



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

<b>9 AUGUST 2011</b>
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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 9 August 2011, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Deputy Mayor Cr Sally Lake, declared the meeting open at 6.02pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

"We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future".

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Harvey

**(b) Present:**

Cr Sally Lake ( <i>Deputy Mayor</i> )	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Kara Ball	Executive Secretary Corporate Services (Minutes Secretary)
<u>FESA Award Recipients</u>	
Jim Maclean	Manager Ranger & Community Safety Services, until approximately 6.50pm.
Michael Wood	Safer Vincent Co-Ordinator, until approximately 6.50pm.

Approximately 37 Members of the Public

**(c) Members on Approved Leave of Absence:**

Mayor Nick Catania due to personal commitments; and

Cr Steed Farrell – apology due to work commitments.

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

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

1. Peter Fitzpatrick of 14 & 16 Toorak Rise, North Perth. – Item 14.2. Stated the following:
  - Has an issue with the trees at Toorak rise. Believes there has been a lack of procedural fairness with how this issue has been handled by the Council.
  - Received today at 3.13pm a copy of Arborist report that the Council is considering tonight, due to receiving it today there has been no opportunity to have it looked at by Lawyers or Arborists and are seeking an adjournment of the Item, to seek proper advice on the Arborist report received from the Council.

**Deputy Mayor Cr Sally Lake advised that the request will be considered in the confidential items when the Item is discussed at the end of the meeting, and advised Mr Fitzpatrick to address the Council now on the matter.**

Mr Fitzpatrick continued as follows;

- Some of the trees have been there for over 9 years and the Council allowed the developer to use this 1 metre strip to be developed with gardens and reticulation by the residents and it has made no claim on that land up until now.
  - Some months ago a vexatious person in Toorak Rise, as part of an ongoing dispute with other residents raised concerns about these trees, we were then sent without proper consultation or discussion an order from the Council to have the trees chopped down in 10 days.
  - Since then a number of letters have been sent to the Council, without response, except for one.
  - Mr Fitzpatrick displayed the roots that are the alleged cause of the problem.
  - Arborist report claims there are root problems with this tree yet, there are 15m high Eucalypt trees some 10m away from his front gate
  - The report says there are thorns on the tree - there are no thorns. It says this tree is a weed - it is not a weed, unless the many other Council's who plant this tree think so as well.
  - The report says that the tree has suckers. It has been there for 9 years, there are no suckers.
  - Seeking a fair and equitable arrangement so that they can have enjoy their house, shade from the eastern sun and that they can cut their energy costs by having the trees there, they are not a threat to the Council and pose no liability to the Council.
2. Chris Carter of Medical Practice in Charitan Place, East Perth – Item 14.5 Stated the following:
    - Has been operating the practice for 10 years and has to drive past everyday dodging large multiple combination trucks full of aggregate, sand and cement.
    - The batching plants distribute dust around the area, which cannot be tolerated.
    - The heavy trucks turning in tight corners is a hazard.
    - The reasons given by the plant operators that they have to stay there are spurious.
    - Reasons that the plants have to be close to building sites, has been informed by an engineer who is conducting public works in Narrogin that the concrete was batched in Midland and trucked 200km to the site. Therefore I don't think the plants need to be right on the City doorstep.
    - The historical nature of the area is significant, there were many noxious industries in East Perth, the powerhouse, gasworks, glass plant, foundries, timber yards - they have all gone. It is time for the concrete plants to go too.

3. John Stacey of 18 Toorak Rise, North Perth – Item 14.2 Stated the following:
  - He wishes to address the City in regards to a letter received from the Council, entitled 'Trees Planted on City Property, Smith's Lake Reserve'.
  - Firstly, doesn't understand why anyone would plant trees on land that is not owned by them or without permission from the relevant owner. In this case, the City of Vincent.
  - When he moved into the property some 8 years ago, City Officers were asked what they could plant on the strip between their fence line and the pathway. Were advised that shrubs and hedges were okay, but not trees.
  - Having said that, he doesn't have a problem generally with the trees, providing that the property owner in this case, the City, assumes full responsibility for them.
  - That responsibility would include any damage to adjoining property as to excessive branch growth and root damage.
  - Should the City allow some arrangement with the owners of the adjacent houses, then he would like to see some sort of instrument so that if and when they on-sold the property that the person taking over the property would take over the same responsibilities.
  
4. Pamela Fruin of 2/101 Palmerston Street, Perth. – Item 9.1.4 Stated the following:
  - As a resident/owner having lived there for 23 years she has since seen considerable change and development in the area, most of which has been positive.
  - However, has concerns that there are guidelines established for setbacks, side and rear setbacks, wall and fence requirements and building height set by the Council and she would like to see developments particularly on Palmerston Street comply with those particular guidelines.
  - Has read the report presented to Council. Understands that while there has been some concessions, the final report outlines some of those guidelines are not being met.
  - Asked the Council to consider the lack of compliances with a number of those issues when making their decision.
  
5. Simon Winter of 8 Toorak Rise, North Perth. – Item 14.2. Stated the following:
  - One of the issues that have come up is that the land is not their land and is now being referred to as Council's land.
  - If that is the case, if the trees are to be removed, at whose cost will they be removed?
  - If the residents have spent the last 8 years looking after these trees, what sort of compensation are they going to receive for all of the maintenance that has been carried out, pruning, water rates etc.
  - Compensation that he would like would be for the Council to put in trees that they do like and hopefully in consultation with the residents.
  - He considers the whole matter hasn't appeared to be the subject of any procedural fairness and the residents are still at a loss to understand as to where the matter stands.
  - Would like to seek clarification from the Council on this matter.
  
6. Jeff Stewart of 4 Toorak Rise, North Perth. – Item 14.2. Stated the following:
  - On the 2 May 2011 a letter was received from the Manager Parks and Gardens stating that the trees needed to be removed within 10 days, at no time was there any consultation.
  - Feels in this case if the City had gone about better consultation, the situation could have been resolved.
  - The Gleditsia tree is a great tree and it is a choice of most gardening books, as it provides shade in the summer months and it allows sun to filter through in the winter months.

- It was an expensive plant to purchase at the time, seemed to be the perfect environmental solution to help this harsh summer that we face in the East-West facing house.
  - It is interesting to note that the Council has planted a Jacaranda tree next door to his property in the same area with a garden of rosemary that the Council maintain.
  - Situation has come about from one complaint about neighbourhood tree problems. In his opinion it appears the Council has decided on the option that if one tree is to go, all trees are to go and has also heard that the Jacaranda tree will also go. Is this fair?
  - Upset at the way these tactics have occurred and that ratepayers have been treated. It has come "out of the blue" without consultation. Believes if the Council followed the due process then an amicable arrangement could have been made without the unnecessary costs.
  - Lots of examples of 'misuse' of all the planting on the verges around the City. Vegetable gardens, tea tree hedges. Asked if the Council going to look into this?
  - This process has been very emotional and stressful to a lot of residents and has lacked any form of transparency or consultation as previously mentioned, and one would expect that from a Local Government Authority.
7. Peter Lee Jones of 66 Smith Street, Highgate . – Item 9.2.2. Stated the following:
- Regarding the trial of partial road closure in the Forrest Precinct, he met with the City's Road Safety Advisory Group. Would like to acknowledge what they have handed down as a solution.
  - Asks the Council to be supportive of it on a trial basis. Considers this may resolve the issues associated with Curtis street, particularly at Walcott street at the moment.
  - The fact it is acknowledged as a 'Black Spot' area and we can solve that problem and also the issue of excessive traffic in Smith street and Curtis street.
  - Curtis street is already exceeding its designated traffic volumes as an access street, Smith street is a legacy of when it use to have a bus running through there and is a designated distributor road.
  - However, it is quite clear it should be an access street and it's starting its nudge up towards its maximum capacity.
  - Asks the Councillors to please support the group and the recommendation that they have come up with and let's see how it goes.
8. Lyn Oliver of 43 Lawler Street, North Perth. – Item 9.1.1. Stated the following:
- Firstly, Roy Daley of Dorris street would have liked to be here tonight but he is unable to, due to illness and has asked for his main concern to be spoken for on behalf of him.
  - Where is the water going to come from to service the growing population in the inner city?
  - Regarding the policy, a petition should have been received from the Kyilla Locality. Would like to thank and acknowledge the Strategic Planning Officers for there refinement of the proposed policy and would like request that the Councillors take into consideration the concerns of the Kyilla Locality.
  - During conversations with residents it was evident that many were not aware of the policy. While I know that the City of Vincent did contact residents and that the City of Vincent are very good at disseminating information unfortunately the message doesn't seem to be getting through.
  - Difficult to understand the language and know exactly how the residents will be affected.
  - While the result of the petition is that 66% of the dwellings in the location didn't support the proposed policy, the other statistics to mention is that out of 134 people (dwellings) that did have an opinion it was only 4 people that supported the policy.
  - Given such strong concern of the residents, urges the Council to take this into consideration and support their petition.

9. Daniel Goodsell, Table Theory owners of Duende Tapas Restaurant, Leederville. – Item 9.1.5. Stated the following:
  - Is seeking approval for a Building Licence, to increase the patronage from 90 people to 115 people.
  - Always been a food venue and will still be operating in that way.
  - Looking to activate the exterior of their building. They feel this is the gateway into Leederville and they are making it more accessible to people.
  - It is family and food driven, they always do table service, own other restaurants in other localities and it has always been a history of food venues.
  - Would just like to seek approval for their licence and are looking forward to the future.
  
10. Roger Watson of 115 A Summers Street, Perth. – Item 14.4 & 14.5. Stated the following:
  - Lived there for about 15 Years, Endorses comments of previous speaker Chris Carter about the two batching plants.
  - Local residents are against the batching plants, even though there may not be many submissions.
  - The reasons advanced by the batching plants are spurious. They were given 15 years to reside there and the 15 years is now up believes they have had a fair go and it's time for them to move.
  - If they don't move it is going to fundamentally undermine any sort of improvement that is planned for that area. If those plants remain it will be nothing more than a derelict area.
  
11. Peter Wignall of 10 Toorak Rise, North Perth. – Item 14.2. Stated the following:
  - Believes the trees in question were planted on City land without Council approval and he requests that the trees be removed.
  - Soon after building, they called the Council to seek advice on what to plant along the pathway adjacent to their boundary fence, within Smith's Lake Reserve. They were advised to plant small flowering shrubs or low hedging and were advised that large trees would not be permitted.
  - Around 3 years ago, an immediate neighbour planted two Tipuana trees along the pathway outside their property boundary. One of which is approximately 2m from his boundary fences. Tipuana trees can grow quite large and advice received from tree nurseries is that they have significant invasive potential and should only be planted well away from buildings.
  - The Water Corporation quotes "*Only suitable for large parks and the trees vigorous roots can cause damage*" listed in there fact sheet for that species.
  - Tipuana trees are listed on the Commonwealth government alert list for environmental weeds as a plant that threatens biodiversity and causes environmental damage.
  - Therefore, it seems that planting these trees contravenes the City's verge planting policy and also the Local Government property bylaws. This could leave the City liable for any damages caused by these plants to property in the future.
  - As a compromise he would be happy for the trees to remain but only if the City provides an unconditional written agreement that these trees will be maintained and any damaged caused by these trees is repaired at no cost to the property owner.
  
12. David Di Prospero of 179-181 & 183-185 Lord Street, Perth. – Item 14.5. Stated the following:
  - Spoken to property owners in the area and they don't want the batching plants to stay in the area.
  - Believes the Councillors need to be brought to the people, to discuss the matter with the property owners.
  - WAPC said they would be gone after 25 years and now the fate lies in the hands of one person.

- Hopes the Council can obtain Legal advice to hold the Minister liable if they approve the lease and allow the batching plants to stay there indefinitely.
13. Brian Adcroft on behalf of the North Newcastle Street Property Owners Group. – Item 9.1.1. Stated the following:
- The now abandoned West Perth Regeneration Master Plan recommended five storey development with a minimum Plot Ratio of 2.0 for our properties and with commercial development on the ground floor.
  - Subsequently, the previous draft multi-residential policy also proposed a five storey height limit for Newcastle Street. After public consultation this received 80% support.
  - While we accept Council's decision to adopt the R-Codes as part of its Town Planning Policy suite, we request that a five storey limit with commercial development on the ground floor is retained for our properties or in other words an R/C160 zoning is applied to our area in the new Town Planning Scheme.
14. Brian Adcroft of 544 Newcastle Street, West Perth. – Item 9.1.2. Stated the following:
- In the change from a Jack Marks and John Hyde Town to a Nick Catania City, I urge the Mayor and Councilors not to lose all of the fierce independence of the old Town.
  - While most Councils have adopted them the R-Codes are a fairly blunt instrument and there are anomalies in the Tables and Figures contained in them.
  - Table 4 of the Multi-Residential Code allows four storey development for R80 and R100 densities but sets out corresponding plot ratios of only 1 and 1.25 respectively. The next scheduled density is R160 with a five storey limit and a plot ratio of 2.0.
  - As parts of the City re-develop there will be many instances where Council will be quite comfortable with the bulk and height of 4 storey or even 3 storey development however unless it preserves the ability to substantially vary plot ratios it will not be able to approve such proposals in R80 or R100 zones.  
*Example:-*
  - On a 500M/2 block on a major street zoned R80 a proposed three storey development (maximum 10M high) with only 50% site cover would have a footprint of 250M/2.
  - At 80% efficiency the plot ratio would be  $250 \times 0.8 \times 3 = 600\text{M}/2$  or 1.4 whereas the plot ratio allowable under the R-Codes would only be 1.0 effectively limiting development to two storey's.
15. Cathy Fitzpatrick of 16 Toorak Rise, North Perth. – Item 14.2. Stated the following:
- Listening to the comments raised tonight, apologised to the Council for being brought into the situation for what she considers to be a neighbourhood dispute.
  - The trees have been growing along the fence line for 8 years and the majority of people using the pathway are 90% of the residents.
  - Most of the ratepayers use the Heritage Trail.
  - The trees were of no concern to anybody until 3 months ago, when they were raised as part of a neighbourhood dispute.
  - Sought an Arborists report in relation to the matter and has spoken to the Birney Institute in Victoria about the issue.
  - Fundamentally, it is a sad indictment on neighbourhoods that cannot get on and then having to bring in the Council who has had to spend ratepayers money on Arborists and legal consultants is unnecessary.
  - Some Councillors have been out to see the trees in question.
  - Received a report from the Council today, after asking for it four weeks ago.
  - If the Council maintains that the verge is their land then all of the trees should be removed and new ones planted which are to be maintained solely by the City. With compensation given to the residents for looking after them for all this time.

16. Julie Short of 178 Claisebrook Road, Perth. – Item 14.5. Stated the following:
- Give an opinion of the younger generation (on behalf of her daughter) and what they thought the area could become.
  - The area has the potential to be a really vibrant inner city eclectic area.
  - It is never going to happen whilst the concrete batching plant remains.
  - The area has great potential to be a mix of commercial and residential property and believed that was the City's vision for the area.
  - When considering the decision that the younger generation want the inner city living and are happy to live along side commercial buildings and businesses - but this is a factory and shouldn't be located in an inner city area.
17. Norelle O'Neal of Matlock Street, Mt Hawthorn. – Item 9.3.2. Stated the following:
- Speaking as the Chair of the Mt Hawthorn Precinct Group, specifically Item 4.4.2 in the report regarding the composition of the proposed working group.
  - Would like the composition of the working group to be reconsidered.
  - The Masterplan, whilst offering a unprecedented opportunity to vastly improve the reserve, is also a highly contentious issue and the working group will either unite or further divide the community on the future use of that area.
  - Therefore it is imperative that the working group be perceived from the outset as a fair and equitable representation of all stakeholders.
  - The Mt Hawthorn Precinct Group does not consider that the suggested composition adequately or fairly represents the community and it does not consider that three councillors or three council staff are required on the working group.
  - They would like to provide two options:
    - Option 1. two (2) councillors (Invited Cr Maier and Cr Buckels), four (4) community members, a representative from each of the sporting bodies and two (2) council staff (Manager Parks & Property Services & Manager Community Development).
    - Option 2. Original proposal given by Council, except to have at least six (6) community members.
  - Feels that a greater number of community representatives would ensure that a greater range of the needs and wants of the hugely diverse population of users of the Britannia Reserve are considered and where possible accommodated.
18. Simon Chester 93 Chelmsford Road, Mt Lawley. – Items 9.1.1, 9.1.2 & 9.1.4. Stated the following:
- Item 9.1.1 Consultation figures and people objecting demonstrate there are more streets than Bulwer and London Street that should be excluded on a similar basis that Bulwer and London Street has been excluded.
  - 8 of the 14 streets mostly object to the policy, the Officer's assumption that opposition to the policy is from rear abutting neighbours is flawed. As demonstrated by the data collected by the Kyilla Locality Group, where owners and people residing on the streets affected are objecting to the bulk and dominance of developments encouraged by this Policy.
  - For those that choose to disregard the findings of Vincent Vision 2024, look at the latest Annual Report. By far the most popular form of development is alterations and additions to existing building stock. \$14m worth by conservative estimates.
  - It is not the form of the development pushed to the front by this Policy.
  - Concerned at the lack of depth of the Officer's analysis and that will lead to residents and ratepayers being negatively affected by the Policies unintended consequences.
  - Believes a more targeted strategy would be more appropriate.
  - Should Council approve the Policy, he asks that the Neighbourhood Context Report available, together with the developments plans so residents and ratepayers are fully informed.

- Item 9.1.2- asks Councillors to please consider the intention of Cr Maier's original notice of motion.
- Articulation of contemporary multiple dwelling developments was promoted by Vincent as a means of a merely rating multiple dwelling development.
- Where plot ration is not considered, developments become bloated, articulation is lost and impact on adjacent properties is exacerbated.
- Bonuses in plot ratio should be used to achieve tangible benefits and goals for the community. At the moment we are seeing massive non-compliances over 150% or more, given with no community dividend. Asks Council to reconsider that.
- Item 9.1.4 – notes the Officer's recommendation to demolish the place, and notes the consultants engaged by Vincent in 2002 believe the place worthy of being on Vincent's Heritage list as a B grade property. A place of high integrity and fine example of a federation bungalow.
- Lost Hazel Hawke's family home, Sir Charles Court, Judy family home, the first female accountant of the British Commonwealth, it seems a pity that a loss of Vincent's character and heritage appears to be met with indifference.

There being no further speakers, Public Question Time closed at approx. 6.40pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

4.1 Cr Harvey requested leave of absence for 23 August 2011, due to personal commitments.

**Moved Cr Topelberg, Seconded Cr Burns**

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

**CARRIED UNANIMOUSLY (6-0)**

**(Mayor Catania and Cr Farrell were on approved leave of absence. Cr Harvey was an apology for the meeting)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

The Chief Executive Officer read out the following;

5.1 Received from Ms McMilland and Mr Hiller, Scarborough Beach Road, Mt Hawthorn. 10 Signatures received objecting to the proposal for extended trading hours at Nos. 193-195 Scarborough Beach Road, Mt Hawthorn.

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

5.2 Received from Mr M Caridi on behalf of residents in the area of North Perth know as "Kyilla locality". 165 signatures received opposing Amendment No. 72 to Planning and Building Policy Manual- Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings.

The Chief Executive Officer recommended that this petition be received and considered during debate on Item 9.1.1.

**Moved Cr Burns, Seconded Cr Maier**

**That the petitions be received as recommended.**

**CARRIED UNANIMOUSLY (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Meeting of Council held on 26 July 2011.

**Moved Cr Maier, Seconded Cr Buckels**

**That the Minutes of the Ordinary Meeting of Council held 26 July 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 EMPLOYEE OF THE MONTH AWARD FOR THE CITY OF VINCENT - AUGUST 2011**

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

For AUGUST 2011, the award is presented to Tory Woodhouse – recently appointed to the new position of Manager Strategic Planning, Sustainability and Heritage Services. Tory was nominated by the Manager Ranger & Community Safety Services, Jim MacLean, and endorsed by the Director Development Services, Rob Boardman and the Chief Executive Officer, John Giorgi, as a result of her outstanding efforts in relation to the City's Car Parking Strategy and Implementation Plan.

