROUND:

Progress Reports

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

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

“That the Council;

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

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

DETAILS:

1. CONTRACT DOCUMENTATION

1.1 **Tender**

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

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

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

1.2 **Contracts**

Construction contract signed on 7 October 2011.

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

Geothermal contract signed on 6 September 2011.

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

Construction

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

- Spa upgrade works;
- Tiling to front face of outdoor pool seating;
- Hot water supply to ground floor;
- Remove timber props from void; and
- Additional demolition work for fire services.

Geothermal

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

1.4 **Cost Variations**

Construction

Provisional Sums:

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

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Spa upgrade works	\$153,500
Tiling to front face of outdoor pool seating	\$11,550
Total	\$257,719

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,434
New water supply to slides	\$7,549
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,845
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$501
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,019
Replaced 3 way valve to mechanical plant	\$2,739
Replaced main entry roof and box gutter	\$6,338
Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,820
Hot water supply to ground floor	\$7,159
Remove timber props from void	\$5,500
Additional demolition work for fire services	\$2,967
Total	\$127,366

Standard Variations

Various – extensive list of small items	\$9,619
Total Variation	\$9,619

Summary of Variations

Total Variation Savings	(\$285,899)
Total Variation Additions	\$385,085
Total Variation	\$99,186

Geothermal

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

1.5 **Claims**

Not applicable at this time.

1.6 **Insurance**

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

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed. Site has been returned to handover condition.

Beatty Park Reserve turf reinstatement has been completed.

2.2 **Bores**

Hydro engineering works in progress. Bore head works underway.

2.3 **Commissioning**

Application for licence to operate bore with Department of Water for approval.

2.4 **Pipe works**

Earthworks for the geothermal lines to the plant room completed.

Geothermal switchboard installed in plant room.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

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

Proposed new car park layout has been set out by the City's contracted Surveyors and is under review by the Technical Services section.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Completed.

3.5 **Hydraulic services**

Completed.

3.6 **Electrical Services**

Completed.

3.7 **Mechanical services**

Commissioned.

3.8 **Environmental services**

Completed.

3.9 **Interior finishing**

Minor defects identified by Architect are still being rectified by builder.

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

Completed.

4.3 **Structural and Civil Engineering**

Donnybrook stone feature wall being installed.

Internal brick work completed in administration area.

Internal structure completed in Café lounge area in the new entrance.

4.4 **Hydraulic services**

Plumbing work completed in the new café area.

4.5 **Electrical Services**

Electrical services rough in completed to new section.

Additional power and data added for new gym equipment.

4.6 **Mechanical Services**

Administration area mechanical services completed.

Café cool room installed.

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

No changes to previous report.

4.9 **Fire Detection and Water Tanks**

- The watering main has been partly installed.
- Earthworks for the water tank area has commenced.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

50m pool and concourse completed with official opening held on 22 November and public open day on 25 November.

5.2 **Dive Pool**

Tiling complete. Filling to commence 11 December 2012.

5.3 **New Learn to swim pool**

Tiling complete. Filling to commence 11 December 2012.

5.4 **Indoor pool/Leisure area**

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

5.5 **Plant Room**

Outdoor pool switchboard installed and operational.

5.6 **Spa, Steam Room and Sauna**

Concrete poured for new twelve (12) person Spa on 4 December 2012.

5.7 **Pool Concourse**

98% Complete.

6. INDICATIVE TIMELINE

6.1 **Progress**

The 2 outdoor pools are on schedule for handover on 21 December.

Geothermal work is on schedule.

6.2 **Days Claimed**

Ten (10) extensions of time requests have been received from the Builder, of which seven (7) requests have been approved and two (2) have been dismissed.

7. COMMUNICATION PLAN

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

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mailouts to members, clubs and stakeholders (Newsletter to Members and Swim School patrons during May, July and October 2012);
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview; and
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (130 followers as at 6 December 2012).

8. MEMBERSHIP

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

A number of members have opted to suspend their membership throughout the redevelopment period. The number of suspensions applied for since the project commenced is 162.

Refunds have been provided to those members who requested this option. As at the 29 May 2012 a total of \$25,241 has been refunded. As at 6 December 2012 there have been no further refunds issued associated with the redevelopment.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure was well received but reverted back to the normal fee structure once the new change rooms opened on the indoor pool on the 20 August 2012.

The current number of members is 1527 as at 4 December 2012.

9. EMPLOYEE MATTERS

The permanent part time staff that had their hours reduced during the redevelopment have started to recommence to meet the increased workload.

A new pay structure has been implemented to provide fairness and equality across the areas of the Centre and while some areas have had their rates reduced others have been increased. An overall saving of approx 1.5% was achieved compared to budget.

Three (3) Lifeguards, and one (1) Receptionist have been employed during this reporting period on the new rates.

10. HISTORY AND ANNIVERSARY BOOK

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

The Library and Local History Centre launched the book to celebrate the history of the facility at the opening of the 50m pool on the 22 November and sales have been steady.

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

11. OTHER COUNCIL APPROVED ITEMS

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

"That the Council;

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

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

12. MARKET BRANDING

The advice received from marketing companies is to hold off on the brand change until completion of project. This will allow for maximum impact from any new design which may get overlooked when the completed centre opens. Staff will continue to work on the design with a proposed implementation date later in 2013.

13. LEASING OF SPACE

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

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

14. CELEBRATION OF OPENING

50m pool and 50th Birthday Completed.

Planning for centre opening in February 2013 now underway.

15. PERCENT FOR ART

A concept for art on the louvres surrounding the gym is being designed for consideration.

16. Storm Damage – 29 November 2012

Four sheets of roofing were blown off the existing main grandstand on the eastern side and an area of approximately 3mX15m of ceiling panels were damaged as a result of the severe storm (winds) on 29 November 2012. Engineers and architects quickly attended and the area was stabilised. For safety reasons the centre was closed from 3pm until 5.30pm next day.

The repairs will be the subject of an insurance claim.

CONSULTATION/ADVERTISING:

The City's Communications Officer created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site.

A list of frequently asked questions and project plans are also located on the website. The site has been updated on a regular basis.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

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

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

Building Construction Tender Progress Claim Payments – Perkins Builders

Thirteen (13) progress claims have been received to date, as follows:

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

Total Paid \$9,253,191.06

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

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

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6	17/07/2012	\$781,726.70	\$781,726.70	03/10/2012
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$3,222,960.69

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date as works have only just commenced.

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

Total Paid Nil.

Funding

On 15 March 2012, the City received \$5 million from the State Government, being the upfront payment of the nib Stadium Lease. As per the Council decision, \$3 million has been placed in the Beatty Park Leisure Centre Reserve Fund and \$2 million placed in the Hyde Park Lakes Restoration Reserve Fund.

Loan

The Western Australian Treasury Corporation has approved a loan of \$8,065,000 at 5.49% per annum for 20 years.

Loan funds were received on 3 January 2012, repayments to commence on 3 September 2012.

CSRFF Funding

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

The final claim for these funds cannot be made until the pools have been completed.

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

Total Received \$2,500,000.00

Additional Funds

The Administration is following up grant enquiries from the following organisations:

- Lotterywest;
 - Liaising with other City of Vincent departments on projects that will be beneficial to the community.
- Healthways;
 - Sponsorship of up to \$50,000 for promoting healthy lifestyles is available per Local Government per year and we will be liaising with other City of Vincent Departments to see what areas or programs would most benefit by applying for this funding.
- Community Sport and Recreation Facility Fund;
 - Small grants are available for local clubs and we are meeting with resident Beatty Park water polo and swimming clubs to coordinate any request to the Department of Sport and Recreation for this funding. Interest has been shown by both Water Polo clubs and the Perth City Swim club in this.

COMMENTS:

The Beatty Park Redevelopment Project has reached another milestone with the completion of the outdoor 50m pool. Several swim clubs have already returned and there has been an increased number of patrons to the Centre since the pool's opening.

The Indoor Pool and refurbished change rooms continue to be well received, while the additional family/accessible and unisex change cubicles have surpassed expectations in their popularity.

Swim School is continuing to receive numerous enquiries and reached 1,610 enrolments on 3 December 2012 - Up from 1,500 enrolments on 23 October 2012.

The new extension is still on schedule to open in early February 2013.

Positive feedback has been received from facility users in regards to how the project is progressing.

Monthly progress reports will continue to be provided to the Council throughout the project.

9.3.6 North Perth Bowling Club – Response to Ratepayer Petition

Ward:	North	Date:	7 December 2012
Precinct:	North Perth (8)	File Ref:	PRO3409
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	Mike Rootsey Director Corporate Services Jacinta Anthony Manager Community Development Larah Di Nella Acting Manager Health Services		
Responsible Officers:	Mike Rootsey Director Corporate Services - Lease Rob Boardman Director Community Services - Enforcement		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the report on the items raised on the petition presented to the Council at the Ordinary Council Meeting 17 October 2012 regarding non members functions held at the North Perth Bowling Club; and
2. **NOTES;**
 - 2.1 the actions taken to date by the City's Administration in regard to this matter; and
 - 2.2 that a further report will be submitted to the Council in April 2013 to report on the monitored period.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley had departed the meeting.)

PURPOSE OF REPORT:

To provide a report on the matters raised in the petition presented to the Council at the Ordinary Meeting Council held 17 October 2012 by twenty (20) residents that live in close proximity to the North Perth Bowling Club.

BACKGROUND:

A petition was received at the Ordinary Meeting Council held 17 October 2012 signed by twenty (20) residents that live in close proximity to the North Perth Bowling Club

The details of the petition are outlined below:

"We the undersigned at the below stated addresses advise that we as residents and land owners directly adjoining the above premises, petition against the current use of the facility on Friday and Saturday nights for non members (general public) functions/parties etc.

Primarily this involves the hire/use of the facility and its licensed areas by public (non member) groups where:

- *Noise levels are unacceptable each night ("live" music or recorded music is highly audible until late hours of the night);*
- *Revelling by large groups of people clearly audible throughout the night until all hours of the morning;*
- *Unsociable behaviour has been encountered;*
- *Drinking outside of regulated licensed areas is commonplace; and*
- *Scant regard is given to the amenity of the adjoining residential area by the management and hired users of the Club.*

The actions of the management and the use of the Club on these nights is of concern for we the residents adjoining or adjacent the Club. We as residents (many of us who have lived here for over 10 years) insist that our amenity and lifestyle afforded through living in the heart of a residential precinct be resurrected i.e. the right to a peaceful existence on these nights, need be urgently addressed. An existence currently severely impacted on by the Club and its operations."

DETAILS:

Following the receipt of the petition research was conducted into the number of formal complaints received regarding the North Perth Bowling Club by the WA Police or the City's Health Services Area over the past three (3) year period.

WA Police

The WA Police advised that there had been five (5) incident reports recorded during that period, four (4) of the incidents had been reported by the Club itself and one (1) other.

City of Vincent Health Services

The Health Services Section at the City advised that they had no record of any complaints regarding the North Perth Bowling Club during that period.

It should be noted that the residents have advised that they have been tolerant up to this point of time, but are now no longer willing to accept the unacceptable levels of noise or anti – social behaviour.

Lease:

The North Perth Bowling Club currently holds a lease with the City of Vincent which is due to expire on the 31 August 2017, with a further five (5) year option.

The relevant clause in the lease is Clause 6.2 Nuisance and Incidental Use.