As the Council is aware, this matter has been ongoing for over 18 months and Tory has taken a lead role in this project. She and her team have carried out considerable research, preparation of Implementation Plans and Strategies and responded to many ratepayer and resident enquiries. The ticket machines are currently being installed and commissioned and should be operational this weekend.

Tory has worked above and beyond what is normally expected of an employee in this important and demanding project. She has worked tirelessly to ensure that the project has been implemented as smoothly as possible, in what is a sensitive matter.

I am also pleased to congratulate Tory on her recent appointment to the newly created position of Manager Strategic Planning, Sustainability and Heritage Services.

As you may recall the Chief Executive Officer verbally briefed the Council several weeks ago and has now implemented the Organisational Restructure to split the Planning, Building and Heritage Services Section into;

Planning and Building Services; and  
Strategic Planning, Sustainability and Heritage Services

Helen Smith will continue to manage the Planning and Building Services Section and Tory will manage the newly created section.

The change will result in considerable benefits to the City's Administration and ultimately, the ratepayers and residents of the City.

Once again, congratulations to Tory – well done!!

**Received with Acclamation!**

## 7.2 FESA VOLUNTEER EMPLOYER RECOGNITION PROGRAM

I am very pleased to announce that the City of Vincent was the recipient of a Gold Award in the Fire and Emergency Services Authority (FESA) Volunteer Employer Recognition Program.

FESA and the WA State Government have a high regard for employers who support emergency services volunteers to attend in times of major incidents/emergencies.

The Volunteer Employer Recognition Program (VERP) features three levels: Gold, Silver and Bronze and is based on the level of support by employers provided to their employees who are members of the Emergency Services.

The core values that underpin Employer Recognition have been identified as:

- A strong sense of community spirit and support;
- Open and honest two-way communication with Volunteers;
- Mutual respect; and
- A contribution to corporate social responsibility.

The City of Vincent meets all of the above values in the following manner;

1. It has an endorsed Council Policy to provide financial assistance to disaster victims. It also allows for the deployment of City employees to assist in disaster recovery.
2. It releases its employees to attend on emergencies on full pay and without loss of conditions.
3. It assists employees to receive Emergency Services training without any loss of pay or conditions.
4. It provides support for the North Shore State Emergency Service Unit. This Unit covers the City of Vincent and also most of the Western Suburbs.

Council will also be aware that it regularly approves donations to major disasters, e.g. Queensland, Victoria and Carnarvon floods, Earthquake and Tsunami in Japan, Earthquake in Christchurch and so on.

During the Carnarvon floods, as well as making a financial donation, the City also sent its Parks Services volunteer employees to assist in the clean-up and maintenance of parks and their equipment and during the Queensland floods, it released Jim MacLean and Michael Wood to assist in the co-ordination of the clean-up.

Without the invaluable assistance given by the City of Vincent, many people (throughout the country) would have missed out on vital assistance when their homes were threatened or damaged.

The "Gold Level" award is the highest in the VERP system and reflects the high level of commitment to community assistance, that the City of Vincent has become known for.

On behalf of the Council, I would like to thank the Councillors for supporting this important matter and also the Chief Executive Officer for allowing the City's employees to be released in times of emergency.

I would also like to particularly acknowledge Jim MacLean and Michael Wood, for their personal efforts and assistance at major emergencies and incidents - Well done to all!

The Presiding Member presented the FESA Gold Award plaque to Mr McLean and Mr Wood.

**Received with Acclamation!**

7.3 ICLEI OCEANIA WATER CAMPAIGN™ - MILESTONE 1 ACHIEVEMENT

I am pleased to announce that the City of Vincent has achieved Milestone 1 (Corporate and Community) of the Water Campaign™.

The City is one of a growing number of local governments in Australia who are tackling the challenge of sustainable water resource management by working with ICLEI Oceania, through the Water Campaign™.

Completion of Milestone 1 means that the City of Vincent now has an inventory of water consumption patterns and water quality management issues both within Council's own operations and in the community.

The Chief Executive Officer, John Giorgi, attended the 2011 ICLEI Oceania Recognition and Briefing Breakfast on 4 August 2011, where he was presented with the City's Water Campaign™ award.

On behalf of the Council, I would like to take this opportunity to thank the City's Officers, in particular, the Director Technical Services, Rick Lotznicker; Project Officer – Environment, Craig Chaundhry; along with the Manager Parks & Property Service, Jeremy van den Bok, in the preparation and completion of this Milestone.

The City is now well on its way to achieving Milestones 2 and 3.

**Received with Acclamation!**

7.4 PERTH METROPOLITAN HOMELESS RESPONSE PROJECT

On 3 August 2011, I attended and formally opened on behalf of the City of Vincent the Perth Metropolitan Homeless Response Project Workshop which was held by Shelter WA, in liaison with the City's Co-ordinator Safer Vincent, here at the City's Administration and Civic Centre.

This Workshop was jointly arranged by the City of Perth and City of Vincent. The Workshop's aim was to encourage collaboration amongst key stakeholders in delivering appropriate support and accommodation outcomes for Aboriginal peoples experiencing primary homelessness (rough sleeping).

Over 100 representatives of relevant government agencies and non-governmental organisations and other key stakeholders engaged in discussion to assist addressing homelessness in the City of Perth and City of Vincent.

The day was most fruitful and beneficial and we look forward to receiving the recommendations of the Workshop.

Thank you to everyone involved in this important issue.

**8. DECLARATIONS OF INTERESTS**

8.1 The Chief Executive Officer declared a Financial interest in Item 14.1 – Chief Executive Officer's Annual Performance Review 2011. The extent of his interest being that this matter relates to his Contract of Employment.

8.2 Cr Topelberg declared an Impartiality interest in Item 9.1.3 and 9.1.4 – Palmerston Street Group Dwellings. The extent of his interest being that he is a personal acquaintance of the Architect.

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

Nil.

## 10. REPORTS

The Presiding Member, Deputy Mayor Cr Sally Lake, requested that the Chief Executive Officer advise the meeting of:

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

Items 14.2, 14.5, 9.1.4, 9.2.2, 9.1.1, 9.1.5, 9.1.2 and 9.3.2.

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

Items 9.2.1.

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

Items 14.1.

Presiding Member, Deputy Mayor Cr Sally Lake, 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:**

Cr Topelberg	Item 9.1.7
Cr Buckels	Nil.
Cr McGrath	Item 9.1.3
Cr Burns	Nil.
Cr Maier	Nil.
Cr Lake	Nil.

The Presiding Member, Deputy Mayor Cr Sally Lake, 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 9.1.6, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.3.1, 9.4.1 and 9.4.2.

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

Item 14.1, 14.2, 14.3, 14.4 and 14.5.

### **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 9.1.6, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.3.1, 9.4.1 and 9.4.2.

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

Items 9.1.4, 9.2.2, 9.1.1, 9.1.5, 9.1.2 and 9.3.2.

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

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

**ITEMS APPROVED “EN BLOC”:**

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

**Moved Cr Maier Seconded Cr Buckels**

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

**Items 9.1.6, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.3.1, 9.4.1 and 9.4.2.**

**CARRIED UNANIMOUSLY (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**9.1.6 No. 47 (Lot 56; D/P: 672) Mary Street Highgate – Proposed Construction of Two-Storey with Basement Single House**

<b>Ward:</b>	South	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2767; 5.2011.297.1
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, 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 D O'Donovan on behalf of the owner P Le, T Dinh and T and V Nguyen for proposed Construction of Two-Storey with Basement Single House, at No. 47 (Lot 56; D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 8 July 2011, 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 Mary Street;
2. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;
3. First obtaining the consent of the owners of Nos. 45 and 49 Mary 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. 45 and 49 Mary Street in a good and clean condition;
4. The proposed roof garden on the western elevation (above the sitting and living room) and the eastern elevation (above the kitchen and dining room) shall not be used as a habitable area and shall be separated from the balcony to the master bedroom;
5. The proposed swimming pool is subject to a separate Swimming Pool Licence being applied to and obtained from the City; and
6. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**6.1 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;

**6.2 Privacy Screening**

**6.2.1 The balcony to bedroom 3 on the eastern elevation; and**

**6.2.2 The balcony to the master bedroom on the eastern, western and southern elevations;**

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 45 and 49 Mary Street stating no objection to the respective proposed privacy encroachments;

**6.3 Building Height**

**6.3.1 The overall height of the building shall be a maximum of 10 metres above the natural ground level; and**

**6.3.2 The overall height of the building as viewed from Mary Street shall be a maximum of 7 metres above the natural ground level;**

**6.4 Boundary Walls**

The proposed boundary walls to the roof garden on the western elevation (above the sitting and living room) and the eastern elevation (above the kitchen and dining room) shall be reduced to a maximum of 1 metre above the finished floor level of the first floor; and

**6.5 Right of Way Widening**

No development shall occur within 1 metre of the southern boundary of No. 47 Mary Street, to facilitate future right of way widening.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies.

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

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<b>Landowner:</b>	P Le, T Dinh and T and V Nguyen
<b>Applicant:</b>	D O'Donovan
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	426 square metres
<b>Access to Right of Way</b>	South side, 3 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination due to the extent of the proposed variations and the objections received.

**BACKGROUND:**

- 14 September 2004      The Council at its Ordinary Meeting resolved to refuse an application for proposed four-storey development comprising three multiple dwellings.
- 18 January 2005      The Council at its Ordinary Meeting resolved to refuse an application for proposed four-storey development comprising three multiple dwellings.
- 20 April 2005        The City of Vincent received a SAT review application for the planning application that was refused by the Council on 18 January 2005.
- 8 June 2005         The SAT resolved to dismiss the subject review application.
- 23 November 2005    The City received a planning application for the construction of two, two-storey single houses.
- 10 November 2006    The planning application for the construction of two, two-storey single houses was deemed cancelled.
- 14 November 2006    The City received a planning application for the construction of two, two-storey single houses.
- 11 July 2007         The planning application for the construction of two, two-storey single houses was deemed cancelled.
- 9 September 2008     The Council at its Ordinary Meeting resolved to approve an application for the construction of a three-storey single house.

**DETAILS:**

The proposal involves the construction of a two-storey with basement, single house. The proposal is similar to the previous application for a three-storey house that was approved by the Council at its Ordinary Meeting held on 9 September 2008; however, the plans have been amended so that the basement level is more than 50 percent below the natural ground level, therefore, defining this area as an 'underground basement' and not a 'storey'.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Street Setbacks: Upper Floor</b>	Balconies – 1 metre behind the ground floor main building line.	Balcony to bedroom 3 – in line with the ground floor main building line.
	Upper Floor Walls – 2 metres behind the ground floor main building line.	0.5 metre behind to 2 metres in front of the ground floor main building line.
<b>Officer Comments:</b>		
<p><b>Supported</b> – The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. It is noted that Mary Street has an unusual streetscape in that it contains a mix of developments that vary in height and style. The developments include 1970's style three-storey multiple dwellings, a four-storey church and school as well as single storey and two-storey dwellings. Mary Street is not considered an intact streetscape, therefore, the proposed upper floor street setbacks are not considered to unduly impact on the existing streetscape.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>Clause 7.4.2 of the Residential Design Elements Policy states that new dwellings and developments should be compatible in bulk and scale with adjoining properties and established streetscapes. The proposed setback of the building is 5.5 metres and a condition has been applied for the overall height of the building to be reduced to a maximum of 7 metres above the natural ground level as viewed from Mary Street. The proposed setback and compliant building height will significantly reduce the bulk and scale of the development in comparison to the adjoining dwellings, as the adjoining dwellings consist of setbacks that range from 2.5 metres to 5 metres and large gabled roofs that are also approximately 7 metres in height. It is also noted that Mary Street is lined with large Ficus trees that significantly screen any development behind them.</p>		
<b>Side and Rear Setbacks:</b>	Ground Floor -East - 2.5 metres -West - 2.8 metres	Nil – 1.2 metres Nil – 3.75 metres
<b>Officer Comments:</b>		
<p><b>Supported</b> – Refer to Boundary Wall comments for the comments regarding the ground floor setbacks.</p>		
<b>Side and Rear Setbacks:</b>	First Floor -East - 3.8 metres -West - 3.8 metres	1.2 metres – 1.7 metres 1.2 metres – 3.75 metres
<b>Officer Comments:</b>		
<p><b>Supported</b> – The proposed setbacks to the first floor are not considered to have an undue impact on the neighbouring properties as these walls provide varying setbacks and materials which provide interest and articulation into these walls.</p>		
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (28.1 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	<i>Eastern Boundary</i> -Office/Study Wall height = 3.9 metres – 4.2 metres (average height = 4.05 metres); Wall length = 6.7 metres  -Kitchen/Dining and Outdoor Living Wall height = 3.4 metres – 7.1 metres (average height = 5.25 metres); Wall length = 20 metres  <i>Western Boundary</i> Wall height = 3.2 metres – 7.2 metres (average height = 5.2 metres); Wall length = 20 metres.
<b>Officer Comments:</b>		
<p><b>Supported in part</b> – The proposed boundary walls are not considered to have an undue impact on the western neighbouring property (No. 49 Mary Street) as an application for alterations and additions was approved on 14 April 2009, proposing a boundary wall to a rear garage and a dividing fence that ranges from 5.5 metres above the natural ground level at the rear of the property to 1.8 metres at the front of the property. The boundary wall and dividing fence at the subject property is proposed to range from 5 metres to 1.6 metres, therefore, the walls will be almost the same height. However, there is an additional boundary wall to the sitting and living room, which extends to 7.1 metres to 6.7 metres. This boundary wall is alongside the outdoor living area of the neighbouring properties. Although this boundary wall is to a room on the ground floor, it extends approximately 1.8 metres above the finished floor level of the first floor and a roof garden is proposed in this area. The City's Officers consider this additional 1.8 metres unnecessary and, therefore, a condition has been applied for the height of this wall to be reduced to 1 metre above the finished first floor level. This will ensure that the roof garden has a 1 metre high balustrade, which is required under the Building Code of Australia. It is noted that a privacy screen is not required to the roof garden as this area is considered inhabitable. A condition has also been applied to ensure</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>that this area remains inhabitable.</p> <p>In regards to the impact of the boundary walls on the eastern neighbouring property (No. 45 Mary Street), unlike No. 49 Mary Street, no retaining walls or fill or high boundary walls exist or have been approved that would reduce the impact of the subject application. It is noted that this dwelling in the future may be subject to a new dwelling or extensive alterations and additions that may benefit from the proposed boundary walls; in that they will be able to build alongside them. Notwithstanding the above, there is also an additional boundary wall to the kitchen and dining room, which extends to 7.2 metres to 6.8 metres and approximately 1.8 metres above the finished floor level of the first floor. A condition has also been applied for the height of this wall to be reduced to a maximum of 1 metre above the finished first floor level.</p>		
<b>Roof Forms:</b>	The roof is to be compatible with the existing streetscape (pitch roof between 30 and 45 degrees).	Concealed roof proposed.
<b>Officer Comments:</b>		
<p>The Residential Design Elements Policy states that the City recognises that in some residential areas there may be more opportunity for innovative design and architectural styles, and in these instances the City may consider alternative roof forms to a pitch roof style. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for Mary Street as a majority of the dwellings are screened by the large Ficus trees that line the street.</p>		
<b>Building Height:</b>	The overall height of the building is to be a maximum of 7 metres above the natural ground level.	The maximum height of the building is 10.4 metres above the natural ground level.
<b>Officer Comments:</b>		
<p><b>Supported in part</b> – The Residential Design Elements Policy refers to building height as the contributor to bulk and scale of dwellings on the streetscape and neighbouring properties. In this instance, the proposed bulk and scale is not considered to have an undue impact on the streetscape due to the proposed 5.5 metre setback from Mary Street and the fact that a condition has been applied to reduce the overall height of the building to 7 metres as viewed from Mary Street, which is compliant with the two-storey concealed roof requirements of the R-Codes. It is considered that a two-storey building with a steep pitch roof (like the adjoining properties) will have more of an undue impact on the bulk and scale of the development.</p> <p>Further to the above, the Residential Design Elements Policy allows for variations to building heights under certain circumstances, including when the natural level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street. In this instance, the slope of the subject property is approximately 3.75 metres from the Mary Street boundary to the rear boundary. The application meets the aforementioned criteria; therefore, the variation to height requirements at the rear of the property could be considered. Whilst it is considered that the development is in fact a two-storey development, given the basement is more than 50 percent below the natural ground level, the development as seen from the right of way, presents as a three-storey building. It is noted that the R-Codes states that the maximum height for three-storey developments with a concealed roof shall be 10 metres. In this instance, the highest point proposed is 10.4 metres. Due to this, a condition has been applied to ensure that the development does not exceed an overall height of 10 metres above the natural ground level.</p>		
<b>Retaining Walls and Fill:</b>	Maximum of 500 millimetres above the natural ground level.	The maximum amount of fill is 800 millimetres on the eastern and western boundaries.
<b>Officer Comments:</b>		
<p><b>Supported</b> – Due to the significant slope of the land, it is considered that the proposed fill, being 300 millimetres more than the requirement is not excessive, and will not have an undue impact on the amenity of the area and the surrounding properties.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Dividing Fences:</b>	A dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.	The maximum height of the dividing fence on the eastern and western boundaries is 3 metres. This fence is 1.6 metres above the proposed ground level.
<b>Officer Comments:</b>		
<b>Supported</b> – Refer to Boundary Wall comments for the comments regarding the dividing fences.		
<b>Visual Privacy:</b>	Balconies/decks are setback 7.5 metres from the neighbouring property in direct line of sight within the cone of vision or provided with permanent vertical screening to restrict views within the cone of vision.	The balcony to bedroom 3 is required to be screened on the eastern boundary.  The balcony to the master bedroom is required to be screened on the eastern, western and southern elevations.
<b>Officer Comments:</b>		
<b>Not supported</b> – A condition has been applied for the balcony to bedroom 3 and the master bedroom to be screened in accordance with the Residential Design Codes. It is noted that the plans indicate that screening has been applied to the raised decking and outdoor living area on the ground floor.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (3)	<p><u>Streetscape</u></p> <ul style="list-style-type: none"> <li>The front elevation of the dwelling is not in keeping with the heritage character of the street.</li> <li>Mary Street is unique and any new development should be complementary to the existing overall appearance of the area.</li> <li>All steps should be taken to retain its historical integrity.</li> <li>The shape and form of the proposed building will not at all enhance the aesthetic quality possessed by Mary Street.</li> </ul> <p><u>Boundary Walls</u></p> <ul style="list-style-type: none"> <li>The proposed boundary walls restrict light to the neighbouring properties.</li> </ul> <p><u>Roof Forms</u></p> <ul style="list-style-type: none"> <li>The proposed concealed roof does not conform to the compatible 30-45 degree pitch.</li> </ul>	<p>Not supported – Whilst there are elements of Mary Street that contribute to the history of the area, the street generally has an unusual streetscape in that it contains a mix of developments that vary in height and style. The developments include 1970's style three-storey multiple dwellings, a four-storey church and school, as well as single storey and two-storey dwellings. Furthermore, it is noted that the site is currently vacant and the City generally encourages new contemporary design that is reflective of today's architectural style and era, and not fabrications of dwellings from previous times.</p> <p>Not supported – refer to the comments above.</p> <p>Not supported – refer to the comments above.</p>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

Mary Street has an unusual streetscape in that it contains a mix of developments that vary in height and style. The developments include 1970's style three-storey multiple dwellings, a four-storey church and school, as well as single storey and two-storey dwellings. Due to this, Mary Street is not considered as intact streetscape; however, it is notable for its 'treescape' of Ficus trees.

The applicant has provided comments in response to the proposed variations. These comments are summarised below.