6.2 Nuisance and Incidental Use

The Lessee must not:

- (a) do or permit to be done in or near the Premises anything which is a nuisance, grievance, disturbance or annoyance to the Lessor or to any tenant or occupier of other premises in the vicinity of the Premises;
- (b) sell or dispense alcohol or permit alcohol to be sold or dispensed from the Premises without the prior written consent of the Lessor and then only in accordance with the Liquor Licensing Act 1988;

- (c) permit any person to sleep on the premises without the prior written consent of the Lessor; and
- (d) do or permit to be done anything in, on or near the Premises which is, or may be in breach of copyright (including, without limitation, playing any music or performing any play which is subject to copyright) without first obtaining a licence from the holder of the copyright.
- (e) use the Premises for any other purpose without the consent in writing of the Lessor first had and obtained which consent may be granted or withheld at the Lessor's absolute discretion without assigning any reason therefore
PROVIDED THAT:
 - (i) if the Lessee wishes to use the Premises for a use other than its Permitted Use the Lessor shall not unreasonably withhold its consent to such variation of use if:
 - (A) the variation is not for any of the following;
 - (i) any auctions, business or commercial use; or
 - (ii) any illegal or immoral purposes; or
 - (iii) rock bands or any event including entertainment with amplified music;
 - (B) the variation is in accordance with all Council and Health Department policies and does not continue past 1.00am;
 - (C) a Community Consultation (in accordance with the Council's Consultation Policy) is undertaken by the organiser proposing to conduct a function or event on the Premises which is likely to adversely impact on residents and ratepayers in the immediate vicinity of the Premises at no cost to Council to the satisfaction of the Chief Executive Officer of the Lessor;
 - (D) the Council shall after having duly considered the outcome of the Community Consultation forms the view that the approval of the variation of use of the Premises is not likely to adversely impact on the residents and ratepayers; and
 - (E) that the organiser proposing to conduct a function or event on the Premises ensures adequate insurance is in place to cover all any loss, damage or personal injury.

North Perth Bowling Club meeting:

The Director Corporate Services met with the President and Treasurer of the Club on the 31 October 2012 to discuss the matters raised in the petition.

The President advised the membership of the club had increased with the percentage of social members outweighing the number of bowling members.

He acknowledged that the facility was used by the third parties but this was required for the financial viability of the Club.

The Director reminded them of the relevant clauses in the lease in particular Clause 6.2 Nuisance and Incidental Use and the associated conditions associated with this clause (Confidential Attachment 9.3.?a)

The Director reiterated with the importance of adhering to the conditions of the Club's lease with the City and their Liquor Licence.

The President advised that he was committed to working with surrounding community to ensure a harmonious relationship with letter box drops to the neighbours advising of forthcoming events and signage in the Club reminding patrons to leave the premises in a quiet manner respecting the neighbouring area and moving away as quickly as possible.

A letter was sent to the President on the 2 November 2012 confirming the matters raised at the meeting and the future expectations of the City in regard to those matters.

Community Representative Meeting:

The Director Corporate Services, Manager Community Development and Manager Health Services met with Mr Brent Schulman to discuss the matters raised in the petition on 5 November 2012.

Mr Schulman outlined his concerns regarding the holding of non-member events at the Club and the associated problems for the surrounding neighbours.

He was concerned about the increasing number of events being held and his perception that the use of the premises had significantly changed from a bowling club.

He was also concerned that in his opinion the current management were not taking the concerns of the residents seriously.

Mr Schulman also wanted to know which authorities/organisations were responsible for the various aspects of his complaints.

The officers advised him that on the night of any event anti-social behaviour would be a police matter and similarly with noise complaints. After the event, he could raise noise complaints with the City's Health Services Department.

Any complaints regarding the serving of alcohol should be raised with the Liquor Licence Enforcement Branch.

Complaints regarding the conditions of the lease should be referred to the City of Vincent.

The Director Corporate Services advised Mr Schulman that he had met with the members of management of the club and advised them of the matters raised in the petition and that they had been informed that the adherence to the lease conditions were important as failure to do so would have ramifications with the Council.

Complaints after receipt of petition:

31 October 2012:

"It is 10.15pm Wednesday 31 Octobernow 12.05 am Thursday 1 November, with no abatementand I am drawn to write again - our airspace again awash with loud intoxicated voices, people lingering in Streets and the sound of unbearably loud music pumping the air (possibly live , maybe recorded – hard to determine). This following a similar occurrence last Saturday night until past midnight!

I have tried to ring the Club (11.45pm) – manager on duty - to cease the music and wind up the function but have been greeted by a recorded phone message so no possible way of avoiding its impact until function is closed . I have now at 12.10 am contacted the police (131 444) and left my contact mobile number and first name as a reference, to send a patrol to the facility in an attempt to wind up the function."

The Director Corporate Services received a phone call early in the morning on 1 November 2012 profusely apologising for this incident and advised that any future booking for this group had been cancelled.

The Director Corporate Services accepted the apology, however advised that any future re-occurrence could have serious ramifications for the Club's lease.

17 November 2012:

"It is 10.39pmnow 11.42 pmand we again hear the thumping sounds of booms, guitars, drumbeats/music pervading the night air from this Club (presumably recorded music) together with associated crowd behaviour and noise levels. I rang the Club at 11.35pm in the hope the Duty Manager would answer but got an answering machine.

I have at about 11.40pm reported the "nuisance" factor to the police:131 444: re the noise levels (report no. 605330- last six digits) who have logged the report. My issue is that it is apparent (as it was in the past – refer my initial correspondence with petition) that the police don't really believe it is their job to intervene in these type of reports as the call centre person advised that the Club may have a Licence permitting this type of intrusion until late hours of the night/morning.(hence hesitant to act quickly, maybe at all)."

The Director Corporate Services emailed the President of the Club seeking an urgent meeting and was advised that he was overseas and on his return would be going into hospital and to contact the Treasurer until further notice.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

City of Vincent Policy 1.2.3 Leases.

RISK MANAGEMENT IMPLICATIONS:

Medium Ongoing conflict with the local community and the North Perth Bowling Club over the use of the facility unless lease conditions and liquor licence are strictly enforced.

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Community Plan 2011 - 21

Objective 3.1 Enhance and Promote Community Development and Wellbeing.

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City current receives an annual rental of \$2,864 from the North Perth Bowling Club for the lease of the facility.

COMMENTS:

As a result of the receipt of the petition, meetings have been held with representatives from the Community and the North Perth Bowling Club to discuss the situation.

The community representative has been advised of the appropriate service contacts for the relevant incident.

The North Perth Bowling Club have been reminded of the conditions of their lease and liquor licence and that they should strictly adhere to them, failure to do so may result in the Council renegotiating the clause effecting the use of the facility and any further report on this type of incident, will result in the matter being reported to Council with action to be taken on the lease.

The situation will be monitored over the summer months.

9.4.1 Tender No. 460/12 Supply, Installation and Commissioning of a CCTV System for Beaufort Street, Mount Lawley, Highgate and Perth

Ward:	South	Date:	7 December 2012
Precinct:	Mount Lawley (11); Forrest (14); Beaufort (13)	File Ref:	TEN0469
Attachments:	001 - Map of Proposed CCTV locations:		
Tabled Items:	Nil		
Reporting Officers:	M Wood, Co-ordinator Safer Vincent J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

- 1 **ACCEPTS** the tenders submitted by NVR Solutions Pty Ltd as being the most acceptable to the City for the supply, installation and commissioning of a CCTV system for Beaufort Street, Mount Lawley, Highgate and Perth, as detailed in Tender No. 460/12;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to re-allocate \$8,537 from a source to be identified by the Chief Executive Officer, to enable the project to be completed as a whole and within the specified timeframe;
3. **NOTES** that the camera locations are indicative only (as shown in Appendix 9.4.1) and subject to the land owner giving consent for the installation of cameras and associated equipment being affixed to their building (and maybe subject to change); and
4. **AUTHORISES** the Chief Executive Officer to determine the precise location of the cameras and associated equipment to provide the most benefit to the City.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

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

(Cr Harley had departed the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for awarding of the tender for the supply, installation and commissioning of a CCTV system for Beaufort Street, Mount Lawley, Highgate and Perth.

BACKGROUND

Tenders for the supply, installation and commissioning of a CCTV system for Beaufort Street, Mount Lawley, Highgate and Perth were advertised in *The West Australian* on 6 October 2012.

The tenders closed at 2.00pm on 5 November 2012 after a thirty one (31) day advertising period and five (5) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper and Co-ordinator Safer Vincent, Michael Wood.

DETAILS:

The details of all tenders received for Tender No. 460/12 are listed below:

Requirements	NVR	Clearly Secure	Intervid	SEME	Downer
Price – Supply, Install and Commission	\$188,337	\$192,400	\$218,533	\$261,500	\$299,185
Licence Costs	Nil	\$1,350	Nil	Nil	Nil
Additional Costs	\$4,200 one off payment for as constructed drawings	\$9,480 pa for 3G/4G connections to poles estimated	Nil	Nil	Nil
Timeframe					
Completion Date	4 months	4 months	1 month	5 weeks	TBA
Camera Positions Identified	Provided	Part provided	TBA	Part provided	Not shown
Equipment					
Make	Guetebruck & Vivotek	Axis P1346-E	Stardot	Indigo	Panasonic WV-SW355
No. of Cameras	43	20	35	27	18
Cost per camera	\$1,500	\$1,550	\$1,100	\$14,508	Not shown
Maintenance Costs	\$5,300 pa	\$6,000 pa	Not Shown	\$17,825 pa	TBA
Storage Device					
Make	GeViStore & GeViscope	Genetec	Dell	Indigo	Not shown
Max. Camera inputs	With associated supporting infrastructure can be expanded up to 10,000+ camera inputs	100,000+ Inputs above 20 require additional camera licence ~ \$200 per camera	No Limit	Not Shown	Not shown
Storage capacity	32Tb	TBA	72Tb	N/A	Not shown

Tender Evaluation

Evaluation Criteria

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

Criteria	Weighting
<p>1. Price Represents the “best value” for money, including maintenance all consumables and spare parts costs. Tenders should include in the tendered cost, all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</p>	50%
<p>2. Company credibility and previous experience, expertise and project team Detail your company:</p> <ul style="list-style-type: none"> • History, viability and experience • Capacity to effectively address the requirements of the City • Support from referees and referees report <p>Demonstrate your:</p> <ul style="list-style-type: none"> • Experience, expertise and project team • Role and credentials of the key persons in the provision of the service 	10%

Criteria	Weighting
(i.e. qualifications and experience)..	
3. Quality of product and reliability This include quality of cameras, all associated equipment: <ul style="list-style-type: none"> • Quality of images to match or exceed sample field of views • Anti vandal features • Environmental controls (where required) Demonstrate proven reliability of the CCTV cameras and system including any transmission methods.	10%
4. Percentage of area covered by camera surveillance The ability of a proposed system to achieve: <ul style="list-style-type: none"> • As wide as possible CCTV coverage, within stated image requirements and field of view as per aims of systems within City of Vincent suburb areas of Perth, Highgate and Mount Lawley along Beaufort Street • Include the specific number of cameras able to be installed in City of Vincent on Beaufort Street. 	10%
5. Scalability of System Tender to demonstrate their solutions ability: <ul style="list-style-type: none"> • To be integrated as part of an existing and larger, scalable system • To be expanded and built on in the future. 	10%
6. Methodology, Key Issues and Risk Demonstrate your: <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget. A clearly stated scheduled completion time frame to be included, method of data transfer • Evidence of successful results, particularly in inner city areas, using equipment in similar type urban areas and topographical issues 	5%
7. Ongoing maintenance requirement Recommend maintenance plan and contract with minimum 2 services of system and cameras within the first 12months.	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Director Corporate Services, Manager Ranger and Community Safety Services, Manager Information Technology, Coordinator Safer Vincent and Sergeant Paul McStravick, WA Police, Perth Police Station. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 26 November 2012 to discuss the assessment of the submissions and it was identified that the price varied from \$188,337 to \$299,185. The Tenders at the upper end of the price scale are substantially above the available funding. The tenders were further independently evaluated by each of the Panel members and their final evaluation scores submitted for collation into a Combined Evaluation, as follows:

Tender Summary

Criteria	Weighting	NVR	Clearly Secure	Intervid	SEME	Downer
Financial Offer/ Funding Proposal	50%	47.5	41.25	36.25	31.25	27.5
Company credibility and relevant experience	10%	7.75	7.25	8.5	6.25	8.75
Quality of product and reliability	10%	7.5	8	7.75	7.13	7.75
Percentage of area covered by surveillance	10%	8.5	7	8	7.5	7.75
Scalability of system	10%	7.5	8	7.75	6.75	8
Methodology , key issues and risk	5%	3.75	3.88	3.88	3.38	3.75
Ongoing maintenance requirement	5%	3.88	3.75	2.75	2.88	1.63
TOTAL/SCORE	100%	86.13	79.13	74.88	65.13	65.13
		1	2	3	4	5

A compilation of the Tender Evaluation Panel's comments are shown below:

1. NVR

Total Weighted Score	First: 85.4
<ul style="list-style-type: none"> Similar projects 	<ul style="list-style-type: none"> Evidence provided of undertaking similar projects in Fremantle Port Authority, Port of Melbourne, Tasmanian Ports Corporation, Australian Customs and Border Protection.
<ul style="list-style-type: none"> Experience 	<ul style="list-style-type: none"> Substantial experience in the CCTV area.
<ul style="list-style-type: none"> Contract Price 	<ul style="list-style-type: none"> Quoted price was the lowest of all the quotations.
<ul style="list-style-type: none"> Schedule of Rates 	<ul style="list-style-type: none"> Rates appear fair and reasonable.
<ul style="list-style-type: none"> Percentage of area covered 	<ul style="list-style-type: none"> Beaufort Street is covered from Walcott Street to Lincoln Street and from Brisbane Street to Newcastle Street. This was based on available funds and maximum coverage of the most highly used areas. Plans provided of proposed camera and equipment locations (as per attachment 001)
<ul style="list-style-type: none"> Scalability 	<ul style="list-style-type: none"> Recommended system can be expanded to have 10,000 plus cameras.
<ul style="list-style-type: none"> Capacity 	<ul style="list-style-type: none"> Have demonstrated that they have the capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> Resources 	<ul style="list-style-type: none"> The company has the resources to undertake the requirements of the tender.
<ul style="list-style-type: none"> Financial Capacity 	<ul style="list-style-type: none"> References and statements provided.
<ul style="list-style-type: none"> Compliance with Tender Specification 	<ul style="list-style-type: none"> The tender complies with the specification.
<ul style="list-style-type: none"> References 	<ul style="list-style-type: none"> List provided.

2. Clearly Secure

Total Weighted Score	Second: 78.9
<ul style="list-style-type: none"> • Similar projects 	<ul style="list-style-type: none"> • Little evidence of current contracts undertaking similar works for State or Local government. However, they were recently awarded the contract, for the PTA, to oversee the operation of its CCTV Security System.
<ul style="list-style-type: none"> • Experience 	<ul style="list-style-type: none"> • Some experience, have been involved in similar projects for PTA, Sydney Airport and Woodside.
<ul style="list-style-type: none"> • Contract Price 	<ul style="list-style-type: none"> • Price quoted was higher than the available Budget, but was not substantially higher.
<ul style="list-style-type: none"> • Schedule of Rates 	<ul style="list-style-type: none"> • Competitive rates provided.
<ul style="list-style-type: none"> • Percentage of area covered 	<ul style="list-style-type: none"> • Beaufort Street is covered from Walcott Street to Lincoln Street, although this may be variable. This was based on available funds and maximum coverage of the most highly used areas.
<ul style="list-style-type: none"> • Scalability: 	<ul style="list-style-type: none"> • Recommended system can be expanded to have 100,000 plus cameras
<ul style="list-style-type: none"> • Capacity 	<ul style="list-style-type: none"> • Small company, limited evidence provided.
<ul style="list-style-type: none"> • Resources 	<ul style="list-style-type: none"> • Assumed that, since they have tendered, they will have the resources to perform.
<ul style="list-style-type: none"> • Financial Capacity 	<ul style="list-style-type: none"> • Statement of Profit & Loss provided.
<ul style="list-style-type: none"> • Compliance with Tender Specification 	<ul style="list-style-type: none"> • The tender generally complies with the specification.
<ul style="list-style-type: none"> • References 	<ul style="list-style-type: none"> • List provided.

3. Intervid

Total Weighted Score	Third: 74.6
<ul style="list-style-type: none"> • Similar projects 	<ul style="list-style-type: none"> • Substantial experience in local government CCTV installations, for Perth, Kalgoorlie, Wanneroo, Claremont. • Substantial State Government CCTV experience for State Parliament, WA Dept of Corrective Services and Western Power.
<ul style="list-style-type: none"> • Experience 	<ul style="list-style-type: none"> • Many years experience, comprehensive outline of experience provided.
<ul style="list-style-type: none"> • Contract Price 	<ul style="list-style-type: none"> • Price quoted was higher than the available Budget.
<ul style="list-style-type: none"> • Schedule of Rates 	<ul style="list-style-type: none"> • The schedule of rates was mid-way between lowest and highest quoted price, but still above budget.
<ul style="list-style-type: none"> • Percentage of area covered 	<ul style="list-style-type: none"> • This company did not identify locations for the cameras, but indicated that this would be clarified at installation.
<ul style="list-style-type: none"> • Scalability 	<ul style="list-style-type: none"> • No limit to number of cameras, as long as associated infrastructure is upgraded to meet requirements.
<ul style="list-style-type: none"> • Capacity 	<ul style="list-style-type: none"> • The company have proven their capacity to undertake these works over a number of years. Low risk to the City.
<ul style="list-style-type: none"> • Resources 	<ul style="list-style-type: none"> • Well resourced to undertake the requirements of this project.
<ul style="list-style-type: none"> • Financial Capacity 	<ul style="list-style-type: none"> • Comprehensive outline provided of financial status, including references. Low risk to the City.
<ul style="list-style-type: none"> • Compliance with Tender Specification 	<ul style="list-style-type: none"> • The tender generally complies with the specification.
<ul style="list-style-type: none"> • References 	<ul style="list-style-type: none"> • List provided.

4. SEME

Total Weighted Score	Fourth: 64.8
<ul style="list-style-type: none"> Similar projects 	<ul style="list-style-type: none"> Evidence provided of undertaking CCTV projects in Commercial and Mining Installations. SEME was engaged by the City of Vincent, previously, to supply, install and commission CCTV at Leederville. However, there were a number of issues with maintaining contact with the City's staff, as well as a number of technical difficulties. These have since been resolved.
<ul style="list-style-type: none"> Experience 	<ul style="list-style-type: none"> Substantial experience in the CCTV area. WALGA Preferred supplier.
<ul style="list-style-type: none"> Contract Price 	<ul style="list-style-type: none"> Quoted price was high (second highest price)
<ul style="list-style-type: none"> Schedule of Rates 	<ul style="list-style-type: none"> Prices quoted are higher than most other submissions received. Cost per camera was very high and the annual maintenance costs were also very high.
<ul style="list-style-type: none"> Percentage of area covered 	<ul style="list-style-type: none"> Area identified as being covered is from Walcott Street to Bulwer Street, but since few cameras are available it is unlikely to be viable.
<ul style="list-style-type: none"> Scalability 	<ul style="list-style-type: none"> Not shown, although quotation mentions that the system could accommodate 29 cameras
<ul style="list-style-type: none"> Capacity 	<ul style="list-style-type: none"> Have demonstrated that they have the capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> Resources 	<ul style="list-style-type: none"> Based on previous experience, the company has the resources to undertake the requirements of the tender.
<ul style="list-style-type: none"> Financial Capacity 	<ul style="list-style-type: none"> References and statements provided.
<ul style="list-style-type: none"> Compliance with Tender Specification 	<ul style="list-style-type: none"> The tender generally complies with the specification.
<ul style="list-style-type: none"> References 	<ul style="list-style-type: none"> List provided.

5. Downer

Total Weighted Score	Fifth: 64.4
<ul style="list-style-type: none"> Similar projects 	<ul style="list-style-type: none"> Extensive experience in local government CCTV installations for the Cities of Armadale, Fremantle, Kalgoorlie Boulder, Stirling and Cockburn being. Experience in other areas, such as Port Hedland Port, Main Roads WA, Rail PTA and WAPOL CHOGM
<ul style="list-style-type: none"> Experience 	<ul style="list-style-type: none"> Substantial experience in similar projects.
<ul style="list-style-type: none"> Contract Price 	<ul style="list-style-type: none"> Price quoted was extremely high – Highest Quote.
<ul style="list-style-type: none"> Schedule of Rates 	<ul style="list-style-type: none"> Rates provided are high. This was the most expensive price.
<ul style="list-style-type: none"> Percentage of area covered 	<ul style="list-style-type: none"> This company did not identify locations for cameras.
<ul style="list-style-type: none"> Scalability 	<ul style="list-style-type: none"> Not Shown
<ul style="list-style-type: none"> Capacity 	<ul style="list-style-type: none"> Large company, with capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> Resources 	<ul style="list-style-type: none"> Ample resources available.
<ul style="list-style-type: none"> Financial Capacity 	<ul style="list-style-type: none"> References and statements provided.
<ul style="list-style-type: none"> Compliance with Tender Specification 	<ul style="list-style-type: none"> The tender generally complies with the specification.
<ul style="list-style-type: none"> References 	<ul style="list-style-type: none"> List provided.

Comments/conclusion

The tender submitted by NVR Solutions Pty Ltd has been assessed as being the most acceptable to the City and being the best value for money effective quotation.

CONSULTATION/ADVERTISING:

The tender was advertised in *The West Australian* newspaper on 6 October 2012.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* Objective 1 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Approval of this tender will ensure that Crime Prevention and community safety actions can be supported into the future.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item which has been funded through the Government of Western Australia Department of the Attorney General, Criminal Proceeds of Crime Grant:

Budget Amount:	\$184,000
Spent to Date:	\$ <u>0</u>
Balance:	\$184,000

There is a short fall of \$8,537 for this project – assuming that the Council approves of the lowest tender (which is recommended by the officers). It is important that the project be completed as a whole and within the specified time frame.

An Absolute Majority decision is required to re-allocate funds from a funding source to be determined by the Chief Executive Officer.

COMMENTS:

It is recommended that the tender submitted by NVR Solutions Pty Ltd be accepted as being the most acceptable to the City for the design, supply, install and commission of a CCTV System, in accordance with the specifications as detailed in Tender No. 460/12.

9.4.5 Harmony Week Celebrations

Ward:	South	Date:	7 December 2012
Precinct:	Hyde Park (12)	File Ref:	CMS0065
Attachments:	001 – Film Poster		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** a film, band and video jockey event for Harmony Week celebrations with a total budget of ~~\$17,500~~ 15,000; and
2. **AUTHORISES** the film, band and video jockey event to take place in Hyde Park on Friday, 15 March 2013 from ~~5-00~~ 6.00pm to ~~8-00~~ 9.00pm.

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

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Pintabona

“That Clause 2 be amended to read as follows:

2. **AUTHORISES** the film, band and video jockey event to take place in Hyde Park or at Luna Outdoor Cinema on Friday, 15 March 2013 from ~~5-00~~ 6.00pm to ~~8-00~~ 9.00pm.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

(Cr Harley had departed the meeting.)

COUNCIL DECISION ITEM 9.4.5

That the Council;

1. **APPROVES** a film, band and video jockey event for Harmony Week celebrations with a total budget of 15,000; and
2. **AUTHORISES** the film, band and video jockey event to take place in Hyde Park or at Luna Outdoor Cinema on Friday, 15 March 2013 from 6.00pm to 9.00pm.

ADDITIONAL INFORMATION REPORT:

The revised estimated budget for the Harmony Screening is as follows:

Film Screening Event	Estimated Cost	Explanatory Notes
Screen Hire	\$2,000	Temporary screen hire for Hyde Park to be set up in the stage area.
Projector & Equipment	\$3,000	Projector hire, media player & labour
PA company	\$1,500	Fremantle PA Hire – estimated cost.
Outdoor cinema chair hire	\$1,000	Estimated cost to provide seating
Aesthetics & Decorations	\$1,500	Decorating the park & trees with solar powered lights and cultural specific decorations.
Graphic Design (posters etc)	\$1,000	Designer fees to create a poster image and supply in pdf and jpg format.
Band	\$1,000	One 45 minute set for a world music band.
VJZOO	\$900	45 minute VJ and DJ set. The VJs will be playing short silent video clips of old movies and dances from many different cultures, set to the rhythm of music.
Advertisements, newspaper, poster girls	\$2,500	Newspaper adverts, local resident letterbox drop, poster stick up services. All online marketing will be done by the City Officers.
Contingency	\$600	
TOTAL ESTIMATE	\$15,000	

The timing and running schedule for the event will be as follows;

6.34pm	Sunset
6.00 – 6.45	Band
7.00 – 8.00	Film
8.00 – 9.00pm	VJ/DJ set

PURPOSE OF REPORT:

To seek the Council's approval to conduct an event option for Harmony Week.