The proposed building is setback 5.5 metres from Mary Street, which contributes to reducing the impact of the building on the street. It is further noted that:

- Mary Street has a dynamic and varied streetscape. The proposed design of the building is a reserved response to the sloping site, streetscape and particularly, the dominant vegetation on the northern side;
- Large sections of glazing help to break up the façade and facilitate passive surveillance;
- The walls will not impact on the solar access on adjoining properties on either side as the building and lot are orientated north-south;
- The small feature window will assist in protecting privacy between adjoining properties by reducing the number of major openings, yet allowing for casual surveillance;
- The boundary walls assist in making effective use of space on-site; and
- The boundary walls will not have an adverse impact on the amenity of adjoining properties.

In regards to the building height, the Residential Design Elements Policy clearly state that variations to the maximum building wall and roof height may be considered where:

*"The natural ground level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street."*

The proposal meets the demands of a compliant two storey dwelling at the primary street front. Although the height of the building above natural ground level increases as the site falls away towards the rear, the actual height of the building does not increase.

In response to the Performance Criteria, it is noted that:

- The overall height does not have a negative impact on the streetscape and amenity of adjoining properties. The application proposes a flat roof which will meet the height requirements to the primary streetscape (due to a condition);
- The streetscape is dominated by mature Ficus trees on both sides. These trees prevent a consistent open view of the streetscape;
- The building height does not affect the solar access to adjoining properties;
- The proposed building heights do not affect access to views of significance to the south; and
- The proposal is consistent with the majority of existing dwellings which present a two storey elevation to Mary Street with single storey car parking off the right of way to the South.

Mary Street is characterised by a mix of roofing forms and dwelling types. Although traditional roof forms are encouraged, the Residential Design Elements Policy includes the following statement:

*"The City recognises that in some residential areas there may be an opportunity for more innovative design and architectural styles, and in these instances, may consider alternative roof forms."*

**9.2.3 Traffic Management Matter - Pennant Street, North Perth – Further Report No. 4**

<b>Ward:</b>	North	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	Smith's Lake (6)	<b>File Ref:</b>	TES0275
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2831-SD-01 <a href="#">002</a> – Plan No. 2831-CP-01 <a href="#">003</a> – Plan No. 2786-CP-04 <a href="#">004</a> – Summary of Comments		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that;**

- 1.1 the majority of respondents are in favour of trailing a 'single lane' slow point in Pennant Street for a six (6) month period as shown on the attached plan No. 2831-SD-01 and 2831-CP-01 and the removal of the 'Residential Parking Only Restriction' and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday as shown on the attached plan No 2786-CP-04;
- 1.2 the Director Technical Services has commenced assessing traffic in Pennant, Chamberlain and Howlett Streets prior to implementing the signal lane slow point trial and will liaise with the residents directly adjacent to the proposed trial slow point location prior to implementing the trial; and
- 1.3 once the trial is implemented, traffic in the above streets will be progressively assessed over the six (6) month trial period and a further progress report will be prepared for further consideration at the conclusion of the trial; and

2. **APPROVES** the removal of the 'Residential Only Parking Zone' in Pennant Street and replaces it with a 2P time restriction between 8.00am and 5.30pm Monday to Friday, as shown on attached plan No 2786-CP-04, and places a moratorium on issuing infringements for the first two (2) weeks from the implementation of the 2P time restriction; and

3. **ADVISES** all the residents in Pennant Street of its decision.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed traffic management in Pennant Street and to seek Council's approval to implement the proposal.

**BACKGROUND:**

The *former* Local Area Traffic Management Advisory Group met on 16 June 2011 to discuss Pennant Street Traffic.

While the group concurred that there was not a major speed issue in Pennant Street, the residents did however have concerns given the number of children living in the street.

The previous approved modifications to the Scarborough Beach Road/Pennant Street intersection have had little impact in lowering the speed of vehicles and residents were previously advised that the matter would be further considered if there was no significant change following the implementation of these works.

The matter was subsequently reported to the Ordinary Meeting of Council held on 28 June 2011 where the following decision was made (in part).

*"That the Council;*

- (ii) APPROVES;
  - (a) *conducting a 6 month trial of a 'single lane' slow point' in Pennant Street as shown on attached plan 2831-SD-01 at an estimated cost of \$3,500; and*
  - (b) *IN PRINCIPLE the removal of the 'Residential Only Parking' in Pennant Street and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday, as shown on attached plan No 2786-CP-04 for the reasons outlined in the report;*
- (iii) CONSULTS
  - (a) *with Pennant Street residents regarding the trial (as outlined in clause (ii)(a) and if no significant objections are received IMPLEMENTS the trial; and*
  - (b) *with Pennant Street residents regarding the removal of the 'Residential Only Parking' in Pennant Street and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday;*
- (v) *RECEIVES a further report at the conclusion of the consultation as per clause (iii)(b) above;*
- (v) *ADVISES the respondents of its decision."*

**DETAILS:**

**Community Consultation:**

In accordance with clause (iii) of the Council decision on 6 July 2011 a 'consultation pack' was distributed to all residents along Pennant Street. The following 'Information Sheet' also comprised part of the 'consultation pack'.

*A number of residents in Pennant Street consider that the street is used as a 'rat run' and the speed of vehicles is excessive.*

Speed of Vehicles:

The 85% speed (the speed at which 85% of motorists travel 'less than' and is used to determine the 'speed environment of a roadway) in the section of Pennant Street between Chamberlain Street and Scarborough Beach Road had increased marginally since 2009 i.e. from 51.8 kph to 54kph in late 2010 however it is considered that the speeds are still not excessive.

The 85% speed in the section of Pennant Street between Chamberlain and Kadina is only 46.8kph (unchanged since 2009) and no traffic calming trial is being considered for this location.

Residential only Parking Zone:

Pennant Street has been a 'residential only parking zone' since 2000 and, as a consequence, very few cars, residents and/or their visitors, park in the street.

Note: Vehicles parked in a street have the effect of reducing vehicle speeds. This has been proven on other streets in the City. Also where only one vehicle can pass courtesy prevails and the street becomes self regulating with no need for traffic calming. As very few if any vehicles park in Pennant Street on a daily basis vehicle speeds are unregulated. In addition if the Resident Only Parking were removed, residents and their visitors would still be able to park in the street together with others adding the 'self regulating' mentioned above.

Proposed Slow Point Trial:

A six (6) month trial of a single lane slow point on Pennant Street midway between Chamberlain Street and Scarborough Beach Road is proposed. If the residents support the trial speed/volumes will be assessed, before and during the trial. At the conclusion of the trial the results will be reported to Council and further consultation undertaken to see whether there is justification to formalise the slow point.

Conclusion:

Therefore measures to reduce speed will include allowing vehicles to park in the street and trailing a single lane slow point. The minutes of the Council meeting held on 28 June 2011, Item 9.2.2 can be viewed at [www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**Consultation Outcomes:**

The residents were asked to complete the following table:

<b><u>PROPOSED 'TRIAL' SLOW POINT:</u></b>			
<input type="checkbox"/> I am in favour of the proposed trial:	or	<input type="checkbox"/> I do not support the trial:	or <input type="checkbox"/> Other *
<b><u>PROPOSED REPLACING RESIDENTIAL PARKING RESTRICTION WITH A 2P RESTRICTION:</u></b>			
<input type="checkbox"/> I am in favour of this proposal:		<input type="checkbox"/> I do not support this proposal:	
<input type="checkbox"/> Other*			
<b>NOTE:</b> Comments may be provided on the 'Comments Sheet' on reverse side of this page:			

At the close of consultation of the fifty (50) letters distributed twenty six (26) responses were received as follows:

- Proposed Trial Slow Point: Ten (10) in favour with two (2) against, one (1) other,
- Replacing Residential Parking Restriction with a 2P Restriction Ten: (10) in favour with three (3) against.

**Discussion/Conclusion:**

As can be seen the majority of the respondents are in favour of both the trial slow point and the removal of the residential parking only restriction (as shown on the attached plan No 2831-SD-01 and 2831-CP-01 and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday (shown on the attached plan No 2786-CP-04).

The two (2) residents against the proposal raised issues of hazard, noise, negative impact on air quality, delays for emergency vehicles etc.

From experience, with the existing slow point in Palmerston Street Perth, none of the above matters raised have been identified as an issues and in fact the slow point has improved the amenity in the street with no reported adverse impacts.

One resident raised concerns regarding the potential for traffic to back up to Loftus Street. Given the low traffic volumes in the street and the potential for the slow point to reduce traffic volumes further this is not considered to be an issue.

**CONSULTATION/ADVERTISING:**

Residents were requested to comment on both proposals. With regards to the proposed six (6) month trial, the Council previously decided that if there was no significant objection to the proposal the trial would be implemented at the conclusion of the consultation period.

The majority of residents were in favour of the trial and removal of the residential only parking.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The recorded 85% speed is not excessive however residents do have concerns given the number of children living in the street.

**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 for residents and road users.

**FINANCIAL/BUDGET IMPLICATIONS:**

As previously reported to the Council the cost to implement the trial using water filled barriers (or similar) and speed cushion, signage etc is estimated to cost \$3,500 and will be funded from the Miscellaneous Traffic Management budget allocation.

**COMMENTS:**

The Traffic data indicates that there is a not a major speed issue in Pennant Street, however some residents had concerns given the number of children living in the street.

The modifications at the Scarborough Beach Road/Pennant Street intersection had little impact in lowering the speed of vehicles and residents were previously advised that the matter would be further considered if there was no change following the introduction of this treatment.

The residents were consulted regarding a trial slow point and the removal of the residential only parking restriction and replacing this with a 2P restriction and the majority of respondents were in favour of both these initiatives.

**9.2.4 Proposed Naming of the Right of Way Between Glendower, Fitzgerald, Bulwer and Palmerston Streets, Perth**

<b>Ward:</b>	South	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	TES0375
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 1417		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	G Bellinger, Technical Officer - Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the application of the naming of the Right of Way bounded by Glendower, Fitzgerald, Bulwer and Palmerston Streets, Perth, "IOPPOLO LANE" as illustrated by the attached Plan No. 1 subject to;

1. approval being granted by the Geographic Names Committee for naming; and
2. payment of \$300 for the supply and installation of two (2) street nameplates and poles being received from the applicant should approval be granted as per clause 1.1 above.

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Maier, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the naming of the City owned Right of Way (ROW) bounded by Glendower, Fitzgerald, Bulwer and Palmerston Streets, Perth.

**BACKGROUND:**

The City has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and Landgate's Geographic Names Committee.

Naming of ROWs has a number of positive outcomes for adjacent residents. The Geographic Names Committee has indicated that "Ioppolo Lane" meets their criteria and once approval has been received, the ROW names are included in the Street Smart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general.

**DETAILS:**

The City has recently received a request from a local family that has resided in 280 Bulwer Street for the last 49 years, that the ROW at the rear of the family home to be named "Ioppolo" Lane in memorial to their Father who died recently.

The gentleman's name was Gaetano Ioppolo who arrived in Perth from Sicily in 1953 and married Francesca Astone in 1956. In 1962 they established their home at 280 Bulwer Street, Perth and raised two (2) children at the house. Gaetano had various jobs prior to becoming a Taxi driver for Yellow Cabs, his taxi service was mainly in and around the North Perth/City area, and he became well known amongst his patrons and was always ready to help those who needed his assistance particularly the local Italian community. He was a member of the Italian Club for over forty five (45) years and was a keen supporter of the Azzurri Soccer Club.

In summary, the Ioppolo name has had a long standing association with the local community and the family wish to provide a lasting tribute to the memory of their father with naming the laneway "Ioppolo Lane".

**CONSULTATION/ADVERTISING:**

Consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee. Should approval for the naming be granted by the Geographic Names Committee all residents adjoining the ROW will be advised of the decision.

**LEGAL/POLICY:**

There are no legal implications to naming the ROWs.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** No significant risk implications.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to erect poles and signs in the ROW will be approximately \$300.00 (GST inc.). The applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

**COMMENTS:**

Naming of ROWs is a wonderful opportunity to recognize the significant contributions residents have made to the development of the City and to maintain a continuing connection to the City. It is recommended that the Council approve the application of the name "Ioppolo Lane" to the ROW subject to a number of conditions as outlined in the officer recommendation.

### 9.2.5 School Land Care Program 2011-12

<b>Ward:</b>	ALL	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	ALL	<b>File Ref:</b>	FIN0169
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Chaudhry, Project Officer – Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That the Council;

1. **SUPPORTS** undertaking the proposed 'Schools Land Care Program 2011-12' as detailed in the report at an estimated annual cost of \$1,800 to be funded from the 2011/2012 Environmental Education Budget; and
2. **RECEIVES** a further progress report/s as required throughout the year on the outcomes of the program.

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#### COUNCIL DECISION ITEM 9.2.5

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

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#### PURPOSE OF REPORT:

The purpose of this report is to provide an overview of a proposal for Schools Landcare Program.

#### BACKGROUND:

During the City of Vincent Environmental Grants first round in 2011, requests were received from schools for the City of Vincent to set up a 'School Landcare Program'.

#### DETAILS:

The proposed Landcare Program would be run by the City's Project Officer - Environment with assistance from the City's schools and other officers if deemed necessary. It may also involve Claise Brook Catchment Group members for organised planting days. The following key areas would be covered under the Landcare Program;

- School planting days on identified wetlands within the City.
- Drains Stencilling – Swan River Trust
- School Drain Living Stream Projects
- Injured Wildlife Care
- Clean up your City Day

### **School Planting Days**

A schedule of planting days on specific wetlands would be delivered to school principals twice a year giving the opportunity for students to participate in re-vegetation activities. They would also be notified by letter and email on the current months planting day that is available.

### **Drains Stencilling – Swan River Trust**

Student's awareness would be raised through a brief talk on the importance of keeping the City's drains clean. This would be followed by a field component where the students would stencil drains around the school perimeter under the supervision of the City's officers. The stencil would comprise the Drains to Rivers stencil already used in the City provided by (SRT).

### **School Drain Living Stream Projects**

School drains would be assessed and where feasible the school may be encouraged to turn their drain into a living stream project, dependant on site variables and constraints. School students would be able to make application to the City to establish their living stream and the City's officers would be involved in assistance in re-vegetation, flow design and habitat establishment.

### **Clean up your City Day**

Schools would be invited to conduct a rubbish pick up event around their schools and wetlands and this would be organised by the City. The students would be taught the importance of keeping Australia clean and the dangers that rubbish possesses to wildlife.

### **Wildlife Care**

Many schools have frogs, birds and other wildlife in the school grounds. A half a day short talk, with the assistance of Kanyana Wildlife Rehabilitation Centre volunteers, would educate the students on how to look after the City's wildlife. This would involve wild animals being brought into schools as showcases by qualified volunteers.

### **CONSULTATION/ADVERTISING:**

The Schools Landcare Program would be advertised through the following publications;

- City of Vincent Website;
- Invite Letters to Schools;
- Brochures;
- Leaflet of Events;
- Posters;
- Local newspapers; and
- Email.

### **LEGAL/POLICY:**

Not applicable.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The risk of not running this program would not majorly affect the City of Vincent Community. In terms of associated risk of running the program, the City of Vincent would require all volunteers and students to have a collective insurance before participating in the Landcare Program. This is not an issue as all Schools are covered by their own insurances and assisting volunteers would be covered by the City's Insurance.

### **STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost to run the Schools Landcare Program would be \$1,800. As outlined below;

<b>Material</b>	<b>Cost</b>
Refreshments/Sausage Sizzles	\$500
Wildlife Centre Involvement	\$500
Advertisement and Educational Material	\$800

This would be funded from the Environmental Education budget allocation.

**COMMENTS:**

The establishment of a School Landcare Program would drive community responsibility towards the unique environment that exists in the City. It would also strengthen the volunteer relationship network between the City and educational institutions.

**9.2.6 Tender No. 432/11 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection**

<b>Ward:</b>	Both	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0440
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	C Wilson; Manager Asset and Design; R Lotznicker; Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tender from Steann Pty Ltd for the Bi-annual Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection, in accordance with the terms and conditions detailed in Tender No 432/11.

**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the awarding of the tender for the Tender No. 432/11 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection.

**BACKGROUND:**

Tender No. 432/11 was advertised in The West Australian newspaper on 15 June 2011.

At the close of the tender at 2.00pm on 29 June 2011 four (4) tenders were received.

Present at the tender opening were Finance Officer, Mary Hopper and Property Officer, Kon Bilyk.

**DETAILS:**

The details of all tenders received are listed below:

2011/2012 (Green Waste Collection)

Collection Period	Unit Range (Tonnes)	D & M Waste	KRS Contracting	Incredible Bulk	Steann
		\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST
November 2011	Between 350 and 400	\$298.92	\$180.00	\$400.00	\$220.00
	Between 401 and 450	\$298.92	\$180.00	\$400.00	\$195.56
	Between 451 and 500	\$298.92	\$180.00	\$400.00	\$176.00
	Over 500	\$298.92	\$180.00	\$400.00	\$176.00

May 2012	Between 350 and 400	\$298.92	\$180.00	\$400.00	\$220.00
	Between 401 and 450	\$298.92	\$180.00	\$400.00	\$195.56
	Between 451 and 500	\$298.92	\$180.00	\$400.00	\$176.00
	Over 500	\$298.92	\$180.00	\$400.00	\$176.00

2012/2013 (Green Waste Collection)

Collection Period	Unit Range (Tonnes)	D & M Waste	KRS Contracting	Incredible Bulk	Steann
		\$/tonne Incl.GST	\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST
November 2012	Between 350 and 400	\$298.92 + CPI	\$189.90 #	\$415.00	As per 2011/2012 + CPI
	Between 401 and 450	\$298.92 + CPI	\$189.90 #	\$415.00	
	Between 451 and 500	\$298.92 + CPI	\$189.90 #	\$415.00	
	Over 500	\$298.92 + CPI	\$189.90 #	\$415.00	
May 2013	Between 350 and 400	\$298.92 + CPI	\$189.90 #	\$415.00	
	Between 401 and 450	\$298.92 + CPI	\$189.90 #	\$415.00	
	Between 451 and 500	\$298.92 + CPI	\$189.90 #	\$415.00	
	Over 500	\$298.92 + CPI	\$189.90 #	\$415.00	

2013/2014 (Green Waste Collection)

Collection Period	Unit Range (Tonnes)	D & M Waste	KRS Contracting	Incredible Bulk	Steann
		\$/tonne Incl.GST	\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST
November 2013	Between 350 and 400	\$298.92 + CPI*	\$200.35 #	\$430.00	As per 2012/2013 + CPI
	Between 401 and 450	\$298.92 + CPI*	\$200.35 #	\$430.00	
	Between 451 and 500	\$298.92 + CPI*	\$200.35 #	\$430.00	
	Over 500	\$298.92 + CPI*	\$200.35 #	\$430.00	
May 2014	Between 350 and 400	\$298.92 + CPI*	\$200.35 #	\$430.00	
	Between 401 and 450	\$298.92 + CPI*	\$200.35 #	\$430.00	
	Between 451 and 500	\$298.92 + CPI*	\$200.35 #	\$430.00	
	Over 500	\$298.92 + CPI*	\$200.35 #	\$430.00	

Notes: \* CPI x 2 # Figure based on start price & estimated CPI.