BACKGROUND:

Harmony Week is a Western Australian Government initiative launched in 2003 that is held every year from 15 to 21 March.

DETAILS:

The event for Harmony Week should be a celebration of diversity and inclusive of as many different nationalities as possible. Due to the two family fair day events scheduled in the City during March 2013, a film screening is being proposed.

Hyde Park's stage area will be transformed into an outdoor cinema on Friday, 15 March 2013. A feature documentary film, 'The 11Eleven Project' is proposed to be screened as shown in Appendix 9.4.5.

The 11Eleven Project is a not for profit, community project. People from 179 countries around the world recorded their lives on one day and submitted their footage, music and photography to show the diversity of human culture. 11Eleven Project is totally not-for-profit, and any profits made goes direct to charity.

A trailer of the film is available to view online at: <https://www.youtube.com/watch?v=uxDOwdNJzfk>

People attending will be encouraged to bring a picnic or try international foods that will be available from food vendors. The Park will be decorated with fairy lights and lanterns to create an intimate atmosphere.

After the 60 minute film programme, a band will play and the screen will be used by VJZOO (video jockeys) – video clips will be played to the music showing films, dance, etc to entertain the audience.

The City's event diary for March 2013 is:

EVENT	DATE	VENUE
Hyde Park Fair	March 2 & 3	Hyde Park
<i>Harmony Week Film Screening</i>	<i>March 15</i>	<i>Hyde Park</i>
St Patrick's Day	March 17	Leederville Oval

CONSULTATION/ADVERTISING:

This event will be promoted in local newspapers, websites, social media, poster and flyer distribution, and network databases.

LEGAL/POLICY:

Policy No. 3.8.3 – Concerts and Events.

RISK MANAGEMENT IMPLICATIONS:

Moderate: Previous festivals organised by the City have been extremely popular and successful; however, factors such as weather on the day can be a contributing factor to attendance levels.

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 purpose of the Festivals Programme is to provide community events in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

FINANCIAL/BUDGET IMPLICATIONS:

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

EVENT	DATE	BUDGET
Beaufort Street Festival	17 November 2012	\$40,000
WA Youth Jazz Orchestra	25 November 2012	\$6,000
Light Up Leederville Carnival	8 December 2012	\$50,000
St Patrick's Day	17 March 2013	\$10,000
Hyde Park Rotary Fair	2-3 March 2013	\$25,000
Angove Street Festival	7 April 2013	\$40,000
Perth International Jazz Festival	24-26 May 2013	\$10,000
Unallocated Festivals		\$80,000

The estimated budget for the Harmony Screening is as follows:

Short Film Screening	Estimated Cost
Screen Hire	\$2,000
Projector & PA Equipment	\$3,000
PA company	\$1,500
Outdoor cinema chair hire	\$1,000
Aesthetics & Decorations	\$1,500
Graphic Design (posters etc)	\$1,000
Water tank	\$500
Bands	\$2,000
VJZOO	\$2,000
Advertisements – newspaper, poster girls	\$2,500
Contingency	\$500
TOTAL ESTIMATE	\$17,500

COMMENTS:

Due to the two family fun fair days surrounding this event, this is an opportunity to offer our residents something a bit different. The film screening can be enjoyed by all. Hyde Park has not been utilized as a film screening venue by the City of Vincent before, and on a summer's night is a perfect choice.

9.4.9 Literacy Learning Trails for City of Vincent Parks and Reserves

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	CMS0002
Attachments:	001 – Play the Language Trail (Copyrighted to United Way and the Dyslexia SPELD Foundation)		
Tabled Items:	Nil		
Reporting Officer:	E Scott, Manager Library and Local History Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report on the 2012 National Year of Reading Initiatives, Literacy Learning Trail Pilot Program and City of Vincent Literacy Learning Trail Program;
2. **APPROVES** the proposal for;
 - 2.1 the installation of the Literacy Learning Trail Pilot Program in the small park (unnamed) at the corner of Hyde Street and Forrest Street North Perth; and
 - 2.2 the City to pay \$1,000 to United Way as a one-off cost to assist in covering development costs;
3. **ADOPTS** a five (5) year Literacy Learning Trail Program throughout the City's Parks and Reserves with playgrounds;
4. **LISTS** the appropriate funding in future draft budgets to undertake the Program as outlined; and
5. **AUTHORISES** the Chief Executive Officer to finalise a Memorandum of Understanding between United Way, the Dyslexia SPELD Foundation and the City.

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Carey

"That Clauses 3 and 4 be deleted as follows:

3. ~~ADOPTS a five (5) year Literacy Learning Trail Program throughout the City's Parks and Reserves with playgrounds;~~
4. ~~LISTS the appropriate funding in future draft budgets to undertake the Program as outlined; and~~

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley had departed the meeting.)

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

(Cr Harley had departed the meeting.)

COUNCIL DECISION ITEM 9.4.9

That the Council;

1. **RECEIVES** the report on the 2012 National Year of Reading Initiatives, Literacy Learning Trail Pilot Program and City of Vincent Literacy Learning Trail Program;
2. **APPROVES** the proposal for;
 - 2.1 **the installation of the Literacy Learning Trail Pilot Program in the small park (unnamed) at the corner of Hyde Street and Forrest Street North Perth; and**
 - 2.2 **the City to pay \$1,000 to United Way as a one-off cost to assist in covering development costs; and**
3. **AUTHORISES** the Chief Executive Officer to finalise a Memorandum of Understanding between United Way, the Dyslexia SPELD Foundation and the City.

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with details of the 2012 National Year of Reading initiatives, to outline the details of a proposed Literacy Learning Trail Pilot Program, and to seek Council approval to fund a Literacy Learning Trail Program throughout the City's parks over the next five years.

BACKGROUND:

The National Year of Reading is an Australia-wide celebration of reading, which aims to promote the value of reading and to support people who already enjoy reading.

The love2read website (<http://www.love2read.org.au/about-us.cfm>) quotes the Australian Bureau of Statistics information that *"Nearly half the population struggles without the literacy skills to meet the most basic demands of everyday life and work. There are 46% of Australians who can't read newspapers; follow a recipe; make sense of timetables, or understand the instructions on a medicine bottle."* This had been a strong driver for the National Year of Reading program.

In celebrating The National Year of Reading, people, businesses and libraries that already support literacy have been provided with additional promotion and support, and new and inspirational programs and events have been introduced across the country. The ultimate goals have been identified as:

- For all Australians to understand the benefits of reading as a life skill and a catalyst for well-being;
- To promote a reading culture in every home; and
- To establish an aspiration goal for families of parents and caregivers sharing books with their children every day.
- The City has supported the following literacy initiatives:
 - The continued support of the *Better Beginnings* Program, and an upgrade to include children in their first year of primary school. *Better Beginnings* is a universal early intervention family literacy program. Its purpose is to provide positive influences for children, particularly in their first three years of life. Through working with both children and their parents, the family literacy initiatives provide a crucial early base for lifelong literacy, success in formal schooling and improved life chances.

- The introduction of a *Junior Reviews* Program, where children are invited to review books that they have read; the reviews are displayed throughout the junior area of the Library. All participants were given a small prize for the first month of the program.
- *Literacy in the Park*, as part of the *Step Out in Vincent* Program held in September 2012. This program provided families with a brochure and a pre-set GPS which they used in a treasure hunt to locate and identify hidden Australian animals in Banks Reserve. On completion, they were provided with a library bag to decorate and a gift voucher to collect an age-appropriate book for their child at the Library.

The Mayor Hon. Alannah MacTiernan initiated meetings with Mandy Nayton, Executive Officer of the Dyslexia SPELD Foundation, the City's Director Community Services and Manager Library and Local History Services, in which the combination of literacy games and outdoor leisure activities was discussed. *Literacy in the Park* was the first outcome of these meetings. It was a particularly successful program and as a result will be run again in future years.

Ms Nayton also described the *Literacy Learning Trail Program*, which has been introduced overseas and is proving to be a successful program in support of literacy.

DETAILS:

Literacy Learning Trail

The Literacy Learning Trail (also known as the Born Learning Trail) is a program that has been developed and supported by United Way, and to date has been launched in several of the United States and some South American countries. This program is new to Western Australia, and is a joint endeavour between United Way Western Australia and the Dyslexia SPELD Foundation. The program involves the installation of colourful and engaging games signage in areas such as school grounds, park trails and local playgrounds. Ideally, the games would encourage and support families to explore simple numeric and alphabet literacy with their children as part of their physical leisure activities.

The signs are generally mounted on trees, fences, posts, or features such as composite limestone blocks. The signs are designed to be weather proof and ideally presented at child height; consideration is given to the opportunity to allow the games and signs to be regularly changed, in order to sustain interest. The signage needs to allow for questions and answers; for example, on front and back of the sign, or on different sides of limestone blocks. United Way is investigating more interactive presentations, such as placing on playground spinners. (See: *Hearing the first sound in a word is important* on pages 1 and 2 as shown in Appendix 9.4.9).

The Middle Swan Primary School is the first place in Western Australia to introduce this program, and they intend to make it available to their pupils in 2013. Their trail will be located in an area that already includes six Aboriginal totems relating to the seasons, and will feature a Rainbow Serpent path of slabs, with each slab featuring a letter of the alphabet. Children will be encouraged to play on the path, thereby building a strong familiarity with the letters of the alphabet. (See: *Alphabet Snake* pages 11 and 12 as shown in Appendix 9.4.9). As funds become available, they will add more signage and games to their trail.

United Way has done a considerable amount of research into the signs to ensure that they are educationally sound. Before proceeding, they would require a Memorandum of Understanding (MOU) from the City to ensure that the posters remain unchanged, aside from inclusion of local government identification. They have also worked with parent reference groups and have incorporated many of their recommendations into the signage.

United Way will also charge an estimated \$500 to \$1000 to recoup some of their costs. This would be a one-off cost. As this is such a new and emerging program, actual costs have not been determined at this stage. They have estimated that to produce and install one full set of the signs in a format similar to street signs would cost around \$5,000. Indicative costs provided by local suppliers support this estimation.

Pilot Program

Local investigations have identified an ideal location for a Pilot Program, in the small park on the corner of Hyde Street and Forrest Street in Mount Lawley. This park is already a recognised play area, so that families would be able to participate in the program incidentally to the visits that they are already making to the playground area.

Alternative to investing \$5,000 to run the Pilot Program, it is recommended that a series of signs are installed in Perspex boxes, which can be fixed to any solid surface. Weatherproof and lockable boxes cost \$100 for size A3 to \$150 for size A1. They are readily available and straightforward to install, and facilitate changing the signs as required. This small park could accommodate a maximum of six (6) signs; the Perspex boxes would cost up to \$1,000 to purchase, and the City's staff would carry out the installation.

Literacy Learning Trail Program

Building on the City's strong tradition of support and promotion of family literacy, the development of a City-wide Literacy Trail would be the next stage of this program. To do this, a set of the signs would be installed in selected 30 parks which incorporate a playground throughout the City; the larger parks may have space to also include the literacy snake footpath.

There are also opportunities to include community groups in developing this program. For example, the Men's Shed could construct interesting signage styles and shapes, and indigenous students and artists could add interest to the design of decorations for the snake.

CONSULTATION/ADVERTISING:

This program would be widely promoted, particularly to parents at Storytime events, in the e-newsletters and on the City's webpage.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* Objective 3 states:

"Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing.*

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

SUSTAINABILITY IMPLICATIONS:

This program addresses social sustainability ideals by supporting community quality of life.

FINANCIAL/BUDGET IMPLICATIONS:

There is currently no funding allocated within the 2012/2013 Budget to cover the various aspects of this program.

The Library Operating Budget can absorb the following costs:

- United Way development costs of \$1,000; and
- Purchase of Perspex display boxes of \$1,000.