2011/2012 (Bulk Verge Collection)

Collection Period	Unit Range (Tonnes)	D & M Waste	KRS Contracting	Incredible Bulk	Steann
		\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST
March/April 2012	Between 350 and 400	\$362.12	\$235.00	\$300.00	\$220.00
	Between 401 and 450	\$362.12	\$235.00	\$300.00	\$195.56
	Between 451 and 500	\$362.12	\$235.00	\$300.00	\$176.00
	Over 500	\$362.12	\$235.00	\$300.00	\$176.00

2012/2013 (Bulk Verge Collection)

Collection Period	Unit Range (Tonnes)	D & M Waste	KRS Contracting	Incredible Bulk	Steann
		\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST
March/April 2013	Between 350 and 400	\$362.12 + CPI	\$246.75 #	\$310.00	As per 2011/2012 + CPI
	Between 401 and 450	\$362.12 + CPI	\$246.75 #	\$310.00	
	Between 451 and 500	\$362.12 + CPI	\$246.75 #	\$310.00	
	Over 500	\$362.12 + CPI	\$246.75 #	\$310.00	

2013/2014 (Bulk Verge Collection)

Collection Period	Unit Range (Tonnes)	D & M Waste	KRS Contracting	Incredible Bulk	Steann
		\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST	\$/tonne Incl. GST
March/April 2014	Between 350 and 400	\$362.12 + CPI*	\$260.32 #	\$320.00	As per 2012/2013 + CPI
	Between 401 and 450	\$362.12 + CPI*	\$260.32 #	\$320.00	
	Between 451 and 500	\$362.12 + CPI*	\$260.32 #	\$320.00	
	Over 500	\$362.12 + CPI*	\$260.32 #	\$320.00	

Notes: \* CPI x 2 # Figure based on start price & estimated CPI.  
Prices to "include" GST.  
Prices to "exclude" tip fees. Tip fees will be paid by the City

**Tender Evaluation**

Tender Evaluation Panel

The Tender Evaluation Panel comprising the Director Technical Services, Rick Lotznicker, Director Corporate Services Mike Rootsey, Manager Asset and Design Services, Craig Wilson, and Waste Management Officer, Michele Rutherford met on 26 July 2011 to assess the tender submissions.

Each tender was assessed using the selection criteria below in accordance with the tender documentation.

Tender Evaluation Criteria

	Weighting	Steann	Incredible Bulk	KRS	D & M
Demonstrated experience supplying similar services	25%	23	24	23	25
Skills and experience of Key Personnel	20%	16	17	16	17
Demonstrated understanding (methodology) of collection requirements	20%	17	19	16	18
Demonstrated understanding of all plant requirements	15%	15	15	15	15
Contract price (tonnage rates as indicated in the Pricing Schedule)	15%	15	8.83	13.73	8.28
References of satisfactory service	5%	5	5	4	5
	<b>100%</b>	<b>91</b>	<b>88.83</b>	<b>87.73</b>	<b>88.28</b>

Tender Evaluation Summary

In order to determine an indicative cost to establish the tender's rankings (in descending order) in respect of the 'fee proposal' the following method was adopted.

The total green waste and bulk tonnages collected in 2010/11 were used as the baseline multiplied by each tenders tonnage rates to determine at cost for 2011/12. Steann Pty Ltd provided a sliding rate whereby the cost per tonne decreased as the total tonnage collected increased. Therefore based upon the 2010/11 collections their total price would have been the lowest.

Tender Evaluation Panel comments are shown below:

**1. Steann**

Total weighted score:	<b>91.0 (1st)</b>
Demonstrated experience supplying similar services	<ul style="list-style-type: none"> <li>Family owned and operated company that has been undertaking Local Government bulk verge collections for 10 years.</li> <li>Has existing/on-going Local Government contracts (metropolitan and country).</li> <li>Has extensive experience in the provision of bulk waste collection for large corporations.</li> <li>Will undertake 'E' Waste collection &amp; disposal.</li> </ul>
Skills and experience of Key Personnel	<ul style="list-style-type: none"> <li>Owner operator with long term staff.</li> </ul>
Demonstrated understanding (methodology) of collection requirements	<ul style="list-style-type: none"> <li>Has been undertaking Local Government bulk verge collections for 10 years including mixed (i.e Green and Bulk.) and 'E' waste collections.</li> </ul>
Demonstrated understanding of all plant requirements	<ul style="list-style-type: none"> <li>Plant list provided in tender document.</li> </ul>
Contract price (tonnage rates as indicated in the Pricing Schedule)	<ul style="list-style-type: none"> <li>First.</li> </ul>
References of satisfactory service	<ul style="list-style-type: none"> <li>City of South Perth and Town of East Fremantle.</li> </ul>

Comment:

This Tender provided the lowest overall price based upon the anticipated tonnages. The Tender was adequately documented if light on in the work practices (safe driving, reporting of accidents etc) compliance and company ethos.

The Town of East Fremantle's Waste Officer was very enthusiastic in her praise of Steann while the City of South Perth's Waste Officer had only been with the City for one collection by Steann but advised that they were a 'good operator and easy to deal with' and provided a good level of customer service.. Accordingly, this Tender is recommended.

**2. Incredible bulk**

Total weighted score:	<b>88.83 (2nd)</b>
Demonstrated experience supplying similar services	<ul style="list-style-type: none"> <li>Family owned and operated company that has been undertaking Local Government bulk verge collections for over 20 years.</li> <li>Has existing/on-going metropolitan Local Government contracts.</li> </ul>
Skills and experience of Key Personnel	<ul style="list-style-type: none"> <li>Owner &amp; Company Director with long term staff.</li> </ul>
Demonstrated understanding (methodology) of collection requirements	<ul style="list-style-type: none"> <li>Large operation that has been undertaking Local Government bulk verge collections for over 20 years including mixed (i.e Green and Bulk.) and 'one-off' collections.</li> </ul>
Demonstrated understanding of all plant requirements	<ul style="list-style-type: none"> <li>Plant list provided in tender document.</li> </ul>
Contract price (tonnage rates as indicated in the Pricing Schedule)	<ul style="list-style-type: none"> <li>Third.</li> </ul>
References of satisfactory service	<ul style="list-style-type: none"> <li>Town of Cambridge and Town of Bassendean.</li> </ul>

Comment:

This Tender provided the third lowest overall price based upon the anticipated tonnages. The Tender was very well documented and comprehensive.

**3. D & M**

Total weighted score:	<b>88.28 (3rd)</b>
Demonstrated experience supplying similar services	<ul style="list-style-type: none"> <li>Previous contractor (pre 2008/09).</li> <li>Owner operator company that has been undertaking Local Government bulk verge collections for over 15 years.</li> <li>Has existing/on-going Local Government contracts (metropolitan and outer metropolitan).</li> <li>Will undertake 'E' Waste collection &amp; disposal.</li> </ul>
Skills and experience of Key Personnel	<ul style="list-style-type: none"> <li>Owner operator with long term staff.</li> </ul>
Demonstrated understanding (methodology) of collection requirements	<ul style="list-style-type: none"> <li>Has been undertaking Local Government bulk verge collections for over 10 years including mixed (i.e Green and Bulk.) and 'one-off' collections.</li> </ul>
Demonstrated understanding of all plant requirements	<ul style="list-style-type: none"> <li>Plant list provided in tender document.</li> </ul>
Contract price (tonnage rates as indicated in the Pricing Schedule)	<ul style="list-style-type: none"> <li>Fourth.</li> </ul>
References of satisfactory service	<ul style="list-style-type: none"> <li>City of Fremantle and City of Subiaco</li> </ul>

Comment:

This Tender provided the fourth lowest overall price based upon the anticipated tonnages. The Tender was well documented and comprehensive.

**4. KRS**

Total weighted score:	<b>87.73 (4th)</b>
Demonstrated experience supplying similar services	<ul style="list-style-type: none"> <li>• Current contractor.</li> <li>• Owner operator company that has been undertaking Local Government bulk verge collections for over 10 years.</li> <li>• Has existing/on-going Local Government contracts (metropolitan and outer metropolitan).</li> </ul>
Skills and experience of Key Personnel	<ul style="list-style-type: none"> <li>• Owner operator with long term staff.</li> </ul>
Demonstrated understanding (methodology) of collection requirements	<ul style="list-style-type: none"> <li>• Has been undertaking Local Government bulk verge collections for over 10 years including mixed (i.e Green and Bulk.) and 'one-off' collections.</li> </ul>
Demonstrated understanding of all plant requirements	<ul style="list-style-type: none"> <li>• Plant list provided in tender document.</li> </ul>
Contract price (tonnage rates as indicated in the Pricing Schedule)	<ul style="list-style-type: none"> <li>• Second.</li> </ul>
References of satisfactory service	<ul style="list-style-type: none"> <li>• City of Gosnells and Shire of Mundaring.</li> </ul>

Comment:

This Tender provided the second lowest price based upon the anticipated tonnages. The Tender was well documented and reasonably comprehensive. However there have been issues in the past with customer service, failure to meet timeframes and dispute over contract provisions. These have resulted in increased work for the City's Officers to address these matters. The tender was marked down accordingly.

**Discussion:**

Tonnages for the Greenwaste Collection in 2010/2011 were in the order of 315 tonnes while the tonnages for the general Junk Collection were approximately 722 tonnes. Therefore the total tonnage collected was in the order of 1037 tonnes. The material was disposed of at a variety of sites including the Balcatta Transfer Station and Brockway Transfer Station. The prices submitted were assessed on these parameters.

Reference checks have revealed that all four (4) tenders were more than capable of doing the job in a proficient manner. The references for the first placed tender, Steann Pty Ltd, were very positive with particular emphasis on their customer service and flexibility.

**CONSULTATION/ADVERTISING**

Nil.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The tender is an important project for the City. It must be carried out in an efficient and effective manner. Failure to do so results in rubbish remaining on the City's verges for an unacceptable period of time and also results in complaints from the residents.

**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:**

A large proportion of the material collected is recycled.

**FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$450,000 has been allocated in the 2011/12 budget Bulk Verge collections

**COMMENTS:**

As previously reported to Council, the bulk verge collection was changed from a combined greens/general waste to a bi-annual bulk verge green waste collection and an annual bulk verge general waste collection, to overcome some of the problems experienced and negative publicity generated (OMC 25 July 2000).

Since adopting and implementing the new bulk verge program over nine years ago, almost all the problems previously experienced have been largely addressed. Illegal dumping is probably the main issue these days.

All tenders have provided varying alternative tenders which were non compliant with regards the specification. Some of the ideas suggested in the alternative tenders will be further explored for future possible collections.

The Tender Evaluation Panel unanimously recommends the tender submitted by Steann Pty Ltd, for the Bi-annual Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection, in accordance with the terms and conditions detailed in Tender No 432/11.

**9.3.1 Annual Plan – Capital Works Programme 2011/2012**

<b>Ward:</b>	Both	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Capital Works Programme		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; and R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council APPROVES the 2011/2012 Capital Works Programme as shown in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**PURPOSE OF REPORT:**

To present the Annual Plan and Schedule for the Capital Works Programme 2011/2012 for Council Approval.

**BACKGROUND:**

At the Special Meeting of Council held on 5 July 2011, Council adopted the Annual Budget 2011/2012.

**DETAILS:**

The Capital Works Programme now forms part of the Annual Plan for the City of Vincent. The Directors and Managers from the three Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$10.9 million of new Capital Works.

The programme takes into consideration the following factors:

- Budget/funding
- Existing workload commitments of the workforce
- Consultation requirements
- Liaison with other agencies/service areas
- Employee leave periods
- Festive season leave period
- Cash flow requirements

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Capital Works Programme has been prepared on the adopted 2011/2012 Annual Budget.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Failure to prepare and adopt an Annual Plan for Capital Works will result in projects not being completed in an orderly and effective manner.

**STRATEGIC IMPLICATIONS:**

Plan for the Future 2011-2016 Key Result Area One – Natural and Built Environment:

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

**SUSTAINABILITY IMPLICATIONS:**

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financial and sound.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Capital Works Programme is funded in 2011/2012 Annual Budget.

**COMMENTS:**

The schedule of projects may be subject to change during the year. However, the Capital Works Programme will be initially implemented on the basis of the timing as outlined in the attached programme.

Quarterly progress reports on the Capital Works Programme will be prepared for Council throughout the year.

The projects listed will ensure the City’s infrastructure and assets are upgraded and maintained for the overall benefit of the community.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of June 2011.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
5/07/2011	Local Law - Amendment	3	City of Vincent Parking and Parking Facilities Amendment Local Law 2011
6/07/2011	Deed of Covenant	2	City of Vincent and Skybridge Holdings Pty Ltd of C/o Paragon Consultants, Level 1, 160 Stirling Highway, Nedlands re: No. 20 (Lot: 10, D/P: 2536) Monmouth Street and No. 137 (Lot: 4, D/P 2536) Walcott Street, Mount Lawley - Proposed Construction of Nine (9) Two-Storey Single Houses (Amendment to Planning Approval) - <i>To satisfy Clause (vii) of Conditional Approval of the Ordinary Meeting of Council held on 20 October 2009</i>

Date	Document	No of copies	Details
7/07/2011	Withdrawal of Caveat	3	City of Vincent and C Biris of Level 5, Suite 7, 326 Hay Street, Perth WA 6000 re: Nos. 11-13 (Lots 37 & 36 D/P: 1210) Byron Street, Leederville - Proposed Construction of Four (4) Two (2) Storey plus Loft Grouped Dwellings - State Administrative Tribunal - Review Matter NO. DR 47 of 2007 - Amalgamation Legal Agreement - <i>To satisfy Condition (d) of SAT approval</i>
14/07/2011	Deed of Covenant	2	City of Vincent and I R J Holdings Pty Ltd of 4 Sabina Street, Menora WA 6050 re: Nos. 112-120 (Lot 123; D/P 314, Lots 4 and 5: D/P 254 and Lots 53, 54 & 55; D/P 290193) Broome Street, Highgate - Proposed Construction of Eight (8) Two-Storey Grouped Dwellings - Amalgamation Deed - <i>To satisfy Clause (ix) of Conditional Council Approval dated 23 June 2009</i>
19/07/2011	Restrictive Covenant	1	City of Vincent and Mr A C Chivers of 8 Fourth Avenue, Burns, WA re: No. 264 (Lot 321) Charles Street, North Perth - <i>To satisfy Condition (7) of the Western Australian Planning Commission (WAPC) Conditional Approval dated 17 September 2010 relating to a Survey strata Subdivision of the Subject Lot</i>
22/07/2011	Deed of Licence	1	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Royal Life Saving Society - Western Australia Inc of McGillivray Road, Mount Claremont WA 6010 re: Royal Life Training Session on 23 July 2011 (Stadium)
26/07/2011	Deed of Licence	1	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Trinity College Function on 10 August 2011 (Gareth Naven Room)

### 9.4.2 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	2 August 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Information Bulletin dated 9 August 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**DETAILS:**

The items included in the Information Bulletin dated 9 August 2011 are as follows:

ITEM	DESCRIPTION
IB01	Correspondence between the City and the Western Australian Planning Commission; letters dated 1, 7 and 18 July 2011 regarding the Town Planning Scheme No. 1 – Amendment No. 30
IB02	Letter from Director General, Department of Planning regarding Tourism Planning Bulletin 83: Planning for Tourism
IB03	Letter from Department of Transport regarding 20 Year Public Transport Network Plan Release
IB04	Letter of Appreciation from B. Prideaux regarding Senior’s Outings
IB05	Letter of Appreciation from J Flanagan regarding Library Staff
IB06	Letter of Appreciation from J. Charles & J.E. Stacy regarding Landscaping at Toorak Rise
IB07	Unconfirmed Minutes of the Beaufort Street Enhancement Working Group Meeting held on 13 July 2011
IB08	Unconfirmed Minutes of the Local History & Heritage Advisory Group Meeting held on 14 July 2011
IB09	Unconfirmed Minutes of the Integrated Transport, Traffic and Road Safety Advisory Group Meeting held on 21 July 2011
IB10	Register of Petitions - Progress Report - August 2011
IB11	Register of Notices of Motion - Progress Report - August 2011
IB12	Register of Reports to be Actioned - Progress Report - August 2011

- IB13 Register of Legal Action - Prosecutions and Other Matters (Confidential – Council Members Only) - Progress Report - August 2011
- IB14 Register of State Administrative Tribunal Appeals - Progress Report August 2011
- IB15 Forum Notes - 19 July 2011
- IB16 Notice of Forum - 16 August 2011
- IB17 No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth – Proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park – Reconsideration of Conditions – State Administrative Tribunal (SAT) Review Matter No. DR 26 of 2011
- IB18 No. 71 (Lot 200; D/P: 92012) Edward Street, East Perth – Deletion of Existing Condition of Approval that Limits the period of Approval to 26 June 2012 together with Structural Additions to the Existing Plant, being the enclosure of the Western Façade of the Two Existing Filling Stations and the Increase in Height of the Existing Western Fence (Hanson Concrete Batching Plant)

Cr Topelberg departed the chamber at 7pm. He did not speak or vote on the item.

**9.1.4 No. 99 (Lot 2; D/P: 4270) Palmerston Street, Perth - Proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings to Approved Three (3), Three-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4867; 5.2011.159.2
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, 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 John Silbert & Associates on behalf of the owner Tripleview Holdings Pty Ltd for Proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings to Approved Three (3), Three-Storey Grouped Dwellings at No. 99 (Lot 2; D/P: 4270) Palmerston Street, Perth, and as shown on plans stamp-dated 21 July 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Palmerston Street and Robertson Park;
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;
4. First obtaining the consent of the owners of No. 75 Palmerston 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. 75 Palmerston Street, in a good and clean condition;
5. PRIOR TO THE ISSUE OF A BUILDING LICENCE, 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 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 reticulation plan shall be drawn to a scale of 1:100 and show the following:**

- 5.2.1 The location and type of existing and proposed trees and plants;**
- 5.2.2 All vegetation including lawns;**
- 5.2.3 Areas to be irrigated or reticulated and such method;**
- 5.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and**
- 5.2.5 Separate soft and hard landscaping 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);**

**5.3 Streets Walls and Fences**

**The proposed new street/front wall, fence and gate (except for the wall containing the letterboxes) within the Palmerston 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;**

**5.4 Privacy Screening**

**5.4.1 Proposed Unit 1**

- (a) The balcony to the bedroom 1 on the south-western elevation; and**
- (b) The window to bedroom 2 on the south-western elevation;**

**5.4.2 Proposed Unit 4**

- (a) The balcony to the bedroom 1 on the north-eastern elevation**

**within the respective cone of visions to the neighbouring lot boundaries, shall be screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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 Licence, 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. Alternatively, prior to the**

issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 75 Palmerston Street and No. 101 Palmerston Street, stating no objections to the respective proposed privacy encroachment;

**5.5 Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;

**5.6 Design Features**

Additional design features using colour and/or relief shall be incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;

**5.7 Site Management-Archaeological Information**

As the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring; and

**5.8 Engineer Certification**

A Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and

**6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be:**

**6.1 sealed, paved and drained;**

**to the specifications and satisfaction of the City, at the applicant's full expense.**

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr McGrath, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED CARRIED (4-1)**

**For:** Deputy Mayor Cr Lake, Cr Buckels, Cr Maier, Cr Burns

**Against:** Cr McGrath

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting. Cr Topelberg departed the Chamber at 7.00pm and did not speak or vote on this matter.)**

**Cr Buckels departed the chamber 7.09pm.**

**ADVICE NOTE:**

As per advice from the Department of Indigenous Affairs (DIA), the subject property is located within the site 17849 Robertson Park. It is DIA's preference that any development plans are modified to avoid damaging or altering any site. If this is not possible, and in order to avoid committing an offence under the Aboriginal Heritage Act 1972, the landowner should seek the Minister for Indigenous Affairs' prior written consent to use the land. Therefore, the City recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.

<b>Landowner:</b>	Tripleview Holdings Pty Ltd
<b>Applicant:</b>	John L Silbert & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1213 square metres
<b>Access to Right of Way</b>	North-eastern side, 3 metres wide, Sealed, Privately owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the application is for the construction of two (2) grouped dwellings to three (3) approved grouped dwellings; therefore, if approved, the site will accommodate five (5) grouped dwellings.

**BACKGROUND:**

- 9 June 2010                      The Western Australian Planning Commission approved an application for a survey strata subdivision of four lots.
- 13 July 2010                     The Council at its Ordinary Meeting conditionally approved an application for proposed three (3), three-storey grouped dwellings to the existing single house.
- 21 December 2010             The Council at its Ordinary Meeting resolved to defer an application for the proposed change of use from single house to lodging house.
- 27 January 2011                The applicant withdrew the application for proposed change of use from single house to lodging house.

**DETAILS:**

The proposal involves the proposed demolition of the existing single house and the construction of two (2), two-storey grouped dwellings. It is noted from the above background, that the Council have previously approved an application for the construction of three (3), three-storey grouped dwellings that are to be located behind the subject development.

It is further noted that an application for amendments to this existing approval is the subject of a separate Agenda Item.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<p><b>Street Setbacks:</b> <b>Ground Floor</b></p> <p><b>Upper Floor</b></p>	<p>The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined by the average setback of 5 adjoining properties on each side of the development.</p> <p>Minimum setback = 8 metres</p> <p>Balconies – 1 metre behind the ground floor main building line.</p> <p>Upper Floor Walls – 2 metres behind the ground floor main building line.</p>	<p>The proposed ground floor setback to Palmerston Street ranges from 5.9 metres to 8.8 metres.</p> <p>Balcony – 1.3 metres to 2.9 metres in front of the ground floor main building line.</p> <p>Upper Floor – In line with the ground floor main building line.</p>
<b>Officer Comments:</b>		
<p><b>Supported</b> – The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. It should be noted that in the immediate surrounding area of Palmerston Street, the street has an unusual streetscape in that it contains a mix of developments that vary in height and style.</p> <p>A majority of the dwellings on Palmerston Street represent a terrace style housing design in that they share a boundary wall. Furthermore, the two-storey dwellings on Palmerston Street, namely the grouped dwelling development at No. 101 Palmerston Street and No. 107 Palmerston Street, both have cantilevered balconies that are located in front of the ground floor main building line.</p> <p>In light of the above, it is considered that the proposed ground floor and upper floor street setbacks will not have an undue impact on the amenity of the area given the varying streetscape and the fact that there is a large vacant site directly adjacent to the subject property which is likely to be redeveloped with a high density development.</p>		
<p><b>Side and Rear Setbacks:</b></p>	<p>Ground Floor</p> <p>-North-East – 1.5 metres</p> <p>-South-West – 1.5 metres</p> <p>Upper Floor</p> <p>-North-East – 1.9 metres</p> <p>-South-West – 2.2 metres</p>	<p>1.3 metres</p> <p>Nil – 3 metres</p> <p>1.3 metres – 2.7 metres</p> <p>Nil – 2.3 metres</p>
<b>Officer Comments:</b>		
<p><b>Supported</b> – The proposed side setbacks are not considered to have an undue impact on the neighbouring properties, given a right of way is located between these properties on the north-eastern boundary and no objections were received from the owner of the large vacant lot on the south-western boundary.</p>		
<p><b>Buildings on Boundary:</b></p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 (20 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>Walls on the south-west boundary</p> <p>-Main Dwelling Wall Height = 6.55 metres; Wall Length = 6.9 metres.</p> <p>-Store Room Wall Height = 2.8 metres – 3.2 metres (average height = 3 metres); Wall Length = 6 metres.</p> <p>Total Wall Length = 12.9 metres</p>

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Officer Comments:</b>		
<p><b>Supported</b> – The proposed reduction in side setbacks are not considered to have an undue impact on the neighbouring properties, given a right of way is located between these properties on the north-eastern boundary and no objections were received from the owner of the large vacant lot on the south-western boundary.</p>		
NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Street Walls and Fences:</b>	<ul style="list-style-type: none"> <li>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;</li> <li>Posts and piers are to have a maximum width 355 millimetres; and</li> <li>The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.</li> </ul>	<ul style="list-style-type: none"> <li>The wall on the north-east elevation that contains the letterboxes is solid to 1.8 metres for a length of 1.1 metres;</li> <li>The piers widths are not indicated on the plans, however scale to be approximately 400 millimetres by 400 millimetres;</li> <li>The wall on the south-western boundary within the front setback is solid to a height of 1.8 metres; and</li> <li>The wall between units 1 and 2, within the front setback is solid to a height of 1.8 metres.</li> </ul>
<b>Officer Comments:</b>		
<p><b>Not supported in part</b> – A condition has been applied for the front fence to comply with the requirements of the City’s Residential Design Elements Policy; however, the wall containing the letter boxes is supported given this wall is adjacent to the right of way and will not have an undue impact on the streetscape. Furthermore, the applicant has amended the plans to reduce the depth of the letter box wall from 3.8 metres (solid) to 1.1 metres.</p>		
<b>Outdoor Living Area:</b>	To be provided behind the street setback area.	The outdoor living area for unit 1 is provided within the street setback area.
<b>Officer Comments:</b>		
<p><b>Supported</b> – This is not considered to have an undue impact on the amenity of the area and will still meet the day to day needs of the future residents.</p>		
<b>Building Height:</b>	The maximum wall height is 6 metres above the natural ground level.	The maximum building wall height proposed is 6.4 metres above the natural ground level.
<b>Officer Comments:</b>		
<p><b>Supported</b> – The proposed building height is not considered to have an undue impact on the amenity of the area as the surrounding area is characterised by two-storey terrace housing, which is higher than the 6 metre maximum. Furthermore, the applicant has amended the plans from a maximum wall height of 7.4 metres to 6.4 metres above the natural ground level.</p>		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>The proposal fails to comply with the acceptable development standards of building height; street walls and fences height; and street and boundary setbacks for the ground and upper floors.</li> </ul>	Not supported – Refer to the comments stated in the Non-compliance Table.

Consultation Submissions		
Item	Comments Received	Officer Comments
Advertising	Advertising for a period of 14 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS 1, R-Codes and associated Policies.
Strategic	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the City."</i>
Sustainability	Nil.
Financial/Budget	Nil.

**COMMENTS:**

The existing dwelling at No. 99 Palmerston Street is a single storey Federation Bungalow constructed circa 1917, with a hipped tiled roof and white painted walls to all elevations.

A full Heritage Assessment was undertaken for No. 99 Palmerston Street in March 2007 by the City's Heritage Services, as part of the Municipal Heritage Inventory (MHI) Review conducted in 2006. The full Heritage Assessment indicates that the place does not meet the threshold for entry on the City's Municipal Heritage Inventory in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment. The Council at its Special Meeting held on 3 April 2007 resolved to not include the subject property on the City's Municipal Heritage Inventory.

As the place is adjacent to Robertson Park, which is listed on the State Register of Heritage Places and on the Department of Indigenous Affairs (DIA) Register of Aboriginal Sites, the subject application was referred to the Heritage Council and DIA for comment.

The Heritage Council advised that they have no objection to the application and a condition and an advice note has been applied to the Officer Recommendation reflecting the comments of the DIA.

It is considered that Palmerston Street has an unusual streetscape in that it contains a mix of developments that vary in height and style and due to this; the proposed demolition of the existing dwelling and the construction of two, two-storey grouped dwellings will not have an undue impact on the streetscape. Furthermore, a majority of the existing dwellings on Palmerston Street represent a two-storey terrace style housing design in that they share a boundary wall. Furthermore, the two-storey dwellings on Palmerston Street, namely the grouped dwelling development at No. 101 Palmerston Street and No. 107 Palmerston Street, both have cantilevered balconies that are located in front of the ground floor main building line.

In light of the above, it is considered that the proposed ground floor and upper floor street setbacks will not have an undue impact on the amenity of the area given the varying streetscape and the fact that there is a large vacant site directly adjacent to the subject property which is likely to be redeveloped with a high density development. It is therefore, recommended that the Council approve the application, subject to standard and appropriate conditions to address the matters raised.

**9.1.3 No. 99 (Lot 2; D/P: 4270) Palmerston Street, Perth - Proposed Construction of Three (3), Three-Storey Grouped Dwellings to Existing Single House – Amended Planning Approval**

<b>Ward:</b>	South	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4867; 5.2011.161.2
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, 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 John Silbert & Associates on behalf of the owner Tripleview Holdings Pty Ltd for Proposed Alterations to Three (3), Three-Storey Approved Grouped Dwellings, at No. 99 (Lot 2; D/P: 4270) Palmerston Street, Perth, and as shown on plans stamp-dated 21 July 2011, 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 Palmerston Street and Robertson Park;
2. 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;
3. First obtaining the consent of the owners of No. 75 Palmerston 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. 75 Palmerston Street, in a good and clean condition;
4. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the City:

**4.1 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;

**4.2 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 reticulation plan shall be drawn to a scale of 1:100 and show the following:

- 4.2.1 The location and type of existing and proposed trees and plants;
- 4.2.2 All vegetation including lawns;
- 4.2.3 Areas to be irrigated or reticulated and such method;

- 4.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 4.2.5 Separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

**4.3 Streets Walls and Fences**

The proposed new street/front wall, fence and gate within the Palmerston Street setback area, including along the side boundaries within this street setback area and fronting onto Robertson Park, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**4.4 Privacy Screening**

**4.4.1 Proposed Unit 2**

- (a) The balcony to the dining room on south-eastern and south-western elevations;
- (b) The balcony to the lounge room on the north-western and south-western elevations;
- (c) The balcony to bedroom 1 on the north-western and south-western elevations; and
- (d) The window to the study on the south-western elevation; and

**4.4.2 Proposed Unit 4**

- (a) The balcony to the dining room on south-eastern and north-eastern elevations;
- (b) The balcony to the lounge room on the north-western and north-eastern elevations;
- (c) The balcony to bedroom 1 on the north-western and north-eastern elevations; and
- (d) The window to the study on the north-eastern elevation,

within the respective cone of visions to the neighbouring lot boundaries, shall be screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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 Licence, 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 75 Palmerston Street and No. 101 Palmerston Street, stating no objections to the respective proposed privacy encroachment;

**4.5 Building Height**

The building wall height to the top of the eaves shall be reduced to a maximum of 9 metres above the natural ground level;

**4.6 Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City prior to the issue of a Building Licence;

**4.7 Design Features**

Additional design features using colour and/or relief shall be incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;

**4.8 Store Room for Existing Dwelling**

A store with a minimum dimension of 1.5 metres and a minimum area of 4 square metres shall be provided for the existing dwelling;

**4.9 Site Management-Archaeological Information**

As the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring; and

**4.10 Engineer Certification**

A Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and

**6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be:**

**6.1 sealed, paved and drained;**

**to the specifications and satisfaction of the City, at the applicant's full expense.**

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Maier, Seconded Cr Burns**

**That the Officer recommendation be approved.**

**Debate ensued.**

**MOTION PUT AND CARRIED (3-2)**

**For: Deputy Mayor Cr Lake, Cr Buckels, Cr Maier**

**Against: Cr Burns, Cr McGrath**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting. Cr Topelberg departed the Chamber at 7.14pm and did not speak or vote on this matter.)

Cr Topelberg returned to the chamber 7.17pm, The Presiding Member, Deputy Mayor Cr Sally Lake advised that the item was carried (3-2).

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**ADVICE NOTE:**

As per advice from the Department of Indigenous Affairs (DIA), the subject property is located within the site 17849 Robertson Park. It is DIA's preference that any development plans are modified to avoid damaging or altering any site. If this is not possible, and in order to avoid committing an offence under the Aboriginal Heritage Act 1972, the landowner should seek the Minister for Indigenous Affairs' prior written consent to use the land. Therefore, the City recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.

<b>Landowner:</b>	Tripleview Holdings Pty Ltd
<b>Applicant:</b>	John L Silbert & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1213 square metres
<b>Access to Right of Way</b>	North-eastern side, 3 metres wide, sealed, privately owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the application is for three (3), three storey grouped dwellings to an existing single house.

**BACKGROUND:**

- 9 June 2010            The Western Australian Planning Commission approved an application for a survey strata subdivision of four lots.
- 13 July 2010           The Council at its Ordinary Meeting conditionally approved an application for proposed three (3), three-storey grouped dwellings to the existing single house.
- 21 December 2010    The Council at its Ordinary Meeting resolved to defer an application for the proposed change of use from single house to lodging house.
- 27 January 2011       The applicant withdrew the application for proposed change of use from single house to lodging house.

**DETAILS:**

The proposal involves amendments to the Planning Approval granted by the Council at its Ordinary Meeting held on 13 July 2010. The extent of the amendments is as follows:

**Ground Floor**

The ground floor plan has not been amended.

**First Floor**

- The shape of the balconies to the dining rooms of units 2 and 4 have slightly changed;
- The balcony to the lounge room (facing Robertson Park) has increased the depth from 2.6 metres to 3.8 metres. Therefore, the rear setback to this balcony has been reduced from 2.8 metres – 3 metres to 2.1 metres – 2.3 metres; and
- Some minor internal changes to the floor plans.

**Second Floor**

- The shape of the balconies to bedroom 1 (facing Robertson Park) have changed;
- The balcony to bedroom 1 of unit 4 wraps around the side of the bedroom to the north;
- The side setbacks to bedroom 2 of unit 2 have reduced from 2.3 metres to 1.1 metres; and
- The side setbacks to bedroom 2 of unit 4 have reduced from 2.6 metres to 1.9 metres.

**Elevations**

- The roof forms have changed from a concealed roof with an overall height of 9.783 metres. The proposed wall height is 9.44 metres, with the top of the pitch for units 2 and 4 being 10.15 metres, and the top of the pitch for unit 3 being 10.6 metres; and
- Some minor changes to the external finishes.

It is noted that the majority of these amendments do not result in any further variations to the City's Policies or the Residential Design Codes; however, the changes that do, are listed in the Non-compliance Table as follows.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	APPROVED PLANS	PROPOSED PLANS
Side and Rear Setbacks: First Floor -North-West (rear) 5.2 metres	2.75 metres – 2.95 metres	2.05 metres – 2.25 metres
Second Floor -South-West (unit 2) 6.1 metres	Nil – 2.5 metres	Nil – 1.7 metres
-North-East (unit 4) 4.75 metres	Nil – 2.5 metres	Nil – 1.9 metres
<b>Officer Comments:</b>		
Supported – The proposed reduction in side setbacks are not considered to have an undue impact on the neighbouring properties, given a right of way is located between on the north-eastern boundary and no objections were received from the owner of the large vacant lot on the south-western boundary.		
<b>Roof Forms:</b> The roof form is to be compatible with the surrounding development.	Concealed (flat) roof proposed.	Pitch roof proposed.
<b>Officer Comments:</b>		
Supported – Pitch roofs are considered to be compatible with the existing streetscape and surrounding development and is therefore not considered to propose a further variation to the City's requirements.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	APPROVED PLANS	PROPOSED PLANS
<p><b>Building Height:</b> The maximum height of a dwelling is to be 2 storeys.</p> <p>The maximum overall height for a concealed roof development is 7 metres above the natural ground level.</p> <p>The maximum wall height is 6 metres above the natural ground level.</p> <p>The maximum pitch height is 9 metres above the natural ground level.</p>	<p>3 storeys.</p> <p>The maximum wall height is 9.783 metres above the natural ground level.</p> <p>N/A</p> <p>N/A</p>	<p>3 storeys</p> <p>N/A</p> <p>The maximum wall height is 9.443 metres above the natural ground level.</p> <p>The maximum pitch height is 10.6 metres above the natural ground level.</p>
<b>Officer Comments:</b>		
<p>Not supported in part – The building wall height requirements for a three-storey building with a pitch roof is 9 metres to the top of the eaves and 12 metres to the top of the pitch and for a concealed roof is 10 metres. Given the previous approval demonstrated a compliant wall height (9.783 metres), a condition has been applied for the wall heights to be reduced to a maximum of 9 metres above the natural ground level.</p>		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (1)	No comments provided.	Noted.
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	<p>The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:</p> <p><i>“Natural and Built Environment</i></p> <p><i>1.1 Improve and maintain the natural and built environment and infrastructure</i></p> <p><i>1.1.2 Enhance and maintain the character and heritage of the City.”</i></p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The proposed amendments to the Planning Approval granted by the Council on 13 July 2010 are generally supported by the City's Officers as they do result in any further undue impacts on the neighbouring properties.

It is noted that the applicant has also submitted an application to demolish the existing house and construct two, two-storey grouped dwellings in its place. This is subject to a separate application that also requires the approval of the Council.

In light of the above, it is recommended that the Council approve the proposed amendments, subject to standard and appropriate conditions to address the above matters.

**9.2.2 Traffic Management Matter – Smith and Curtis Streets, Mount Lawley and Highgate**

<b>Ward:</b>	South	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	Forrest (14)	<b>File Ref:</b>	TES0551
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2848-TC-01 <a href="#">002</a> – Plan No. 2849-TC-01 <a href="#">003</a> – Plan No. 2850-CP-01 <a href="#">004</a> – Plan No. 2851-CP-01		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that;**

1.1 the City’s Integrated Transport, Traffic and Road Safety Advisory Group met on 21 July 2011 to discuss the Traffic Management Matter – Smith and Curtis Streets, Mount Lawley and Highgate;

1.2 historical traffic statistic for both Curtis and Harold Streets are outlined on the attached plan No. 2848-TC-01 and plan No. 2849-TC-01; and

1.3 the Advisory Group recommends that residents in the area bounded by Beaufort, Walcott, Lord and Harold Streets, and Smith Street south of Harold Street, should be consulted regarding the following;

1.3.1 conducting a three (3) month ‘trial’ right turn ban (Walcott into Curtis) using water filled barriers as shown on attached plan No. 2850-CP-01;

1.3.2 conducting a three (3) month ‘trial’ right turn ban (Barlee into Curtis) using water filled barriers and as shown on attached plan No. 2850-CP-01;

1.3.3 to measure the speed, volume and composition of traffic in all of the streets bounded by Beaufort, Walcott, Lord and Harold Streets (and Smith Street south of Harold Street) before, and during the trial;

1.3.4 installation of ‘low profile’ speed humps at the approaches of the two (2) round a bouts at Broome and Lincoln Streets with Smith Street as shown on attached plan No 2851-CP-01; and

1.3.5 consults with residents at the conclusion of the trial prior to reporting back to the Council; and

2. **APPROVES** consultation with residents regarding conducting a trial, in accordance with the actions outlined in clause 1.3.1, 1.3.2, 1.3.3 and 1.3.5 above, as shown on attached plan No. 2850-CP-01, and the installation of traffic calming as outlined in clause 1.3.4 above; and

3. **RECEIVES** a further report at the conclusion of the consultation with regards to clause 2 above.

Cr Topelberg returned to the chamber 7.11pm, The Presiding Member, Deputy Mayor Cr Sally Lake advised that item 9.1.4 was carried (4-1).

Cr Buckels returned to the chamber 7.12pm.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Maier, Seconded Cr Topelberg**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

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**PURPOSE OF REPORT:**

The purpose of this report advise the Council of the outcome of the Integrated Transport, Traffic and Road Safety (ITTRS) Advisory Group meeting held on 21 July 2011 regarding traffic issues in Smith and Curtis Street and make recommendations on possible solutions to address resident concerns.

**BACKGROUND:**

The City received a petition on 13 April 2011 from the residents at 66 Smith Street signed by 57 persons requesting the following:

*"We the undersigned request Council to reduce the volume of traffic in Curtis and Smith Street during morning peak by preventing non local traffic from making turns from Walcott Street into Curtis. We believe the high volumes place at risk children crossing Smith Street to attend the Highgate primary School and pose a hazard to motorists leaving their homes by motor vehicle."*

In addition the residents who signed the petition made the following comments;

- *"We have difficulty turning into Curtis/Smith Street in the mornings at about 8.00am due to the continuous stream of vehicles.*
- *We are concerned for the safety of our children in the street and now have to take our children to school because of vehicle speed and numbers.*
- *Evening vehicle numbers and speed are also of concern.*
- *Vehicles go too fast particularly when negotiating the round-a-bouts, often colliding with the traffic islands. Recently the driver of a vehicle lost control while negotiating the round-a-bout at the intersection of Harold and Smith Streets and collided with the brick fence in front of the Infant Health Centre.*
- *Vehicles are travelling too fast past Forrest Park when soccer practice is held in the evenings which are endangering the lives of children retrieving balls that have gone onto the roadway.*
- *Any "No Turn" restriction from Walcott Street into Curtis Street should only apply from 7:30 to 8.30am.*
- *I am not in favour of conventional solutions so please consider the non-conventional solutions suggested by David Engwicht in his book "Mental Speed Bumps: The smarter way to tame traffic".*

**DETAILS:**

**Integrated Traffic Transport and Road Safety Advisory Group meeting - 21 July 2011**

Smith and Curtis Street traffic was discussed at this meeting. Two (2) community representatives attended the meeting and outlined their concerns regarding traffic in these streets.