Commencing in the 2013/2014 Budget, the Library will list funding applications which reflect current costing, to extend the Program throughout the City as described. Current estimates predict approximately \$5,000 per annum to a total of \$25,000 over the next five (5) years.

COMMENTS:

It is recommended that the Council supports the Officer's Recommendation to create signage for the inaugural Pilot Program immediately and to fund the City's Literacy Learning Trail Program in the 2013 to 2018 Budgets.

9.5.1 City of Vincent Dogs Local Law Amendment Local Law No. 2 2012 – Consideration of Submissions and Final Adoption – Re-advertising of Amendment to Allow Companion Dogs in Outdoor Eating Areas

Ward:	Both	Date:	7 December 2012
Precinct:	All	File Ref:	LEG0009
Attachments:	001 – City of Vincent Dogs Local Law Amendment Local Law No 2 2012		
Tabled Items:	Nil.		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that pursuant to Section 3.16 of the Local Government Act 1995 the City has advertised its Local Law and that no submissions were received at the close of the statutory six (6) week public consultation period; and
2. Pursuant to section 3.12 of the Local Government Act 1995 **APPROVES BY AN ABSOLUTE MAJORITY** to **ADOPT** a new City of Vincent Dogs Local Law Amendment Local Law No.2 2012, as shown in Appendix 9.5.1

COUNCIL DECISION ITEM 9.5.1

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Harley had departed the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that no submissions were received from the Community and seek the Council's approval to adopt, the amendment to the City's Dogs Local Law 2007, to allow companion dogs to be in an approved Outdoor Eating Area.

BACKGROUND:

At the Council meeting held on 26 June 2012, the Council adopted an amendment to allow companion dogs to be in an approved Outdoor Eating area.

The City's administration re-advertised the proposed amendment on 13 October 2012 at the request of the Joint Standing Committee on Delegate Legislation, due to an administrative error causing the procedure to be not strictly in accordance with the requirements of the Local Government Act Section 3.12 (3) (a).

The City was requested to re-advertise the amendment so that there is no ambiguity or challenge to the proposed amendment, as the sequence prescribed in Section 3.12(a) of the Local Government Act does not allow for any variation to the prescribed procedure.

Comments from Department of Local Government:

Comments were requested from the Department of Local Government and they recommended a number of drafting changes. There have been included into the amendment, but do not change the intent of the Local Law.

Submissions:

No submissions were received from the public.

Food Standards 2008:

On 11 October 2012, the Food Standards 2008 were amended to allow for companion dogs in Outdoor Dining Areas, whilst the Food Act 2008 has legal precedence over the City's Dog's Local Law, the City's Dogs Local Law is still required to be amended, as it is in conflict with the Australian Food Standards. The proposed amendment is shown at Appendix 9.5.1.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

- Food Act 2008;
- Australian and New Zealand Food Standard Code, Standard 3.2.2;
- Dog Act 1976; and
- City of Vincent Dogs Local Law 2007 (as amended).

Section 22 of the *Food Act 2008* (the Act) requires food businesses in Western Australia to comply with any provision imposed on that business by the Food Standards Code, Standard 3.2.2 (the Code).

Section 22(1) of the Act states:

"22. Compliance with Food Standards Code

- (1) A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale."*

Clause 24 of the Code requires that a food business does not permit live animals in areas in which food is handled with the exception of "assistance animals" in dining and drinking areas.

Clause 24 of the Code states:

"24. Animals and pests

- (1) A food business must –*
- (a) subject to paragraph (b), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish;*
 - (b) permit an assistance animal only in dining and drinking areas and other areas used by customers;*
 - (c) take all practicable measures to prevent pests entering the food premises; and*

- (d) *take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food.*
- (2) *In subclause (1), 'assistance animal' means an animal referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth."*

The Disability Discrimination Act 1992 Section 9 prescribes an 'assistance animal' as follows:

- “(1) For the purposes of this Act, an assistance animal is a dog or other animal:*
- (a) accredited under a law of State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or*
 - (b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or*
 - (c) trained:*
 - (i) to assist a person with a disability to alleviate the effect of the disability; and*
 - (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.”*
- Note: For exemptions from Part 2 for discrimination in relation to assistance animals, see section 54A*

There is no legal impediment to this recommendation being approved.

RISK MANAGEMENT IMPLICATIONS:

LOW: There is a requirement for a food premises to put appropriate measures in place to manage food safety and suitability risks that may result from the presence of dogs in the premises.

STRATEGIC IMPLICATIONS:

The above recommendation aligns well with the City of Vincent's Strategic Plan 2011 – 2016, at Objective 4.1. "Provide Good Strategic Decision Making, Governance, Leadership and Professional Management".

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications, associated with this report.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

No submissions were received by the City as a result of the re-advertising process. Accordingly it is recommended that the Council approve of the Officer Recommendation.

9.5.2 Policy No. 4.1.34 – Relationship Declaration Register – Adoption of Revised Policy

Ward:	-	Date:	7 December 2012
Precinct:	-	File Ref:	CVC0043
Attachments:	001 Draft Policy No. 4.1.34 and Guidelines 002 Application Form 003 Relationship Declaration Certificate 004 Declaration Official Reading 005 Draft Appointment Letter		
Tabled Items:	Nil		
Reporting Officers:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- CONSIDERS** the twenty five (25) submissions received concerning the Draft Policy No.1.34 – Relationship Declaration Register, as detailed in the report; and
- APPROVES BY AN ABSOLUTE MAJORITY** to adopt the amended Policy No. 4.1.34 – Relationship Declaration Register (RDR), as shown in Appendix 9.5.2.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)**

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

Against: Cr Pintabona

(Cr Harley had departed the meeting.)

PURPOSE OF REPORT:

To inform the Council of the twenty five (25) submissions received and to obtain the Council's approval to adopt the revised Policy No. 4.1.34 – Relationship Declaration Register.

BACKGROUND:

At the Ordinary Council meeting held on 8 November 2012 the Council resolved as follows:

That the Council;

- APPROVES IN PRINCIPLE* to adopt corrected draft Policy No. 4.1.34 – Relationship Declaration Register (RDR) and associated Application Form (which specifies that the RDR is only available to persons over the age of eighteen (18) years), as shown in Appendix 9.5.3; and
- AUTHORISES* the Chief Executive Officer to *ADVERTISE* Policy No. 4.1.34 – Relationship Declaration Register, for a period of twenty one (21) days, seeking public comment; and

3. *After the expiry of the period of submissions:*
 - 3.1 *REVIEWS Policy No. 4.1.34 – Relationship Declaration Register having regard to any written submissions; and*
 - 3.2 *DETERMINES to proceed with, or not to proceed with Policy No. 4.1.34 – Relationship Declaration Register, with or without amendment; and*
 - 3.3 *includes Policy No. 4.1.34 – Relationship Declaration Register, in the City’s Policy Manual if no submissions are received from the public; and*
4. *APPROVES BY AN ABSOLUTE MAJORITY in accordance with Section 6.16 of the Local Government Act 1995 to adopt the following new fees and charges;*

ITEM	Prescribed Fee
<i>Application to make a Relationship Declaration</i>	<i>\$120</i>
<i>Replacement of Declaration Certificate</i>	<i>\$25</i>
<i>Certificated Copy of entry - Relationship Declaration Register</i>	<i>\$25</i>

On 13 November 2012 community Consultation was carried out and this closed on 7 December 2012.

Two (2) email enquiries were received. One (1) person requested clarification as to whether the Policy was applicable to non Vincent residents – and was advised that the Register is available to all persons in Western Australia over the age of eighteen (18).

One (1) marriage celebrant inquired about the proposed Policy, as they had received enquiries. This person was advised accordingly that the Policy was being advertised for consultation and would be reported to the Council in December.

Neither of the above emails made any comment, either for or against the Policy.

Submissions:

Twenty - Five (25) submissions were received in favour as follows:

“Dear Chief Executive Officer

Re: Comment on Draft Policy for Relationship Declaration Register

I am writing to indicate my strong support for the establishment of a City of Vincent Relationship Declaration Register, which will allow couples living in Western Australia to declare that they are partners and have this declared with the register, subject to the payment of prescribed fees.

The reason for my strong support is as follows:

1. *The City of Vincent Vision, Purpose and Guiding Values aims to create a “caring community built with vibrancy and diversity”. As part of building this vision and adhering to these set of values, the City of Vincent should work to be inclusive of all people in the community, including same sex couples. The Relationship Declaration Register will provide a valuable public service for some same sex and defacto couples in assisting to demonstrate proof of their relationship for legal proceedings or other government processes, like Permanent Residency.*
2. *There has been a clear failure in leadership by State or Commonwealth Governments’ to provide same sex couples an opportunity for formal and public recognition of their relationship. Accordingly, the City of Vincent has an opportunity to show this leadership – and in doing so, make a strong and public statement representing the aspirations and needs of the City’s gay and lesbian community for full public and legal recognition of their relationships. The establishment of a City of Vincent Relationship Declaration Register is an important, symbolic statement to the wider Western Australian community.”*

CEO COMMENT:

All of the submissions were identical – it would appear that the above submission has been circulated and separately signed by individuals.

The comments in the submission are noted and are reflected in the Council's Policy.

Clarification of Roles:

Clarification of the role has been carried out to ascertain whether the Mayor and/or the Chief Executive Officer should perform the ceremony. This has been necessary due to the legislative differences of the Local Government Act between Western Australia and Victoria.

The following is advised:

1. *The City's Notice of Motion requested that the City of Vincent Policy be prepared using, existing models used by the City of Melbourne and/or other Councils, as appropriate.....*

Enquiries were therefore made as follows:

City of Melbourne

The Lord Mayor and Chief Executive Officer both signed the certificate. However, the Mayor does not attend the actual RDR signing. (This is the choice of the Lord Mayor and mainly due to the heavy workload and busy schedule).

The RDR Declaration is made by a senior City employee nominated by the Chief Executive Officer

For information, the City of Melbourne have made approximately 200 declarations in the five (5) years that the Policy has been in place.

City of Yarra

The Mayor and Chief Executive Officer both signed the certificate. However, the Mayor does not attend the actual RDR signing. (again mainly due to the heavy workload and busy schedule).

The RDR Declaration is made by the Chief Executive Officer, however quite often this is delegated to the Executive Manager - Governance.

For information the City of Yarra have only conducted approximately twenty (20) declarations in the five (5) years that the Policy has been in place.

CEO COMMENT:

There is no legal requirement for the RDR Declaration to be made by either the Chief Executive Officer or the Mayor. However it is acknowledged that this is a ceremonial duty which is more in keeping of the role of the Mayor, as prescribed in the Local Government Act 1995.

The role of the Mayor is prescribed by Section 2.8 of the Local Government Act 1995, as follows;

Role of Mayor or President

The Mayor or President –

- (a) *presides at meetings in accordance with this Act;*
- (b) *provides leadership and guidance to the community in the district;*
- (c) ***carries out civic and ceremonial duties on behalf of the Local Government;***
- (d) *speaks on behalf of the Local Government;*
- (e) *performs such other functions as are given to the Mayor or President by this Act or any other written law; and*
- (f) *liaises with the Chief Executive Officer on the Local Government's affairs and the performance of its functions.*

Function of Chief Executive Officer:

The functions of the CEO are prescribed by section 5.41 of the Local Government Act 1995, as follows;

5.41. Functions of Chief Executive Officer

The CEO's functions are to —

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) **cause council decisions to be implemented; and**
- (d) **manage the day to day operations of the local government; and**
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Accordingly it is appropriate that the Policy be amended to allow for the Mayor to conduct the RDR Declaration and for the Chief Executive Officer to act in the Mayor's absence or when requested to do so by the Mayor. This process is used for persons making a Citizenship Declaration and works very well.

It is important that all administrative processes still be carried out by the Chief Executive Officer, as this is prescribed in the Local Government Act. It is recommended that the Policy Guidelines be amended to insert three (3) new clauses as follows;

11.6 Pre-Declaration Documentation

The Chief Executive Officer shall;

- Arrange for the necessary documentation to be prepared;
- Check the documentation and pre-sign the Certificate; and
- Liaise with the Mayor for the scheduling of the Declaration.