The Group was advised that Smith Street (Bulwer Street to Harold Street) is classified as a local distributor in accordance Metropolitan Functional Road Hierarchy (MFRH) and can carry up to 6,000 vehicles per day. Curtis Street on the other hand is classified as an access road with a desirable maximum daily traffic volume of 3,000 vehicles per day.

**Smith Street Traffic Statistics:**

As can be seen from the following table both the traffic speeds and the traffic volumes in Smith Street have stayed fairly constant since 1999. The maximum recorded 85% speed is 52 kph and the daily traffic volume is around the 3,000 vehicles per day mark. This indicates that the road functions within its classification.

Year	Bulwer to Lincoln				Lincoln to Broome				Broome to Harold			
	85%	Ave	AWT	% com	85%	Ave	AWT	% com	85%	Ave	AWT	% com
1999	51.0	42.9	3,909	1.28								
2001	47.0	39.0	2,961	2.25								
2002	50.0	43.8	2,607	2.22	52.0	42.2	2,407	5.71				
2003					52.0	44.0	2,785	0.85	52.0	43.7	2,201	0.87
2004												
2006	49.3	42.7	3,501	1.52	50.8	42.6	2,994	1.04	52.2	45.0	2,439	0.67
2007									51.5	44.1	2,022	1.06
2010	49.3	42.0	3,468	1.50	50.4	41.5	2,837	1.50	51.5	44.1	2,548	0.90

**Curtis Street Traffic Statistics:**

As can be seen from the following table both the traffic speeds and the traffic volumes in Curtis Street have remained fairly constant since 2001. The maximum recorded 85% speed is just over 52 kph and the daily traffic volume is around the 3,000 vehicles per day mark. This indicates that the road functions at the maximum desirable level, if not just slightly over its classification.

The main point of difference between the two streets is that Smith Street comprises a 20.0m wide road reserve and a 10.0m wide carriageway (and it is classified as a Local Distributor). Curtis Street on the other hand comprises a 10.0m wide road reserve with a 6.8m wide carriageway (and it is classified as an access road).

Year	Harold to Barlee				Barlee to Walcott			
	85%	Ave	AWT	% com	85%	Ave	AWT	% com
1999								
2001	49.0	37.0	3,299	1.18	41.0	33.3	3,135	1.80
2002					50.0	40.2	2,898	0.91
2003	46.0	36.8	2,833	0.83				
2004	49.0	37.8	2,831	0.81	40.0	34.1	2,808	0.78
2006	52.2	45.0	2,439	0.67	49.3	41.1	2,852	1.03
2007	49.0	39.0	3,155	1.21	49.0	41.1	2,962	0.90
2010	48.2	38.9	3,191	0.90	47.2	39.9	3,061	1.10

**Peak Hour Volumes:**

While the daily traffic volumes in Smith Street are acceptable, as mentioned above, *'the road functions at the maximum desirable level, if not just slightly over its classification'*.

The petitioners requested that the Council *'reduce the volume of traffic in Curtis and Smith Street during morning peak'*.

The following tables indicate the peak hour flows in both Curtis Street and Smith Street.

Year	Curtis Street	
	AM Peak Hour Flow -vehicles per hour (vph)	PM Peak Hour Flow - vehicles per hour (vph)
2001	424	321
2002	375	315
2004	442	297
2006	460	329
2007	473	356
2010	500	344
<b>Average</b>	<b>446</b>	<b>327</b>
	Smith Street (Harold to Broome)	
2003	333	234
2006	374	244
2007	307	209
2011	453	288
<b>Average</b>	<b>367</b>	<b>244</b>

As can be seen for the above data the average morning peak period traffic flow is higher in both Curtis and Smith Streets than the PM peak traffic flow.

In Curtis Street the average is 446 vph (maximum of 500 vph) while in Smith its 367 vehicles per hour (maximum of 453 vph).

There is anecdotal evidence that a large number of vehicles turn right from Walcott Street into Curtis Street in the morning peak period to avoid Lord Street and possibly due to the right turn morning peak period ban east bound Walcott into Beaufort Street.

**Accident Statistics:**

Several years ago the right turn Curtis Street into Walcott Street was banned. Currently the predominant accident type is ten (10) rear end accidents, over a five (5) year period, to vehicles stopped on Walcott Street wishing to turn right into Curtis Street. The other recorded accidents in other locations along Smith and Curtis Streets are negligible.

**ITTRS Advisory Group conclusions and suggested way forward:**

The group considered that the AM peak flow in Curtis Street (a narrow access road) is excessive, (maximum recorded 500 vph).

Concerns were raised about vehicles during the AM peak period not slowing down at the two round a bouts (at Broome and Lincoln with Smith Street) making it difficult to cross Smith Street during school drop off time.

The group therefore agreed that the following proposed actions will be recommended to the Council.

- Consult with residents in the area bounded by Beaufort, Walcott, Lord and Harold Street regarding the implementation of the following:
  - A three (3) month 'trial' right turn ban (Walcott into Curtis) using water filled barriers (plan 2850-CP-01),
  - A three (3) month 'trial' right turn ban (Barlee into Curtis) using water filled barriers (plan 2850-CP-01),
  - Measure the speed, volume and composition of traffic in all of the street the streets bounded by Beaufort, Walcott, Lord and Harold Street (and Smith Street south of Harold Street) before, and during the trial,
  - Suggested 'low profile' speed humps to the approaches of the at the two (2) round a bouts (at Broome and Lincoln with Smith Street),
  - Again consults with residents at the conclusion of the trial prior to reporting back to the Council.

**CONSULTATION/ADVERTISING:**

As mentioned above residents will be consulted regarding the proposal.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Residents are concerned regarding the volume of traffic in Curtis Street during the AM peak flow and safety issues when crossing Smith Street.

**STRATEGIC IMPLICATIONS:**

The *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 Cities infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

Improve safety for road users.

**FINANCIAL/BUDGET IMPLICATIONS:**

If a trial is approved this would cost in the order of \$1,000.

**COMMENTS:**

As indicated in the report the Integrated Transport, Traffic and Road Safety (ITTRS) Advisory Group met on 21 July 2011 to discuss traffic issues in Smith and Curtis Streets and to make recommendations on possible solutions to address resident concerns.

The outcomes of the meeting and the suggested way forward have been included in this report with a recommendation to Council.

**9.1.1 Further Report – Amendment No. 72 to Planning and Building Policy Manual - Draft Amended Policy No. 3.4.8 Relating to Multiple Dwellings**

<b>Ward:</b>	Both	<b>Date:</b>	27 July 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0213
<b>Attachments:</b>	<a href="#">001</a> – Amended Policy		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.1, resulting from the advertised version having been further reviewed;
2. **ADOPTS** the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Appendix 9.1.1 in accordance with Clause 47(5)(b) of the City's Town Planning Scheme No. 1; and
3. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.1, in accordance with Clause 47 (6) of the City's Town Planning Scheme No. 1.

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Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted:

Debate ensued.

**AMENDMENT No. 1.**

Moved Cr Maier, Seconded Cr Topelberg

That the wording on page nine (9) of the policy will be amended to include:

“The neighbourhood Context Report is to be included with the Development Application and will be made available on the website to interested parties during any consultation period and is to comprise the following information...”

Debate ensued.

**AMENDMENT No.1 PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

Debate ensued.

**AMENDMENT No. 2.**

Moved Cr Maier, Seconded Cr Topelberg

That the wording in Section 8 (b) on page fourteen (9) of the policy will be amended as follows:

**“Apply the Green Building Council of Australia’s Green Star Rating System to achieve a ~~four~~five star rating or higher.**

Debate ensued.

**AMENDMENT No. 2 PUT AND CARRIED (4-2)**

**For:** Deputy Mayor Cr Lake, Cr Buckels, Cr Maier, Cr McGrath  
**Against:** Cr Burns, Cr Topelberg

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

Debate ensued.

**AMENDMENT No. 3.**

**Moved Cr Maier, Seconded Cr Buckels**

**That clause 8) (ii) (d) be deleted**

**AMENDMENT No. 3 PUT AND CARRIED (4-2)**

**For:** Deputy Mayor Cr Lake, Cr Buckels, Cr Maier, Cr McGrath  
**Against:** Cr Burns, Cr Topelberg

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**AMENDMENT No. 4.**

**Moved Cr Topelberg, Seconded Cr Maier**

**REQUESTS the Chief Executive Officer to hold a workshop for members of the community to explain the provisions of the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings.**

**AMENDMENT No. 4 PUT AND CARRIED (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**REASONS FOR SIGNIFICANT CHANGES TO THE OFFICER RECOMMENDATION:**

- 1. Applicants will need to demonstrate that the development is of an exceptional nature to achieve variations to the building height requirements; and**
- 2. For the 5 Star Green Star rating to be recognised as “Australian and Local Excellence” and ensure that the Policy is compatible with recent sustainability developments and initiatives for residential development.**

**COUNCIL DECISION ITEM 9.1.1**

That the Council;

1. **RECEIVES** the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.1, resulting from the advertised version having been further reviewed;
2. **ADOPTS** the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Appendix 9.1.1 in accordance with Clause 47(5)(b) of the City's Town Planning Scheme No. 1 subject to the following changes;
  - 2.1 "The Neighbourhood Context Report is to be included with the Development Application and will be made available on the City's website to interested parties during any consultation period and is to comprise the following information" ;
  - 2.2 "Apply the Green Building Council of Australia's Green Star Rating System to achieve a five star rating or higher;
  - 2.3 That clause 8) (ii) (d) be deleted;
3. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.1, in accordance with Clause 47 (6) of the City's Town Planning Scheme No. 1; and
4. **REQUESTS** the Chief Executive Officer to hold a workshop for members of the community to explain the provisions of the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings.

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**FURTHER REPORT:**

The Council considered an initial report concerning the Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings at its Ordinary Meeting held on 24 May 2011, and resolved as follows:

*"That the item be DEFERRED to the Council Forum to be held on 21 June 2011."*

In light of the above resolution, the matter was presented by the City's Officers at the Council Member Forum held on 21 June 2011. The presentation provided an overview of the consultation outcomes, the major changes to the Policy and some proposed recommendations by the Officers.

Since consideration of the Policy at the Ordinary Meeting held on 24 May 2011, the Officers have reconsidered a number of aspects of the Policy where concern was raised by both the Council Members and the community. The major changes to the Policy and the rationale behind the changes are discussed individually below. Some additional queries were raised by the Councillors which are also outlined below, followed by an Officer comment.

**Design**

Initially the City's Officers were of the opinion that many of the design elements of multiple dwellings could be covered by the Residential Design Codes (R-Codes) and the associated Explanatory Guidelines. Further consideration has been given to this by the Officers and whilst there are some details in the R-Codes, some additional guidance has been given as to how the design elements of a building can help to reduce the overall impact of a multiple dwelling. As a result, the objectives relating to facilitating good design have been maintained.

In addition, the creation of the City's Design Advisory Committee (DAC) by the Council will also contribute to achieving better design outcomes for multiple dwellings. Amendments have been made to the Policy to ensure developments that are requesting greater heights above the R-Codes should be considered by the City's DAC.

### **Multiple Dwellings within the Residential Zone/Strategic Development Sites**

Multiple dwellings not located on a major road are to be restricted to a height limit of two (2) storeys. This is considered important to maintain the residential character and amenity of the City's streets. However, it is noted that some sites not located along major roads are considered to have the potential to be developed to heights greater than 2 storeys; for example, the Saint Marks School and the former Pacific Motel site. As a result, the inclusion of a new clause 7 has been added to the Policy to address strategic development sites.

The Policy outlines the objectives of a strategic development site, and what characteristics make it identifiable. If the site is considered to be a strategic development site, greater heights may be considered by the Council following the application of clause 8 – Variations to Requirements. The strategic development criteria have been based on the Draft Precinct Policies for the proposed Town Planning Scheme No. 2.

### **Multiple Dwellings along Major Roads and Heights Permitted**

The major roads listed in the Policy have been selected where the original building stock has been eroded and which are frequented by public transport. When advertised, Bulwer Street was not listed as a major road. Given the street's character, it is considered appropriate that it not be listed as a major road. In addition, following the consultation, further consideration was given to London Street. It was also considered appropriate to remove London Street as a major road, given its low density and the Council's continual support for lower zonings evident through various 'Former Eton Locality' Scheme Amendments.

On 22 November 2010, the Western Australian Planning Commission (WAPC) gazetted changes to the R-Codes which saw the implementation of the multi unit housing code. The multi unit housing code prescribed a recommended height based on different zonings. Following the consultation of the City's Policy No. 3.4.8 relating to Multiple Dwellings, it was noted that many of the heights prescribed by the City were in excess of those permitted under the R-Codes. The issue of height was a concern raised on a number of occasions during and following the consultation. Whilst it is acknowledged that Local Governments have the ability to vary heights, it is considered appropriate that the heights prescribed in the R-Codes be considered as the maximum building height. Not only will this aim to address the concern raised by the community, the heights prescribed in the R-Codes are considered to be appropriate for the zoning and associated plot ratio and provides a more streamlined approach.

During the consultation there were also a number of issues raised in relation to privacy and overlooking. Whilst the City does not have the ability to vary these requirements under the R-Codes, the City can vary the heights. As a result, a new clause 4 (iii) has been added to the Policy to ensure that heights to the adjoining properties at the rear are maintained at two (2) storeys. It is also recommended that staggering mechanisms are implemented and the bulk of the development is to be located away from adjacent properties, to ensure that the impact of the multiple dwelling developments on the adjoining property is minimised.

### **Variations to Requirements**

It was noted by the Councillors that whilst they have the ability to consider variations through the application of Clause 40 of the Town Planning Scheme No. 1, developments that are receiving a bonus in height should have to provide a benefit to the community. The Officers have given due consideration to this and have developed criteria to address this. The mandatory criteria of clause 8 (i) of the Policy, which addresses aspects such as site area, design, overshadowing, car parking and sustainable design, must be met in the first instance

for developments to be considered for greater height. It is also recommended that the development be considered by the City's Design Advisory Committee to ensure it contributes to the locality's character and a good design outcome is achieved. Whilst the Committee is yet to be established, the advice provided will be highly beneficial to the City to ensure well designed developments. Clause 8 (ii) of the Policy then lists a number of options which the developer can apply to the site in order to gain the height increase. Each of these is discussed individually below.

#### Affordable Housing

The provision of affordable housing is considered an important issue to address. Whilst the City has an Affordable Housing Strategy, to properly provide affordable housing, the City would need to investigate the development of partnerships and programs to ensure the development remains affordable in perpetuity; for example, the affordable housing program developed by the East Perth Redevelopment Authority. Given this information has not been thoroughly considered by the City, to date, no specific criteria have been developed for the Policy; however, should the developer wish to consider this option, they are to enter into partnership agreements with Department of Housing and/or housing service providers.

In addition, it is noted that Foundation Housing made a presentation to the Council at the Council Member Forum held on 19 July 2011. The presentation provided an overview on how Foundation Housing operates, its key goals and objectives and examples of projects and opportunities for working with Local Government. The City has been provided with some contacts at Foundation Housing, as well as an interstate contact, to assist in the City's investigations for affordable housing provision. The City will continue to investigate this as part of the Town Planning Scheme review.

#### Sustainable Development

To achieve a bonus in height for sustainable design, the development must apply the Green Building Council of Australia's Green Star Rating System to achieve a four star rating or higher. It is acknowledged that not all of the City's Officers will have the expertise to assess the development to ensure sustainable design elements have been met; therefore, a report, prepared by a recognised practitioner, must be submitted with the development application to outline the sustainable elements of the development.

#### Adaptive Reuse of Heritage Listed Building

An increase in height may be permitted where a heritage listed building is being conserved. In this instance, the City's Policies relating to heritage management should be adhered to and interpretive material should be included in the development to recognise the heritage significance.

#### Regional Accommodation Benefit

To ensure that the City caters for all forms of accommodation, an option for providing accommodation with a regional benefit has been included. This covers accommodation types such as short term, student accommodation and accommodation for tourists such as hotels, motels, bed and breakfasts. These types of accommodation benefit not only the City but the wider community. These types of developments should be within close proximity to services, facilities and public transport.

#### Provision of Public Space

Development of a large nature can often be dominated by hard surfaces and materials. Soft open spaces can often reduce the impact of this by creating a transition between the street and the development. Therefore, greater height may be achieved through the ceding of land to the City for public open space. This could be through the provision of pocket parks, community gardens, and pedestrian walkways, etcetera. The spaces must be of an appropriate size to ensure that maintenance is practical. The space must be clearly

distinguishable from the main development. Given that the land will be ceded to the City, the City will be responsible for the care, control and management of public open space ceded to the City; however, alternative arrangements will be made for 'community gardens'.

#### Queries from Council Members

1. Remove the definition of multiple dwellings to be consistent with the R-Codes, particularly given that the definition of a multiple dwelling in the proposed amended R-Codes has a change to say that a 'substantial' part of a dwelling is vertically above part of any other dwelling, therefore this should be sufficient.

Officer Comment:

*Whilst consistency with the R-Codes is essential, from a practical sense, when enquiries are received in relation to what is considered 'substantial', it is useful to have a quantitative measure to provide to the applicant. This also ensures that the advice given by the City's Officers is consistent. Therefore, it is considered necessary to maintain the current definition which quantifies 50% overlapping.*

*In addition to the above, advice from the Department of Planning states that it is only the first floor that is considered as part of the overlapping and where there is a common parking area located on the ground floor, which is not exclusive to any of the dwellings, it can be considered as part of the multiple dwelling. This is consistent with the approach taken by the City's Officers.*

2. Some non major roads may be able to accommodate greater height; for example, in R60 or R80 areas. There could be scope to have additional streets which allow heights of three storeys (for example, Bulwer Street and parts of Vincent Street).

Officer Comment:

*To determine which streets are appropriate for 3 storey development would involve undertaking an entire survey of the City taking into consideration factors such as zoning, lot size, topography, orientation and character. The City currently does not have the capacity to undertake such a task. Maintaining the 2 storey height limit within residential streets is the mechanism used to protect the character of the residential streets, particularly as the City does not have any heritage or character areas or a streetscape Policy. To include a blanket clause, even with development criteria, to allow for greater heights may result in developments that are not in keeping with the existing character. This could then set a precedence for other forms of development in that street.*

*A clause relating to strategic development sites has been included in the Policy and can be used to justify greater heights along non major roads, where certain criteria are met and the site is of a minimum area. This can then be used to allow for greater heights in areas such as the St Marks site, along Harold Street and the properties along the northern side of Cowle Street. The City generally has smaller lot sizes and it would be detrimental to the character and surrounding residential amenity to allow for developments of greater height on small lots. The Policy currently states that a minimum of 1000m<sup>2</sup> would be required to be considered as a strategic development site. It is acknowledged that few sites within the City would meet this without amalgamating at least 3 lots. Therefore, it could be considered appropriate to reduce the site area to 800m<sup>2</sup>.*

Officer comment continued:

*It is acknowledged that in some areas, the City's zonings are considerably high in relation to the form of development on the ground. However, the City would be reluctant to decrease zonings of these properties, and has not recommended any decrease in zoning as part of the review of the Town Planning Scheme. Therefore, the City has maintained the position that in residential areas, the heights should be limited to 2 storeys. In addition, maintaining the restriction relating to multiple dwellings within the portions of the Cleaver and Hyde Park Precincts, further demonstrates the City's desire to maintain character areas.*

*Bulwer Street was removed as a major road following a decision made by the Council at its Ordinary Meeting held on 9 March 2010 in relation to Scheme Amendment No. 25 relating to no multiple dwellings. Bulwer Street exhibits a character which the City would like to maintain therefore, the heights have been limited to 2 storeys. Greater heights can be considered in the commercial and mixed use areas of Bulwer Street.*

*In terms of Vincent Street, the area where there is currently a 2 storey limit, has a zoning of R40 which in accordance with the R-Codes has a height limit of 2 storeys. In fact, the majority of the northern side of Vincent Street between Alfonso Street and Beaufort Street is zoned R40; therefore, in accordance with the R-Codes would be 2 storeys. In addition multiple dwellings are not permitted in the R80 portion on the southern side of Vincent Street between Fitzgerald Street and Beaufort Street, in accordance with Clause 20(4)(e)(i) of the Town Planning Scheme.*

3. Plot ratio should be included in clause 8 'variations to requirements'.

Officer Comment:

*Plot ratio is being considered in a separate report to address the Notice of Motion proposed on 12 July 2011. However it is noted that the R-Codes do not provide the flexibility to allow a blanket variation to plot ratio unless listed in the Scheme. Plot ratio can be varied on a case by case basis through a performance based assessment.*

4. Where variations in height are being considered, the development should be reviewed by the City's Design Advisory Committee.