11.7.4 Where appropriate, the Declarations will be carried out on a specific date, each month, as this will allow for multiple declarations to be made at the same time and will be easier to co-ordinate from an administrative aspect.

11.9 Post-Declaration Administration

The Chief Executive Officer shall;

- Arrange for all documentation to be filed in the Confidential Register and file to be held in the Chief Executive Officers Office; and
- Arrange for all electronic records to be securely maintained.

DETAILS:

As previously reported the following is the indicative costs as shown below:

4. Indicative Costs:

ITEM	TIME (minutes)	Officer	Approx Cost (including On Costs)
Making an Appointment for Interview			
1. Making an appointment for interview	5	PA	\$3.85
Upon Receipt of Application Form			
1. Application form to be checked by Chief Executive Officer and interview	20	CEO	\$ 41.20
2. Information to be electronically recorded into RDR	10	PA	\$ 7.70
3. Hard Copies to be placed on RDR File	5	PA	\$ 3.85
Interview			
1. Interview letter to be typed	10	PA	\$ 7.70
2. Interview letter to be checked and signed.	5	CEO	\$ 10.30
Declaration Paper Work			
1. Certificate to be typed and printed	10	PA	\$ 7.70
Making the Declaration			
1. Declaration to be carried out	10	CEO	\$ 20.60
Post Declaration			
1. Documentation to be filed (hard copy)	5	PA	\$ 3.85
2. Documentation to be recorded electronically	5	PA	\$ 3.85
Administration Costs			
1. Paper, envelope, stamp	-	-	\$ 2.00
2. Cost of colored Certificate, misc	-	-	\$ 5.00
3. Use of Room, Power, Cleaning	-	-	\$ 3.00
		Total	\$120.60

*CEO = Chief Executive Officer

*PA = Chief Executive Officer's Personal Assistant

The cost of making a declaration is recommended to be \$120.00, which reflects the full cost recovery of a person making such a declaration.

5. Protection of Confidentiality:

The adopted Policy, Procedure and Guidelines specify that strict controls will be in place concerning confidentiality of data.

CONSULTATION/ADVERTISING:

The Draft Policy was advertised from the 13 November to 7 December 2012 and at the close of the consultation period twenty five (25) submissions in favour was received.

No objections were received.

LEGAL/POLICY:

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

The Local Government Act 1995 Section 6.16 allows the Council to adopt prescribed fees and charges.

RISK MANAGEMENT IMPLICATIONS:

High: The failure to adequately check documentation for the Relationship Declaration Register may result in incorrect information being recorded with possible consequences if persons utilise the Relationship Declaration Register Certificate in an illegal proceedings. Furthermore, strict controls must be in place to control access to personal information and to protect a person's privacy.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City has prescribed fees and charges for the 2012/2013 Annual Budget.

Based on anecdotal information from the City of Melbourne, where by approximately 200 entries have been made since the adoption of the programme in 2007, it is expected that there may be an initial rush from persons to make a declaration.

This is particularly so as this will be the first and only Declaration Register available in Western Australia.

It is considered that approximately 20 people may apply in the next six (6) months, which will result in income of \$2,400 for the remainder of the 2012/2013 financial year.

COMMENTS:

It is pleasing to note that the twenty five (25) submission were received was in support of the proposed Policy. (albeit the same proforma letter).

The Relationship Registration Register will be the first of its type in Western Australia and will provide a service to persons seeking to make such a declaration. The service will be administered by the Office of the Chief Executive Officer, as this will ensure the Confidentiality of data will be strictly controlled and will also ensure that privacy is maintained at a high level.

It is appropriate that the Policy be amended to include the Mayor to sign the Certificate and conduct the RDR Declaration (in the first instance) and for the Chief Executive Officer to act when the Mayor is unavailable or when requested to do so by the Mayor.

Approval of the Officer Recommendation is therefore requested.

9.5.3 Leederville Masterplan – Progress Report No. 13 and Establishment of Management Committee

Ward:	South	Date:	10 December 2012
Precinct:	Oxford Centre; P4	File Ref:	PLA0147
Attachments:			
Tabled Items			
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Leederville Masterplan Progress Report No. 11, as at 18 December 2012 and **NOTES** the progress of the project, as detailed in the report;
2. **APPROVES BY AN ABSOLUTE MAJORITY:**
 - 2.1 Pursuant to sections 5.8- 2.24 inclusive of the Local Government Act 1995, to establish a Management Committee to oversee the implementation of the Leederville Masterplan;
 - 2.2 The quorum for the Management Committee to be three (3) persons;
 - 2.3 Appoints the following persons to the Management Committee, expiring on 13 October 2013,
 1. Hon. Alannah MacTiernan
 2. Cr..... Deputy Member:.....
 3. Cr..... Deputy Member:.....
 4. Cr..... Deputy Member:.....
 5. Chief Executive Officer Deputy: Director as delegated by the CEO;
 - 2.4 To Delegate to the following powers and duties to the Management Committee to;
 1. make recommendations to the Council concerning the Project Annual Plan, Project Budget, Project Objectives and Project Indicative Timeline/ Key Milestones;
 2. monitor the overall Progress of the Project;
 3. monitor the Indicative Timeline and Key Milestones for the project;
 4. monitor the project Objectives;
 5. monitor the project Budget and make recommendations for any variations;
 6. approve contracts to be entered into by any party with a value less than \$100,000, subject to their being sufficient funds listed in the Budget;

7. approve the appointment of any Project consultants and/or contractors, with a value less than \$100,000, subject to their being sufficient funds listed in the Budget;
 8. make recommendations to the Council for the appointment of Consultants/contractors and awarding of Tenders with a value more than \$100,000 and
 9. provide regular reports to the Council; and
- 2.5 to re-allocate \$50,000 to the project, from a funding source to be determine by the CEO, to allow the project to be progressed, as detailed in the report;
3. **AUTHORISES** the Chief Executive Officer to call for quotations and/or tenders from suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan, for consideration and determination of the Management Committee;
 4. **APPROVES** the revised Indicative Timeline as detailed in the report and **NOTES** that the timeline is “indicative only”and dependent upon the Delivery Model chosen by the Council and may be subject to significant revision; and
 5. **REQUESTS** that regular progress reports (monthly or bi-monthly- as appropriate) be submitted to the Council.

Moved Cr Topelberg, **Seconded** Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.40pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.43pm.

The Presiding Member Mayor Hon. Alannah MacTiernan called for Nominations to the Committee. The Chief Executive Officer advised that the following nominations had been received.

- Cr Buckels
- Cr Harley
- Cr McGrath
- Cr Pintabona
- Cr Wilcox

The Presiding Member called for any further nominations.

Cr Topelberg nominated himself.

The Presiding Member advised as the number of nominations received, exceeded the number of vacant positions, she advised that a secret Ballot would be carried out in accordance with the requirement of the Local Government Act.

She asked the Chief Executive Officer to conduct the Ballot and issue Ballot Papers.

Ballot Papers were distributed and collected by the Chief Executive Officer.

These were counted inside the Chamber, in the presence of the Chief Executive Officer, with Director Corporate Services also assisting with the count.

The Chief Executive Officer subsequently returned to his seat to respond to questions.

The Chief Executive Officer requested that the Director Technical Services to assume his role in assisting with the count.

The Presiding Member announced that the Councillors with the highest number of votes will be elected to the Committee and the remaining three (3) will serve as Deputies.

The Presiding Member announced the following appointments to the Management Committee, expiring on 13 October 2013,

Member	Deputy Member
Hon. Alannah MacTiernan	
Cr McGrath	Cr Pintabona
Cr Topelberg	Cr Buckels
Cr Wilcox	Cr Harley
Chief Executive Officer	Director as delegated – by Chief Executive Officer

The result of the Ballot was as follows:

Nomination	Number of Votes
Cr McGrath	6
Cr Topelberg	5
Cr Wilcox	5
Cr Buckels	3
Cr Pintabona	3
Cr Harley	2

Debate ensued.

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

(Cr Harley had departed the meeting.)

COUNCIL DECISION ITEM 9.5.3

That the Council;

1. RECEIVES the Leederville Masterplan Progress Report No. 11, as at 18 December 2012 and NOTES the progress of the project, as detailed in the report;
2. APPROVES BY AN ABSOLUTE MAJORITY:
 - 2.1 Pursuant to sections 5.8- 2.24 inclusive of the Local Government Act 1995, to establish a Management Committee to oversee the implementation of the Leederville Masterplan;
 - 2.2 The quorum for the Management Committee to be three (3) persons; the CEO;
 - 2.3 To appoint the following persons to the Management Committee, expiring on 13 October 2013,

Member	Deputy Member
Hon. Alannah MacTiernan	
Cr McGrath	Cr Pintabona
Cr Topelberg	Cr Buckels
Cr Wilcox	Cr Harley
Chief Executive Officer	Director as delegated – by Chief Executive Officer

- 2.4 To Delegate to the following powers and duties to the Management Committee to;
1. make recommendations to the Council concerning the Project Annual Plan, Project Budget, Project Objectives and Project Indicative Timeline/ Key Milestones;
 2. monitor the overall Progress of the Project;
 3. monitor the Indicative Timeline and Key Milestones for the project;
 4. monitor the project Objectives;
 5. monitor the project Budget and make recommendations for any variations;
 6. approve contracts to be entered into by any party with a value less than \$100,000, subject to their being sufficient funds listed in the Budget;
 7. approve the appointment of any Project consultants and/or contractors, with a value less than \$100,000, subject to their being sufficient funds listed in the Budget;
 8. make recommendations to the Council for the appointment of Consultants/contractors and awarding of Tenders with a value more than \$100,000 and
 9. provide regular reports to the Council; and
- 2.5 to re-allocate \$50,000 to the project, from a funding source to be determine by the CEO, to allow the project to be progressed, as detailed in the report;
3. AUTHORISES the Chief Executive Officer to call for quotations and/or tenders from suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan, for consideration and determination of the Management Committee;
 4. APPROVES the revised Indicative Timeline as detailed in the report and NOTES that the timeline is “indicative only”and dependent upon the Delivery Model chosen by the Council and may be subject to significant revision; and
 5. REQUESTS that regular progress reports (monthly or bi-monthly- as appropriate) be submitted to the Council.

PURPOSE OF REPORT:

Previous Progress Reports

Progress Reports have been submitted to the Council on the following dates:

Progress Report No	Meeting Date	Item No
1	12 July 2005 – (SMC)	
2	13 September 2005	10.4.9
3	25 October 2005	10.4.1
4	28 March 2006	10.4.4
5	17 October 2006 (SMC)	8.1
6	5 June 2007 (SMC)	7.4
7	2 July 2008 (SMC)	7.1
8	14 October 2008 (SMC)	7.4
9	16 March 2009 (SMC)	7.2

10	28 September 2010	9.4.6
11	23 November 2010	9.4.1
12	27 March 2012	14.1

For detailed background prior to 2008, refer to previous Council Progress Reports as detailed above.

- 19 February 2008 A Progress Report and Presentation on the Leederville Masterplan by the Chief Executive Officer and Directors was presented at a Council Forum.
- 18 March 2008 The Consultants JCY presented their progress and draft Built Form Guidelines to a Council Forum along with the first presentation relating to the West Perth Regeneration Project.
- 9 April 2008 The City's Officers met with consultants JCY to discuss the progress of the Built Form Guidelines and the West Perth Regeneration Masterplan.
- 14 April 2008 The City's Officers met with consultants JCY and representatives of the DPI to discuss the inception of Studies relating to the Leederville Station Study, the Transport Study and the Carr Place Precinct.
- 2 July 2008 The Council considered the Leederville Masterplan at a Special Meeting – Progress Report No 7. The Council resolution is outlined in the Minutes for this meeting.
- 14 October 2008 The Council considered the Leederville Masterplan at a Special Meeting – Progress Report No 8 (Item 7.4).
- 19 November 2008 A community workshop regarding the Leederville Masterplan and Draft Built Form Guidelines was held at the City's Administration Offices.
- 22 December 2008 The City's Officers held a Council Member Forum to present a summary of the outcomes of the community consultation period and the community workshop to the Council Members.
- 10 February 2009 The Council at an Ordinary Meeting resolved to include the Olive Trees located on the south-east corner of No. 1 (Lot 34) The Avenue, Leederville onto the City's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.
- 11 February 2009 A recommendation was presented at the meeting of the Heritage Advisory Group stipulating that the location of the heritage listed Olive Trees be included on all planning documents associated with the Leederville Masterplan.
- 16 March 2009 The Council considered Progress Report No. 9 relating to the Leederville Masterplan at a Special Meeting. Leederville Masterplan Built Form Guidelines adopted with amendments.
- 28 September 2009 The Council considered Progress Report No. 10 relating to the Leederville Masterplan. At this meeting, the final amended version of the Leederville Masterplan Built Form Guidelines were adopted by the Council and have become known as Appendix 19 to the City's Planning and Building Policy Manual.
- 25 May 2010 The Council at its Ordinary Meeting adopted the final amended version of the City's Policy No. 3.4.1 relating to the Oxford Centre Precinct, which has been amended to remove development standards that apply to the area that falls within the Leederville Masterplan Built Form Guidelines.
- 12 October 2010 The Council resolved to undertake an Independent Design Review and Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines, in order to determine whether the key objectives of the Guidelines are in keeping with, and continue to facilitate the Town's vision for, the Leederville Masterplan area.

- 19 April 2011 The Council endorsed the Leederville Town Centre Masterplan and Built Form Guidelines Independent Design Review Report and the Leederville Town Centre Masterplan and Built Form Guidelines Peer Review Workshop Report. The Council also authorised the Chief Executive Officer to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines.
- 27 March 2012 Hames Sharley were awarded the contract to amend the Built Form Guidelines, however their contract was terminated following the Council decision on 27 March 2012. The Council resolved that the preparation of the Structure Plan be carried out "in-house" by the City's Administration.

BACKGROUND:

Action Taken Since the Last Report

The Leederville Masterplan was most recently considered by the Council at its Ordinary Meeting held on 27 March 2012 – Item 14.1 - Leederville Town Centre Masterplan and Built Form Guidelines.

Prior to this Leederville Masterplan – Progress Report No. 11 was considered at the Ordinary Council Meeting held on 23 November 2010.

Information about the Structure plan

Leederville has been recognised as a Secondary Centre in State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2), as a result, the City of Vincent is required to develop a structure plan to guide the development of the area.

The objectives of the Leederville Activity Centre Structure Plan are as follows;

- To prepare an Activity Centres Structure Plan in accordance with the provisions of State Planning Policy 4.2 relating to Activity Centres for Perth and Peel, Draft Structure Plan Preparation Guidelines.
- To develop a Structure Plan that provides the framework for development in the Leederville Town centre that integrates and coordinates land uses, infrastructure, urban design, residential density, access and built form.

Structure Plans for Secondary Centres require final approval by the Western Australian Planning Commission.

Information about the Built Form Guidelines

The Leederville Masterplan Built Form Guidelines is currently adopted as a Local Planning Policy, known as Appendix No. 19. The Built Form Guidelines were adopted by the Council on 16 March 2009, following community consultation.

The Built Form Guidelines have two key parts, the general conditions and the Precinct Guidelines. The Built Form Guidelines are currently used within the Leederville Masterplan area to guide development proposals.

A minor amendment to remove the connection through the existing property between Oxford Street (opposite Newcastle Street) and The Avenue Car Park was undertaken "in house" and completed on 10 July 2012.

Information about the Peer Review

The Council, at its Ordinary Meeting held on 12 October 2010, resolved to undertake an Independent Design Review and Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines, in order to determine whether the key objectives of the Guidelines are in keeping with, and continue to facilitate the Town's vision for, the Leederville Masterplan area.

The Independent Design Review was undertaken by Mackay Urbandesign, and reviewed the existing Leederville Town Centre Masterplan and Built Form Guidelines against the objectives which were set for the project and other current Planning Principles.

The Peer Review Workshop, facilitated by Estill and Associates, was held in the Town's Administration and Civic Centre on Thursday 24 February 2011, and involved interested persons/organisations providing comment on the existing Leederville Town Centre Masterplan and Built Form Guidelines, particularly in relation to the practicality of the document.

On 19 April 2011, the Council endorsed the Leederville Town Centre Masterplan and Built Form Guidelines Independent Design Review Report and the Leederville Town Centre Masterplan and Built Form Guidelines Peer Review Workshop Report. The Council also authorised the Chief Executive Officer to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines.

Hames Sharley were awarded the contract to amend the Built Form Guidelines, however their contract was terminated following the Council decision on 27 March 2012. The Council resolved that the preparation of the Structure Plan is to be carried out "in-house" by the City's Administration.

DETAILS:

Leederville Activity Centre Structure Plan

1. Key Council Dates

Date	Comment
27 March 2012	The Council resolved to prepare an Activity Centre Structure Plan for the Leederville Masterplan area, "in-house" using the City's Strategic Planning, Sustainability and Heritage Services Section as the most cost effective and efficient use of the City's finances and resources.

2. Contract Work

1.1 Retail Sustainability Assessment (RSA)

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2) requires the preparation of a Retail Sustainability Assessment which 'assesses the potential economic and related effects of a significant retail expansion on the network of activity centres in a locality.'

The Retail Sustainability Assessment will provide information such as:

- Population figures and projections
- Employment data and projections
- Floor space figures on existing and future land uses
- Tenancy mixes and patronage trends
- Character analysis
- Future dwelling forecasts
- Comparisons with surrounding centres.

The City has commissioned MarcoPlan Dimasi and Planning Solutions to undertake the RSA. A confidential presentation was made to the Forum held on 11 December 2012.

The following is the progress as at 10 December 2012;

Key Task	Status/Schedule
Prepare RSA Project Brief, refer to DoP	Complete
Finalise Brief and refer to EMT	Complete
Send out RFQ's and await submissions	Complete
Review submissions and undertake assessment	Complete
EMT to approve consultant	Complete
Consultants to undertake RSA	70% - TBC* Dec 2012
Consultants to present to Council Member Forum	TBC - 11 Dec 2012

*TBC = To be completed

1.2 Traffic Modelling

The City met with Main Roads, Department of Transport (DoT), Public Transport Authority (PTA) in June 2012. Main Roads and DoT indicated that for their departments to be satisfied with the Structure Plan, they would require traffic modelling (something similar to the City of Perth's SATURN Model)

The City requested the City of Perth to extend their SATURN traffic model. The City of Perth has agreed to this and the City of Vincent is currently liaising with the City of Perth to collate the necessary data. The following is the progress as at 10 December 2012;

Key Task	Status/Schedule
Initiate communication with key stakeholders (MRWA, DoT, PTA)	Complete
Request extension to SATURN - City of Perth (CoP)	Complete
Collate land use data (Awaiting RSA)	50%- TBC Dec 2012
Collect traffic count data	40% - TBC 2012
Undertake Traffic Modelling (CoP - 3 months, but dependent on land use data)	20% - TBC Feb 2013

1.3 Graphics

The City envisages that graphics will need to be included in the final Structure Plan to illustrate certain development standards. These graphics required are yet to be determined and will need to be further investigated once more provisions have been developed.

Key Task	Status/Schedule
Prepare graphics to be included in Structure Plan	TBC Feb 2013

1.4 Environmental Sustainable Design (EDS) Consultant

Structure Plans require certain environmental standards to be included. The City does not have the expertise "in-house" to address these requirements. An Environmental Sustainable Design consultant will be required to be engaged to develop these provisions.

Key Task	Status/Schedule
Prepare environmental sustainability standards	TBC Feb 2013

3. “In-house”

3.1 Document Preparation

The format and content of Structure Plans are guided by SPP 4.2 and the WAPC’s Structure Plan Guidelines. The key components are:

Part One (Statutory Section)

- Outlines all provisions and standards which have statutory effect under the relevant local and region planning scheme and must align with local planning scheme and relevant WAPC policy requirements.

Part Two (Explanatory Section)

- Part Two serves as a explanatory guide to explain and reference the implementation of the statutory provisions outlined in Part One.
 - Centre context,
 - Activity,
 - Movement,
 - Urban Form,
 - Resource Conservation,
 - Implementation.

The following is the progress as at 10 December 2012;

Key Task	Status/Schedule
Research	Complete
Literature review	Complete
Site visit	Complete
Explanatory Section - Centre context	90% - TBC Dec 2013
Explanatory Section - Movement (Traffic modelling)	10% - TBC Feb 2013
Explanatory Section – Activity (RSA)	10% - TBC Feb 2013
Explanatory Section – Urban Form	5% - TBC Feb 2013
Explanatory Section – Resource conservation (EDS Consultant)	5% - TBC Feb 2013
Statutory Section	5% - TBC Feb 2013

3.2 Map Preparation

Structure Plans maps are guided by the WAPC’s Digital Data and Mapping Standards.

Key Task	Status/Schedule
Structure Plan Map	5% - TBC Feb 2013

4. Consultation

4.1 Pre-Consultation

Consultation with the key stakeholders (land owners, government agencies etc) is best undertaken prior to preparing a structure plan (in lieu of pre-advertising referral by local government), to clearly define the matters to be addressed and the level of detail required.

This will be undertaken in November/December 2012. The following is the progress as at 10 December 2012;

Key Task	Status/Schedule
Draft Letters	Completed
Prepare consultation postcard – with printers	90% - TBC 19 Nov 2012
Send letters	90% - TBC 19 Nov 2012
Collate feedback	TBC Dec 2012/Jan 2013

4.2 Formal Consultation

This stage of consultation will occur once the Draft Structure Plan document has been prepared and endorsed for advertising by Council. The following is the progress as at 10 December 2012;

Key Task	Status/Schedule
Report to Council for approval to advertise (42 days)	2 nd OMC March
Draft Letters/flyers	April 2013
Send Letters/flyers	April 2013
Organise information session if appropriate	April 2013
Collate Submissions	May 2013
Amend Structure Plan with comments	May 2013

5. Indicative Timeframes

Key Task	Status
Pre-Consultation	Nov/Dec 2012
Retail Sustainability Assessment	December 2012
Traffic and Transport	February 2013
Sustainable Design Provisions	January 2013
Explanatory Section	February 2013
Statutory Requirements	February 2013
Design Advisory Committee Referral	February 2013
Council approval to advertise	March 2013
Consultation (Statutory 42 days)	March/April/May 2013
Council Approval	June 2013
Finalisation by WAPC	After June 2013

6. Budgets

Task	Cost/ Estimated Cost
SATURN traffic modelling extension	\$12,500 (annual maintenance fee of \$1,000)
Retail Sustainability Assessment	\$65,800 (excl GST)
Environmental Sustainable Design Consultant	\$20,000-\$30,000
Graphics	\$5,000
Advertising/Consultation (~3000) 2 rounds of consultation, brochures, coloured advert, workshop.	\$10,021
TOTAL	\$118,321

Possible Future Laneway to Leederville Parade:

The initial proposal for The Avenue Carpark 'two lot' subdivision included a 6.0m wide laneway running north/south to Leederville Parade. It was intended that this Lane provide both vehicular and pedestrian access to Leederville and to the side and rear of future developments on both the former 'The Avenue' carpark land and the adjoining Lot 100 Oxford Street.

In discussions with the owner of Lot 100 Oxford Street it was agreed in principle that the 6.0m laneway would straddle both the City's land and Lot 100 and be dedicated as a road as it would provide mutual benefits to both the City's future development and the future development on Lot 100 Oxford Street.

A development application was subsequently submitted by the owner of Lot 100 where the ceding of a portion of the allotment for laneway purposes formed part of the conditions of approval. The development is still pending and should it not proceed, the provision of a laneway will need to be reviewed.

Rear Portion of No 109-117 Oxford Street, Leederville

It was previously considered that a 3.0m² portion of the above lots may be incorporated in the future dedicated roadway which would form part of the Leederville Masterplan development.

While it was initially considered that the portion of land in question was not absolutely crucial for the creation of a future road system associated with The Avenue Car Park redevelopment, it is now considered that a much better road alignment would be achieved if this small portion of land was acquired and incorporated in the proposed future road reserve.