Officer Comment:

*It is agreed that to ensure a good design outcome, the development should be reviewed and commented on by the Design Advisory Committee.*

5. Sustainable design should be a mandatory requirement, and bonuses only provided to developments that exhibit outstanding sustainable design.

Officer Comment:

*It is agreed that where a development is being granted a bonus in height, it should be of a sustainable nature. Therefore, sustainable design is considered to be a mandatory requirement and additional height will be granted where the development applied the Green Building Council of Australia's Green Star Rating System to achieve a four star rating or higher.*

**COMMENTS:**

In light of the above, it is recommended that the Council support the Officer Recommendation to adopt the final amended version of Policy No. 3.4.8 relating to Multiple Dwellings.

The Item 9.1.1 placed before the Council at its Ordinary Meeting held on 24 May 2011 is available on the City's website and can be viewed from the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.5 No. 666 (Lot 1; D/P: 541) Newcastle Street, corner Carr Place, Leederville – Proposed Increase in Patronage and Alteration and Additions Including Signage, to Existing Unlisted Use (Small Bar)**

<b>Ward:</b>	South	<b>Date:</b>	27 July 2011
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0984; 5.2011.237.1
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, 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 B Cole on behalf of the owner Lavenda Pty Ltd and A & E Percudani for proposed Increase in Patronage and Alteration and Additions Including Signage, to Existing Unlisted Use (Small Bar), at No. 666 (Lot 1; D/P: 541) Newcastle Street, Leederville, and as shown on plans stamp-dated 16 May 2011, 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 Newcastle Street and Carr Place;
2. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;
3. The doors, windows and adjacent floor areas on the ground floor to Newcastle Street and Carr Place shall maintain an active and interactive relationship with these streets;
4. The maximum number of patrons to occupy the small bar at any one time shall be 115 persons and is subject to final approval by the City's Health Services in accordance with the Health (Public Buildings) Regulations 1992;
5. Packaged liquor shall not be sold at the premises for take-away purposes;
6. The venue management is encouraged to participate at Vincent Accord meetings and compliant with the Accord's strategies. In particular, display of the Vincent Accord Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details);
7. The Alfresco Dining Area that is located outside of the subject property, is not included in this application and subject to a separate application that is to be submitted to and determined by the City's Ranger and Community Safety Services Section; and
8. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

**8.1 Alfresco Dining Area**

- 8.1.1 The proposed wrought iron fence barrier does not form part of this approval and shall be removed from the plans; and

8.1.2 The proposed levelling of the pavement area does not form part of this approval and is subject to the final approval of the City's Technical Services and at the cost of the owner and/or applicant; and

8.2 Acoustic Report

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

8.3 Venue Management Plan

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection, litter associated with the development and any other appropriate matters; and

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

9.1 Residential Car Parking

Three (3) car parking spaces shall be provided for the residential component of the development, and clearly marked and signposted for the exclusive use of the residents of the development.

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COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Cr Burns departed the chamber at 7.02pm

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (5-0)

(Cr Burns was absent from the Chamber and did not vote on this matter. Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

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<b>Landowner:</b>	Lavenda Pty Ltd & A & E Percudani
<b>Applicant:</b>	B Cole
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Unlisted Use (Small Bar)
<b>Use Class:</b>	Unlisted Use (Small Bar)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	405 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the City's Officers do not have delegation to determine applications for unlisted uses.

**BACKGROUND:**

21 November 2000      The Council at its Ordinary Meeting resolved to conditionally approve an application for the construction of a three-storey mixed use development comprising of a eating house on the ground floor, offices on the first floor and three multiple dwellings on the second floor.

23 January 2009      The Acting Chief Executive Officer (during the Council recess period) resolved to approve an application for the change of use from eating house to unlisted use (small bar), subject to a maximum of 90 patrons.

**DETAILS:**

The proposal involves alterations and additions to the existing unlisted use (small bar), which results in a proposed increase in the number of patronage. The alterations and additions to the existing small bar include the following:

- Internal alterations to the kitchen, store room and bar area;
- Changes to the layout of the booth seating and dining tables;
- The addition of an outdoor alfresco area which is proposed to be separated from the footpath by permanent wrought iron fencing;
- The addition of a canvas awning over the proposed outdoor alfresco area; and
- Alterations to the existing signage.

The proposed new fit out for the small bar will result in an internal public floor area of 84.3 square metres and a total outdoor area of 39.04 square metres. It is noted that of this 39.04 square metres, 13.7 square metres is within the lot, and the remaining 25.34 square metres is outside the lot and on the footpath. The total public floor area within the lot is 98 square metres.

The Public Building Regulations determine that there can be 1 person per 0.85 square metres of public floor area. For the purpose of calculating the allowable number of patrons, only the areas within the lot can be used. Based on the figures provided and detailed in the submitted plans, the maximum number of patrons would be 115.

**COMPLIANCE:**

**Car Parking**

A site inspection of the property revealed that only a portion of the ground floor is being used as a small bar and the remainder (96 square metres) is being used as an office. Due to this, it is difficult to apply the approved car parking shortfall from 21 November 2000 to this application, as the car parking calculation differs. Furthermore, the previous car parking

calculation included the residential dwellings and also applied the adjustment factors to the residential use, which is not allowed in the current Parking and Access Policy. These adjustment factors that were applied in the original application are also different to the current requirements.

Given the discrepancies in the car parking requirements and the different uses that exist on site, it is recommended that new car parking calculations, based on the current Parking and Access Policy be applied for the site.

It is noted that there are eight car bays on-site; however, based on the current requirements; three of those car bays should be allocated to the three multiple dwellings. Therefore, there are five car bays for the commercial component.

Original Car Parking Calculation:

<b>Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Eating House – 1 bay per 4.5 square metres of public floor area Public Floor Area = 185.7 square metres (<b>requires 41.27 car bays</b>)</li> <li>• Office – 1 bay per 50 square metres of gross floor area Gross Floor Area = 293 square metres (requires 5.86 car bays)</li> </ul> <b>Total car bays required = 47.13 car bays</b>	= 47 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.80 (within 400 metres of a rail station)</li> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>• 0.90 (within a District Centre zone)</li> </ul>	(0.5202)  = 24.45 car bays
Minus the car parking provided on-site	5 car bays
Minus the approved on-site car parking shortfall.	NA
<b>Resultant shortfall</b>	<b>19.45 car bays</b>

Proposed Car Parking Calculation:

<b>Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Small Bar – 1 bay per 4.5 persons approved Number of Persons Approved = 115 (<b>requires 25.56 car bays</b>)</li> <li>• Office – 1 bay per 50 square metres of gross floor area Gross Floor Area = 389 square metres (<b>requires 7.78 car bays</b>)</li> </ul> <b>Total car bays required = 33.34 car bays</b>	= 33 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.80 (within 400 metres of a rail station)</li> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>• 0.90 (within a District Centre zone)</li> </ul>	(0.5202)  = 17.17 car bays
Minus the car parking provided on-site	5 car bays
Minus the approved on-site car parking shortfall.	19.45 car bays
<b>Resultant surplus</b>	<b>7.28 car bays</b>

It is noted from the above tables, that due to the significant decrease in the size of the eating house, which became 96 square metres of office, the car parking calculation is significantly reduced as it is considered that the office use is less intensive than the eating house use.

A condition has been applied to ensure that three of the eight car bays are marked for the residential component and five remaining car bays are for the commercial component.

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (1)	<i>"There are enough bars in Leederville for people to patronize, no need to increase the numbers to accommodate more people."</i>	Not Supported – Refer to comments below.
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Technical Services**

The City's Director Technical Services has advised that the City will not be supporting the proposed wrought iron screening around the proposed alfresco area as proposed in the plan, as this is a permanent structure located on Council land. The City will however support the use of a removable barrier that will be removed each night following the closure of the bar.

Furthermore, the proposed elevations indicate that the applicant intends to level out the sloping footpath, by adding a small retaining wall, upon which the wrought iron would be above. This is also not supported by the City's Officers and does not form part of the consideration of the proposed small bar alterations.

**Health Services**

The City's Health Services have advised that given the internal public floor area of 84.3 square metres and the external public floor area (within the lot) of 13.7 square metres, a total of 115 persons may be permitted at the site. However, it is noted that the plans illustrate only 1 entry and exit door, which according to the Building Codes of Australia, would only be sufficient for a maximum of 50 persons. Given this is a requirement of the Building Code of Australia, the applicant will be required to provide one other entry/exit door in order to be able to utilise the maximum number (115 persons) of patrons allowed.

**Planning Services**

The subject lot is located within the Entertainment Precinct of the Leederville Masterplan Town Centre Design Guidelines. The proposal is considered to contribute to the intent of the Leederville Town Centre area in that it provides an open alfresco area which is vibrant, active and adds atmosphere to the area.

In light of the above comments from Technical Services and Health Services and regarding the on-site car parking, it is recommended that the application be approved subject to the standard and appropriate conditions. It is reiterated that the use of the alfresco outside of the subject lot, does not form part of this approval and a separate application to Ranger Services is required.

**9.1.2 Investigation of Scheme and/or Policy Provisions that Limit the Extent of Plot Ratio Bonuses**

<b>Ward:</b>	Both	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that at this point in time it is not considered necessary to include Scheme and/or Policy provisions relating to plot ratio variations due to the following reasons:
  - 1.1 the City is in the process of the final stages of reviewing its Town Planning Scheme and new Scheme Amendments will further delay the review;
  - 1.2 new provisions can be investigated as part of the Town Planning Scheme review, such as including requirements in clause 5.3 – Special Application of the Residential Design Codes and the City’s proposed Precinct Policies;
  - 1.3 building heights are the main control for building scale adopted as standard practice at the City; therefore, variations to heights will require further investigation, prior to introducing variation to plot ratio; and
  - 1.4 more direction on providing bonuses for building height variation is being included in the City’s amended Multiple Dwellings Policy No. 3.4.8 based on the principles of plot ratio variation provisions in the City of Perth Bonus Plot Ratio Policy; and
2. **AUTHORISES** the Chief Executive Officer to investigate the review of the Precinct Policies No. 3.1.4 – Oxford Centre Precinct, No. 3.1.6 - Smith’s Lake Precinct, No. 3.1.7 - Charles Centre Precinct and No. 3.1.13 – Beaufort Precinct, to ensure plot ratio requirements are consistent with the Residential Design Codes.

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Cr Burns returned to the Chamber at 7.05pm.

**Moved Cr Maier, Seconded Cr Topelberg**

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

**Moved Cr Maier, Seconded Cr Topelberg**

That a new clause 3 be added as follows;

“That the Council;

...

3. **NOTES** that as part of the preparation of Draft Town Planning Scheme No. 2, the following matters will be investigated;

- 3.1 Review the zonings to reflect the desired scale of developments and to be consistent with the heights outlined in Table 4 of the Residential Design Codes;**
- 3.2 Include a clause in the Draft Town Planning Scheme No. 2 limiting the extent of plot ratio bonuses to 20%;**
- 3.3 Develop a Policy that provides guidance on plot ratio bonuses;**
- 3.4 Requests that the Policy referred to in clause 3.3 above includes provisions relating to, but not limited to, the following community benefits where a plot ratio bonus is supportable:**
- 3.4.1 the provision of public space, pedestrian facilities or public facilities such as public toilets; and/or**
- 3.4.2 the conservation of heritage places; and**
- 3.5 That the City of Perth's City Planning Scheme clause and related Bonus Plot Ratio Policy, and any other suitable document, be used as a guide for developing the City's Town Planning Scheme clause and related Policy referred to in clausd 3.2, 3.3 and 3.4 above."**

Debate ensued.

Cr Topelberg requested that clause 3.2 be changed by deleting the words "to 20%". The Mover, Cr Maier and Seconder, Cr Buckels agreed.

**AMENDMENT PUT AND CARRIED (6-0)**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.2.**

"That the Council;

1. NOTES that at this point in time it is not considered necessary to include Scheme and/or Policy provisions relating to plot ratio variations due to the following reasons:
  - 1.1 the City is in the process of the final stages of reviewing its Town Planning Scheme and new Scheme Amendments will further delay the review;
  - 1.2 new provisions can be investigated as part of the Town Planning Scheme review, such as including requirements in clause 5.3 – Special Application of the Residential Design Codes and the City's proposed Precinct Policies;
  - 1.3 building heights are the main control for building scale adopted as standard practice at the City; therefore, variations to heights will require further investigation, prior to introducing variation to plot ratio; and

- 1.4 more direction on providing bonuses for building height variation is being included in the City's amended Multiple Dwellings Policy No. 3.4.8 based on the principles of plot ratio variation provisions in the City of Perth Bonus Plot Ratio Policy;
2. **AUTHORISES** the Chief Executive Officer to investigate the review of the Precinct Policies No. 3.1.4 – Oxford Centre Precinct, No. 3.1.6 - Smith's Lake Precinct, No. 3.1.7 - Charles Centre Precinct and No. 3.1.13 – Beaufort Precinct, to ensure plot ratio requirements are consistent with the Residential Design Codes; and
3. **NOTES** that as part of the preparation of Draft Town Planning Scheme No. 2, the following matters will be investigated;
  - 3.1 Review the zonings to reflect the desired scale of developments and to be consistent with the heights outlined in Table 4 of the Residential Design Codes;
  - 3.2 Include a clause in the Draft Town Planning Scheme No. 2 limiting the extent of plot ratio bonuses;
  - 3.3 Develop a Policy that provides guidance on plot ratio bonuses;
  - 3.4 Requests that the Policy referred to in clause 3.3 above includes provisions relating to, but not limited to, the following community benefits where a plot ratio bonus is supportable:
    - 3.4.1 the provision of public space, pedestrian facilities or public facilities such as public toilets; and/or
    - 3.4.2 the conservation of heritage places; and
  - 3.5 That the City of Perth's City Planning Scheme clause and related Bonus Plot Ratio Policy, and any other suitable document, be used as a guide for developing the City's Town Planning Scheme clause and related Policy referred to in clauseds 3.2, 3.3 and 3.4 above."

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#### **PURPOSE OF REPORT:**

The purpose of this report is to investigate the implications of adopting a Policy or Scheme provisions that limit the extent of plot ratio bonuses.

#### **BACKGROUND:**

12 July 2011 A Notice of Motion was proposed, requesting the following;

*'the Chief Executive Officer to investigate and provide a report on the implications of adopting a clause or clauses similar to Clauses 27 and 28 of the City of Perth City Planning Scheme Number 2, and a policy similar to City of Perth Policy 4.6.1 - Bonus Plot Ratio Policy, which limits the extent of plot ratio bonuses and requires applicants to justify any such bonus, as shown in Item 10.1, as attached; ...'*

#### **DETAILS:**

A Notice of Motion was proposed on 12 July 2011 to investigate the implications of adopting a Policy or Scheme provision which would limit the extent of plot ratio bonuses. The City currently has no framework to allow the consideration of plot ratio variations. In order to investigate this, the Officers have reviewed other local government Scheme provisions,

reviewed the City's current Policies, and discussed the matter with the Department of Planning and the City's Statutory Officers. Details of the investigations are outlined below.

### Other Local Governments

Research of other local governments has been undertaken as shown in the table below.

Local Government	Summary of Criteria
City of Perth Scheme No. 2	The City of Perth Scheme may permit a maximum plot ratio bonus of 20% where a development conserves or enhances a place worthy of retention or includes a community amenity or facility that contributes significantly to the improvement of amenities in the Scheme area.
City of Perth – 4.6.1 Bonus Plot Ratio Policy	This Policy provides a mechanism that permits the City to allow bonus plot ratio in return for the provision of identified public benefits. The facilities that are eligible for bonus plot ratio each contain essential criteria and performance guidelines. The types of facilities include; <ul style="list-style-type: none"> <li>(a) Provision of public space including plazas, courts, public squares, pedestrian 'retreats' and parks on private land for public use.</li> <li>(b) Provision of pedestrian facilities such as pedestrian paths, walkways, arcades, tunnels and bridges on private land.</li> <li>(c) Conservation of Heritage Places and Heritage Areas.</li> <li>(d) Provision of Specific Facilities on Private Land (for example, Public toilets, change rooms, public pre-school/child care facilities, cultural facilities, etc).</li> <li>(e) Public View Consideration where design features will preserve or reveal an important view corridor to the Swan River or identified landmarks.</li> </ul>
City of Subiaco – Town Planning Scheme No. 4	The City of Subiaco Scheme provides plot ratio requirements for the different zones within the City. It allows an increase in plot ratio where a mixed-use development comprising residential uses is proposed; however, a plot ratio is still prescribed. However, this provides that in any development not more than 25% of the excess relevant floor space will be used for non-residential purposes.
City of Stirling – Local Planning Scheme No. 3	The City of Stirling Scheme contains provisions which allow an increase in the maximum plot ratio in certain Development Zones, subject to certain requirements such as; <ul style="list-style-type: none"> <li>(a) Provision of minimum plot ratio of non residential development on ground floor;</li> <li>(b) Compliance with clause 6.9.7.a 'Dwelling Unit Size and Occupancy' of the Scheme;</li> <li>(c) Cash-in-lieu parking requirements; and</li> <li>(d) Payment of an infrastructure contribution in accordance with Development Contribution Schedule.</li> </ul>

Local Government	Summary of Criteria
Town of Victoria Park – Town Planning Scheme No. 1	<p>The Town of Victoria Park allows for variations to plot ratio of up to 10% in a non-residential development, where the development would conserve or enhance the whole/part of a conservation area or a place that is significant or worthy of retention, and does not adversely impact the cultural heritage significance.</p> <p>Provisions also exist in the Scheme that state that for setback, building heights, plot ratio and site coverage requirements for the Sunbury Park Precinct, developments are to comply with the Site Design Guidelines for Sunbury Park – Part A and Part B as contained in the Town of Victoria Park Town Planning Scheme No. 1 – Policy Manual.</p>
City of South Perth – Town Planning Scheme No. 6	<p>The City of South Perth Scheme states that <i>‘Where a lot contains an existing approved development which exceeds the prescribed density coding, the Council may permit redevelopment of that lot with a greater number of dwellings or a higher plot ratio than permitted by the Codes, subject to compliance with the provisions of clause 6.1.’</i></p> <p>Other Scheme provisions state that the Council may consider variations to elements such as plot ratio where it conserves or enhances a place on the Heritage List.</p> <p>The Council may also consider an application that does not comply with site requirements prescribed by the Scheme with respect to factors such as plot ratio.</p>

### Current Provisions and Practices

At the City of Vincent, the primary mechanisms that controls the scale and intensity of a development is the height and the allocated residential zoning. Under the R-Codes, local governments have the ability to create local planning policies to set the height; however, the same flexibility is not given for plot ratio. The Scheme also allows for variations to density under clause 20 (2). The Department of Planning have advised that if the City wanted to vary plot ratio as a blanket requirement, then this would need to be included in the Town Planning Scheme; however, plot ratio can be varied on a case by case basis through a performance based assessment. The current practice at the City is to take a performance based approach when considering variations to plot ratio.