The advantage for the owners of Nos 109-117 Oxford Street would be that in the future this property would have access to a dedicated roadway from the rear (western end). This could have further redevelopment advantages for the property as if the future road were designed with the exclusion of the portion of land in question, it is highly unlikely that Nos 109-117 Oxford Street would have rear access to a dedicated road, or any rear access.

The City's officers have met with the land owners on several occasions to negotiate acquiring the land and an offer was presented based upon a valuation prepared for the City by a licensed valuer. The offer was rejected by the owners and they indicated that they were not prepared to give up this portion of their lot.

The City's officers are currently seeking advice from State land Services regarding alternative acquisition options.

CONSULTATION/ADVERTISING:

Not applicable.

LEEDERVILLE MASTERPLAN UPDATED INDICATIVE TIMELINE:

Indicative Timeline as at 18 December 2012

STAGES	INDICATIVE DATES
Stage 5 – Studies	
<ul style="list-style-type: none"> ▪ Receiving of three DPI Studies; <ul style="list-style-type: none"> ▪ Carr Place Precinct Study ▪ Leederville Station Precinct Study ▪ Integrated Public Transport and Access Study 	Completed October 2008
<ul style="list-style-type: none"> ▪ Advertise 3 DPI Studies, Draft Built-Form Guidelines, and the Traffic and Service Report. ▪ Community Workshop 	Completed November 2008 Completed (November 2008)

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> ▪ Report to a Council Forum on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters 	<p>Completed February 2009</p>
<ul style="list-style-type: none"> ▪ Report to Council on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters 	<p>Completed February 2009</p>
<ul style="list-style-type: none"> ▪ Approval of Built-Form Guidelines 	<p>Completed</p>
<p>Stage 6 – Activity Centre – Structure Plan (Prepared “in-house”)</p>	
<ul style="list-style-type: none"> ▪ Pre-consultation ▪ Retail sustainability Assessment ▪ Traffic and Transport ▪ Sustainable Design Provisions ▪ Explanatory Section ▪ Statutory Requirements ▪ Design Advisory Committee Referral ▪ Council approval to advertise ▪ Consultation ▪ Council Approval ▪ Finalisation by WAPC 	<p>Nov – Dec 2012 December 2012 February 2013 January 2013 February 2013 February 2013 February 2013 February 2013 March 2013 March – May 2013 After June 2013</p>
<p>Stage 7 – Disposal of Land</p>	
<ul style="list-style-type: none"> ▪ Management Committee to meet and review documentation to date 	<p>February – April 2013</p>
<ul style="list-style-type: none"> ▪ Preparation of EOI Documentation for 1st Stage (West of Oxford Street) 	<p>April – June 2013</p>
<p>Council to approve of Mayor Land Transaction – for EOI</p>	<p>July 2013</p>
<ul style="list-style-type: none"> ▪ Advertise EOI (6 week process) 	<p>July 2013</p>
<ul style="list-style-type: none"> ▪ Evaluation of EOIs (Design, Financial, Objectives) 	<p>August 2013</p>
<ul style="list-style-type: none"> ▪ Preparation of Request for Tender Documents 	<p>August 2013</p>
<ul style="list-style-type: none"> ▪ Council Approval of Request for Tender Documents 	<p>September 2013</p>
<ul style="list-style-type: none"> ▪ Advertise Request for Tender (12 weeks) 	<p>September – November 2013</p>
<ul style="list-style-type: none"> ▪ Evaluation of Tenders 	<p>December 2013</p>
<ul style="list-style-type: none"> ▪ Preparation of Documentation 	<p>January – February 2014</p>
<ul style="list-style-type: none"> ▪ Preparation of Business Plan for Major Land Transaction 	<p>January – February 2014</p>
<ul style="list-style-type: none"> ▪ Council Approval of Business Plan Documents 	<p>March 2014</p>
<ul style="list-style-type: none"> ▪ Advertise Business Plan/Major Land Transaction (6 weeks) 	<p>March – April 2014</p>
<ul style="list-style-type: none"> ▪ Consideration of Business Plan Submissions 	<p>April 2014</p>
<ul style="list-style-type: none"> ▪ Council Decision of Major Land Transaction Business Plan to proceed (or discontinue with Major Land Transaction) (Council decision to proceed to Design/Implementation Stage) 	<p>May 2014</p>
<p>Stage 8 – Preparation of Design Plans and Subdivision</p>	
<ul style="list-style-type: none"> ▪ Detailed Public Realm Design ▪ Preparation of Design Guidelines ▪ Preparation of Detailed Civil Design ▪ Preparation of Landscape Plan – Themes ▪ Preparation of Subdivision Documentation ▪ Presentation to Council for Approval of above 	<p>June – December 2014</p>
<p>Stage 9 – Development/Implementation - Stage 1 Land</p>	
<ul style="list-style-type: none"> ▪ Implementation/Construction 	<p>January 2015 – onwards</p>

STAGES	INDICATIVE DATES
Stage 10 – Development of Stage 2 Land (land east of Oxford Street)	To be advised

LEGAL/POLICY:

The Management Committee will be conducted in accordance with the requirements of the *Local Government Act 1995*.

The City of Vincent Standing Orders will apply to the Management Committee.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the City's Strategic Plan 2011-2016 - Plan for the Future, Objective 2.1 - *"Progress economic development with adequate financial resources"*, in particular Actions:

- “2.1.1 *Promote the City as a place for investment, appropriate to the vision for the City.*”
 - (e) *Promote tourist activity with the City and review the City’s facilities in terms of attracting regional events and programs.*
- 2.1.2(a) *Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City.*
- 2.1.2(b) *Work with State Government to encourage and promote more Government Office accommodation in the City.*
- 2.1.4 *“Implement the Leederville Masterplan and West Perth Regeneration Project”.*

SUSTAINABILITY IMPLICATIONS:

It is considered that the Leederville Masterplan will direct future development to occur in a manner that meets the community’s changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design. This is considered to be a sustainable future development.

FINANCIAL/BUDGET IMPLICATIONS:

The 2012/2013 Budget contains an amount of \$100,000 for the Leederville Masterplan – Consultants Fees.

Expenditure to Date - As at 18 December 2012

Year	Budget	Actual Expenditure
2005-2006	\$225,000	\$58,279
2006-2007	\$191,000	\$41,600
2007-2008	\$200,000	\$85,412
2008-2009	\$186,000	\$41,128
2009-2010	\$146,000	\$14,609
2010-2011	\$100,000	\$4,643
2011-2012	\$100,000	\$51,191
2012-2013	\$100,000	*\$118,321

(*expenditure 1 July 2012 to 18 December 2012 actual and committed)

Structured Plan

The expenditure for 2012-2013 is as follows:

Task – Structure Plan	Cost/Estimated Cost
SATURN traffic modelling extension	\$12,500 (annual maintenance fee of \$1,000)
Retain Sustainability Assessment	\$65,800 (excl GST)
Environmental Sustainable Design Consultant	\$20,000 - \$30,000
Graphics	\$5,000
Advertising/Consultation (~3000) 2 rounds of consultation, brochures, coloured advert, workshop	\$10,021
TOTAL	\$118,321

Indicative Budget - Stage 1 Request for additional funds

The 2012/2013 Budget funds are fully committed to the preparation of the statutory Structure Plan. If the Council wishes to progress the Leederville Masterplan ,in addition to the preparation of the Structure Plan, additional funding will be required for the remainder of the 2012/2013 Financial Year.

The indicative funding will be required as follows:

ITEM	2012/2013
• Legal	*\$10,000
• Project Management/Consultancy	*\$10,000
• Property Services/ Valuers	*\$10,000
• Financial/Economic	*\$5,000
• Technical/Engineering (traffic, civil, engineering, hydraulic, electrical, surveying)	0
• Probity Auditor	*\$5,000
• Community Consultation / Statutory Advertising	\$5,000
• Marketing/Brochures	\$5,000
• Architects/Urban Design	0.00
• Landscape Architects	0.00
Total	\$50,000

The City has received further advice concerning the need to review the current documentation, as it has been several years since there has been substantial work on these.

This advice includes but is not limited to;

STAGE	ITEM	COMMENT	INDICATIVE TIMELINE
STAGE 6	Statutory Planning	Structure plan – being carried out in-house	December 2012 – June 2013
STAGE 7	Project Planning	Includes market advice, land assembly	February – June 2013
STAGE 8A	Land Development	Includes sub division design, works program, title etc.	June – December 2013
STAGE 8B	Marketing and Sales	Includes sale planning, marketing campaign, contracts – disposal of land - compliance matters	January 2014 – June 2014
STAGE 9A	Development Management	Includes development assessment, working drawings, development control, implementation/construction	June 2014 – December 2014
STAGE 9B	Development Implementation Stage 1	Implementation/Construction	January 2015 onwards.

COMMENTS:

The Leederville Masterplan project has been progressing (albeit slowly) during 2012. The City's Administration have been preparing "in-house" the Structure Plan – which is a Statutory requirement.

During consideration of the Chief Executive Officers Annual Performance Review, the need to progress the Masterplan at a more accelerated rate, was highlighted. Comment was expressed that the project needs to be regularly reported to the Council, to ensure that the Council is aware of the status of the project.

The establishment of a Leederville Masterplan Management Committee will assist in the project being delivered – as detailed discussion can occur at committee level, without the need for the Council approval (subject to the delegations being approved).

The City has already engaged a number of Consultants (eg: property/valuation – Colliers International, engineering and traffic Connell Wagner). There will be a need to also engage a Probity Auditor prior to commencement of any disposal of land. There may also be a need to engage specialist Consultancy's – as required

In light of the above, it is recommended that the Council approve the Officer Recommendations.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg Request to Review the City's Parking and Access to Policy No. 3.7.1

That the Council;

1. SUPPORTS IN PRINCIPLE 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

This 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), 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.

CHIEF EXECUTIVE OFFICER'S COMMENTS:

If the Notice of Motion is approved by the Council, the matter will be researched.

Legal advice may need to be obtained concerning the proposed amendments.

COUNCIL DECISION ITEM 10.1

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley had departed the meeting.)

10.2 NOTICE OF MOTION: Notice of Motion – Mayor Hon. Alannah MacTiernan – Rescission Motion to Request a New Rotunda at Hyde Park.

That the Council **SUPPORTS**;

That the Council;

1. **At its Ordinary Meeting held on 23 October 2012 (item No. 9.3.5 Clause 3.) the Council decided (in part) that;**

“That the Council;

3. LISTS FOR CONSIDERATION in the 2013/14 Draft Budget, the replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, estimated to cost \$36,000 as shown in Appendix 9.3.5 (001);...”

2. **Councillor Pintabona MOVES a motion to CHANGE the decision by deleting;**

“3. LISTS FOR CONSIDERATION in the 2013/14 Draft Budget, the replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, estimated to cost \$36,000 as shown in Appendix 9.3.5 (001);...”

3. **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Hon. Alannah MacTiernan, Cr Carey and Cr Pintabona being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and**

4. **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 23 October 2012 (item 9.3.5), as shown below by:**

4.2 Deleting:

“3. LISTS FOR CONSIDERATION in the 2013/14 Draft Budget, the replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, estimated to cost \$36,000 as shown in Appendix 9.3.5 (001);...”

4.2 inserting:

“APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$36,000 for the replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, as shown in Appendix [10.2](#) as soon as is practicable, so that it is available for the summer season 2012/13, and REQUESTS the Chief Executive Officer to identify a source of funds;”

Chief Executive Officer’s Comment:

The City’s Administration has not yet commenced the implementation of the Council. Therefore, in accordance with Clause 11 of the City of Vincent Standing Orders, there are no Legal or Financial consequences if the proposed rescission motion is approved.

COUNCIL DECISION ITEM 10.2

Moved Cr Pintabona, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

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

(Cr Harley had departed the meeting.)

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

15. CLOSURE

The Chief Executive Officer thanked the Mayor and Councillors for their assistance during the year and wished them, Directors and staff a Merry Christmas and a Happy New Year.

Mayor Hon. Alannah MacTiernan thank the Councillors, Chief Executive Officer and Staff for all their hard work during the year and wished everyone a Merry Christmas and a Happy New Year.

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.05pm 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 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)

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 18 December 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012