In order to develop a blanket Policy to vary plot ratio, detailed studies on the areas to which the Policy would apply, would need to be undertaken. This would involve analysing the lot sizes, the development potential of the lots and what plot ratio is appropriate for that area. A detailed study is required to ensure that the prescribed heights are appropriate, as once the provisions are in the Scheme; the flexibility provided by a Policy is not available; therefore, the requirements need to be practical and robust for the area. Given the detailed investigation required to permit variations to plot ratio, it is considered more appropriate to do this as part of the Town Planning Scheme review.

Notwithstanding the above, the City’s Precinct Policies have been reviewed to determine the current development provisions in place, as detailed below.

### Commercial Zone

Development provisions for commercial zones are specified in the City’s Precinct Policies. All precincts except the North Perth and Norfolk Precincts contain provisions for the commercial zones. The form of the development within these zones is governed by the height, which for all precincts allows heights of 2 to 3 storeys, except the Oxford Centre Precinct which allows heights of 3 to 4 storeys. The Precinct Policies also provide a corresponding residential zoning if residential development is proposed. For example, in the Cleaver Precinct heights of 2 to 3 storeys are permitted with residential developments to be at a standard of R80.

None of the current Precinct Policies provide a plot ratio standard for commercial developments. If plot ratio is the preferred provision to govern commercial developments, the 13 Precinct Policies that contain commercial zones would need to be amended and investigations examining the lot sizes would be required to determine an appropriate plot ratio value.

It was also noted that due to the lack of plot ratio requirements for commercial developments, these sites can be developed to a greater extent with a purely commercial development compared to a mixed use development. This may create a disincentive to develop mixed use developments in commercial zones. The implications of this need to be further investigated.

Officer Recommendation:

*At this point in time, the height limits prescribed in the Precinct Policies, are appropriate. Further investigation will be undertaken as part of the Town Planning Scheme Review and provisions for plot ratio could be included in the 5 new Precinct Policies. In addition, further investigation is required to determine the implications of developing mixed use developments within the commercial zones.*

District Centre/Local Centre

Similar to the commercial zone, developments are governed by a height limit and a corresponding zoning, for the Local and District Centre. Plot ratios are not prescribed for either of these zones. Amendments to the Precinct Policies would be required to add information relating to plot ratio.

Officer Recommendation:

*Similar to the commercial zone, height limits are appropriate at this point in time. Further investigation will be undertaken as part of the Town Planning Scheme Review and provisions for plot ratio could be included in the 5 new Precinct Policies.*

Residential Zone

Development within the residential zone is currently governed by the City's Residential Design Elements (RDEs) Policy No. 3.2.1, Multiple Dwellings Policy No. 3.4.8 and Residential Design Codes of Western Australia (R-Codes). There are no plot ratio requirements for single house or group dwellings specified in the R-Codes, however there are for multiple dwellings. The main control affecting the form of multiple dwellings in the City of Vincent is the residential zoning and corresponding height. The City has investigated extensively variations to heights in the amended Policy No. 3.4.8 relating to Multiple Dwellings. As part of this investigation, it is recommended that the R coding provide the base height and bonus height be permitted where the development provides some form of community benefit. This is similar to the provisions outlined in the City of Perth's Bonus Plot Ratio Policy 4.6.1. Residential multiple dwellings are to comply with the plot ratio provisions outlined in the R-Codes unless variations are prescribed in a Town Planning Scheme, which is currently not the case in the City. However, plot ratio can be varied on a case by case basis through a performance based assessment, which is the current practice at the City.

Officer Recommendation:

*The main provision guiding multiple dwelling developments is the R-code density and corresponding height and it is recommended that at this point in time, this remain. Provisions have been provided which permit variations to heights and the corresponding plot ratio can be varied through a performance based assessment.*

*In addition, clause 20 (2) (b) of the City of Vincent Town Planning Scheme No. 1 states that a 50% density bonus can be permitted where the proposed development conserves or enhances an existing dwelling/s worthy of retention.*

Residential/Commercial Zone

There are 4 Precinct Policies that have requirements for the residential/commercial zone. They are the Oxford Centre Precinct, Smith's Lake Precinct, Charles Centre Precinct and the Beaufort Precinct. The following plot ratio and residential zoning requirements are specified for these Precincts;

Precinct	Plot ratio residential/commercial development	Plot ratio residential development	Plot ratio commercial development	Residential Development
Oxford Centre	Not stated	Not stated	Not stated	R80
Smith's Lake	1.25, where the commercial component is not to exceed 0.5 and the residential component is not to exceed 0.75.	0.75	A building cannot be solely used for commercial purposes, unless it is along Charles Street.	Residential development is to be in accordance with the R80 standards.
Charles Centre	1.25, where the commercial component is not to exceed 0.5 and the residential component is not to exceed 0.75.	0.75	A building cannot be solely used for commercial purposes, unless it is along Charles Street.	Residential development is to be in accordance with the R80 standards.
Beaufort	Mixed use developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	Maximum plot ratio of 0.75 is to apply to all development types	Not stated.	Residential development is to be in accordance with the R80 standards.

It is noted that all these precincts allow residential developments to a standard of R80. The plot ratio requirements for R80 under the R-Codes is 1.0; therefore, the City's current Policies prescribe a lesser value. These Policies should be amended to be consistent with the R-Codes.

For mixed use developments, the commercial ground floor is not included in the plot ratio calculation; however, any form of development above the ground floor is included and should be as per the R-Code requirement for that density standard. Therefore, in mixed use developments it is not necessary to prescribe a plot ratio as it is governed by the R-Codes.

Whilst heights limits are not specifically prescribed for the residential/commercial zones in the abovementioned 4 Policies, by virtue of the R/C80 zoning, the height is determined by the allocated zoning and height in the R-Codes. Therefore, this can also be reviewed when the Policies are amended to be consistent with the R-Codes. Heights are permitted as per the corresponding residential density of the R-Codes. If additional height is to be considered, a similar clause to that proposed in the amended Multiple Dwellings Policy can be included where additional height is permitted where the development provides a community benefit.

Officer Recommendation:

*The Oxford Centre Precinct Policy, Smith's Lake Precinct Policy, Charles Centre Precinct Policy and the Beaufort Precinct Policy, should be amended to be consistent with the plot ratio requirements specified in the R-Codes. Additional information should be included in the Policies to specify appropriate height limits and also criteria for variation to height.*

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies; and Residential Design Codes of Western Australia.

**RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1.1 states: '*Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*'

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 Budget allocates \$40,000 Town Planning Scheme Amendments and Policies.

**COMMENTS:**

As outlined in the 'Details' section above, a blanket approach to varying plot ratio requirements requires the information to be detailed in the Town Planning Scheme. However, where plot ratio is not explicitly detailed in the Town Planning Scheme, variations can be considered on a case by case basis through a performance based assessment, which is the current practice at the City. In order to consider incorporating plot ratio variations into the Scheme or a standalone Policy, the City would need to undertake a detailed analysis of lot sizes and development potentials. At this point in time, the City does not have the capacity to undertake the extensive task and it is likely a planning consultant would be required to undertake this. It is also considered that any new Scheme amendments to the current Scheme, will further delay the Town Planning Scheme review which is scheduled to be reported to an Ordinary Meeting in September 2011. As part of the Scheme Review, the matter of plot ratio variations can be further considered in the new Precinct Policies as well as in the Scheme; however, as previously outlined, detailed analysis would be required.

At this point in time, it is more appropriate to consider variations in height, rather than plot ratio and any variations to plot ratio can be considered on a case by case basis. Variations to heights are currently being investigated in the City's Multiple Dwellings Policy and can be further reviewed in the new Precinct Policies proposed as part of the Town Planning Scheme review.

In addition, whilst it is noted that the City of Perth's Policy relating to bonus plot ratio is considered to be a useful planning tool, the planning practices within the City of Perth differ greatly from those at the City of Vincent. The City of Perth specifies plot ratios for the entire city and have a height ratio plan; the car parking requirements are also different. At the City of Vincent, the heights, in conjunction with car parking requirements limit the plot ratio. To impose a Policy similar to that of the City of Perth, thorough investigation is required.

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

**9.3.2 Britannia Reserve Masterplan Proposal – Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a> – Concept Masterplan 2010 <a href="#">002</a> – Friends of Britannia Submission <a href="#">003</a> – Mt Hawthorn Precinct Group Submission <a href="#">004</a> – Terms of Reference		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**AMENDED OFFICER RECOMMENDATION:**

That the Council:

1. **RECEIVES** Progress Report No. 2 concerning the Britannia Reserve Masterplan Proposal;
2. **DOES NOT PROCEED** with the Litis Stadium Masterplan, as Football West advised the City in March 2011 that they no longer wish to pursue Litis Stadium as their State Headquarters;
3. **NOTES:**
  - 3.1 the community consultation feedback received; and
  - 3.2 that an amount of \$10,000 has been included in the Annual Budget 2011/12 to progress the Masterplan and community engagement for the project; and that a further progress report will be submitted to the Council following the preparation of the revised concept and implementation plan;
4. **APPROVES;**
  - 4.1 the formation of *“The Britannia Reserve Working Group”* to provide advice on a revised concept Masterplan and Implementation Plan for Britannia Reserve; and
  - 4.2 the Working Group to comprise;
    - Council Members (3) – one as chair;
    - Community Members (3);
    - Representative - Floreat Athena Soccer Club;
    - Representative - Rugby WA; and
    - Representative - Leederville Cricket Club;
    - Director Technical Services;
    - Manager Parks and Property Services;
    - Manager Community Development;
  - 4.3 the Terms of Reference as shown in Appendix 9.3.2A;
5. **APPOINTS** Councillors ....., ....., ..... to the Working Group and Cr ..... as Chair; and
6. **AUTHORISES** the Chief Executive Officer to advertise for community representatives for a period of twenty-one (21) days and provide a further report after the conclusion of the advertising period.

**Moved Cr Maier, Seconded Cr Topelberg**

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

Amendment No. 1

**Moved Cr Maier, Seconded Cr Buckels**

That clause 2.2.3 from the Terms of Reference be amended as follows;

- 2.2.3 a conceptual and developed design framework for the future redevelopment of the site. ~~and its contribution to reinforcing a sporting precinct~~

Debate ensued.

**AMENDMENT PUT AND CARRIED (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

Amendment No. 2

**Moved Cr Topelberg, Seconded Cr Buckels**

That clause 4.10.2 from the Terms of Reference be deleted as follows;

- 4.10.2 Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

Debate ensued.

The Chief Executive Officer advised the Council that the financial and proximity interest provisions of the Local Government Act 1995 apply to all members of the Working Group.

The Council requested the Chief Executive Officer check this matter with the Department of Local Government. If the advice is correct, the matter should be included in the Terms of Reference, prior to advertising for community members be carried out.

Presiding Member, Deputy Mayor Cr Sally Lake asked the Councillors for nominations for the working Group.

Cr Buckels, Cr McGrath and Cr Maier nominated to be on the working group and Cr Buckels nominated to be chair of the working group – No other nominations were received.

Cr McGrath departed the chamber at 8.40pm.

Debate ensued.

Cr McGrath returned to the chamber at 8.43pm.

**AMENDMENT PUT AND CARRIED (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.3.2**

**That the Council:**

- 1. RECEIVES Progress Report No. 2 concerning the Britannia Reserve Masterplan Proposal;**
- 2. DOES NOT PROCEED with the Litis Stadium Masterplan, as Football West advised the City in March 2011 that they no longer wish to pursue Litis Stadium as their State Headquarters;**
- 3. NOTES:**
  - 3.1 the community consultation feedback received; and**
  - 3.2 that an amount of \$10,000 has been included in the Annual Budget 2011/12 to progress the Masterplan and community engagement for the project; and that a further progress report will be submitted to the Council following the preparation of the revised concept and implementation plan;**
- 4. APPROVES;**
  - 4.1 the formation of “*The Britannia Reserve Working Group*” to provide advice on a revised concept Masterplan and Implementation Plan for Britannia Reserve; and**
  - 4.2 the Working Group to comprise;**
    - Council Members (3) – one as chair;
    - Community Members (3);
    - Representative - Floreat Athena Soccer Club;
    - Representative - Rugby WA; and
    - Representative - Leederville Cricket Club;
    - Director Technical Services;
    - Manager Parks and Property Services;
    - Manager Community Development;
  - 4.3 the Terms of Reference as shown in Appendix 9.3.2A; subject to Clause 2.2.3 being amended to read as follows; “a concept and developed design framework for the future redevelopment of the site.”**
- 5. APPOINTS Councillors Buckels, McGrath and Maier to the Working Group and Cr Buckels as Chair; and**
- 6. AUTHORISES the Chief Executive Officer to advertise for community representatives for a period of twenty-one (21) days and provide a further report after the conclusion of the advertising period.**

**Note:**

**Advice from the Department of Local Government**

On the 10 August 2011 the Chief Executive Officer contacted the Department of Local Government to seek advice on the matter as requested by the Council, concerning the Working Group Terms of Reference. The Department of Local Government advised as follows:

1. The Council can only approve of a Working Group, by an absolute majority decision, in accordance with Sections 5.8 – 5.18 (inclusive) of the Local Government Act 1995;
2. The financial, proximity and impartiality interest provisions of the Act apply to all committee members (i.e. Council Members, Officers and community members.);
3. The financial, proximity and impartiality interest provisions apply, irrespective of whether they are specified in the Terms of Reference - as the Local Government Act prevails over subsidiary legislation and other approved committee matters such as the Terms of Reference; and
4. The Department of Local Government recommends that the Working Group Terms of Reference should contain such provisions concerning financial, proximity and impartiality interest provisions.

The Department's advice will be obtained in writing.

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**FURTHER REPORT:**

At the Ordinary Meeting of Council held on 28 June 2011, the Council considered this matter and resolved as follows:

*"That the item be DEFERRED to a Council Member Forum for further consideration and also consider a process on how to progress the matter."*

A Powerpoint presentation was made to the July Forum by the Directors of Technical and Corporate Services. It is recommended that a Working Group be formed to provide advice on the Masterplan and Implementation Plan.

**PURPOSE OF REPORT:**

The purpose of the report is to present the feedback received from the community consultation undertaken for Britannia Reserve and seek the Council's approval to form a Working Group and to advertise for Community Representatives.

**BACKGROUND:**

The following is a verbatim of the report considered at the Ordinary Meeting of Council held on 28 June 2011 (Item 9.3.5):

**PURPOSE OF REPORT:**

*The purpose of the report is to present the feedback received from the community consultation undertaken for Britannia Reserve.*

**BACKGROUND:**

*Britannia Road Reserve is bounded by Britannia Road, Bourke Street, the Mitchell Freeway and the rear of residences on Brentham Street, Leederville.*

*Sporting facilities include: changerooms, social rooms (leased during respective seasons by Leederville Cricket Club and Floreat Athena Soccer Club), four cricket pitches, four cricket training nets. Council provided training lighting is situated on the northern end of the ground with a further four light poles, erected and managed by Floreat Athena, in the centre of the ground. Goals for three (3) soccer pitches and nine (9) senior and six (6) junior rugby union pitches are erected by the clubs for the winter season.*

*The clubrooms were recently upgraded in 2009 to include the following:*

- 1. A modern, safe clean and secure building that has the capacity to accommodate a wide variety of sporting clubs with up to 150 playing members;*
- 2. Modern and hygienic shower and toilet facilities, that meets with current community standards;*
- 3. A more functional improved building which includes;*
  - Secure storage for the clubs that utilise the facility;*
  - A significant sized function area that can be utilised for both the cricket and soccer clubs and the community;*
  - An upgraded kitchen which allows for better service internally and externally;*
  - A new roofed outdoor paved area that to enables patrons to be sheltered from the elements;*
  - The number of change rooms was reduced from 6 players change rooms/3 umpires to 2 players/1 umpire; and*
  - The toilet facilities were upgraded and made uniform to run through the centre of the complex.*

*Although the Reserve is large, the buildings, a playground, on leash dog exercise area and the formal playing surfaces are located in the northern end. In contrast, at the southern end of the Reserve, the development is less intensive, with a playground, outdoor exercise equipment and .off- leash dog exercise area.*

*One of the key issues to be addressed in the Master Plan is the provision of playing and off-field facilities for the various sporting clubs who use the facility. In addition, a number of shared use facilities are proposed to avoid the duplication of infrastructure.*

*The Master Plan will provide a guide for the development of sporting infrastructure at the Reserve.*

*At the Ordinary Meeting of Council on 24 August 2010, the following recommendations were ratified;*

*“That the Council:*

- (i) RECEIVES Progress Report No. 1 concerning Britannia Reserve and Litis Stadium Masterplan Proposal;*
- (ii) ADOPTS in principle the Concept Masterplan as shown in Appendix 9.4.1A-F inclusive;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY to amend its Strategic Plan 2009-2014 by including the new Action Item 1.1.6(m) as follows:*

*“1.1.6(m) Prepare and implement a Masterplan for Britannia Reserve.”;*

- (iv) APPROVES of community consultation to be carried out concerning the Concept Masterplan as detailed in this report;*

*(v) AUTHORISES the Chief Executive Officer to:*

- (a) enter into discussions with Football West, Floreat Athena Soccer Club and other Stakeholders to progress the Masterplan; and*

- (b) write to Football West indicating that the Town would be receptive to a fully funded proposal that does not place a significant financial impost on ratepayers of the Town; and

(vi) NOTES that a further report will be submitted to the Council.”

At the Ordinary Meeting of Council held on 23 November 2010, the Council considered a Notice of Motion from Cr Topelberg and resolved as follows:

“That the Council:

(i) NOTES:

(a) that the current community consultation for the Britannia Reserve and Litis Stadium Masterplan was due to close on 29 November 2010; and

(b) the interdependence of some of the issues relating to Litis Stadium and Britannia Reserve;

(ii) RESOLVES that at the conclusion of the community consultation period, any further consultation or progress of the development of either Litis Stadium or Britannia Reserve Masterplans will be treated independently by the Town;

(iii) EXTENDS the closing date for the community consultation to close on 27 January 2011; and

(iv) REQUESTS that this decision be publicly advertised via the Town’s normal notifications.”

DETAILS:

The Town of Vincent initiated the preparation of the Britannia Reserve Master Plan to guide the development of new facilities and assess redevelopment options for the existing facilities at Britannia Reserve.

The vision for the site is the redevelopment of Britannia Reserve to maximise its functionality in terms of structured and non-structured recreation requirements of the users. The proposed development was to be considered in conjunction with the future use and plans for the adjoining E & D Litis Stadium and Leederville Tennis Club as well as take into consideration adjacent residential developments and other facilities.

The proposed plans was also to involve increased and optimum accommodation of sporting and community use of the facilities at the reserve, providing for best practice physical activity strategies for the area.

A survey questionnaire was prepared with questions to guide respondents as well as space for comments for any additional information that the respondents wished to add towards the consultation process.

A total of 326 submissions were received as part of the community consultation process.

174 responses were provided in hard copy format whilst the rest were provided via email. Out of these respondents, there were a few responses provided in free form and not in the provided questionnaire format.

75 respondents provided feedback through the webpage questionnaire.

The respondents to the questionnaire identified themselves as follows:

- A member of a sporting club that uses the reserve - **82 responses**
- Use the reserve for sporting and/or recreational purposes ( not club based) – 102 responses

- *A Town of Vincent resident/ratepayer - 150 responses*
- *Not a Town of Vincent resident/ratepayer - 27 responses*

*Alternate survey formats prepared by anonymous members of the community had also been circulated to a number of residents.*

*28 responses were received in a format with the following statements:*

- *Do not have a running track circumnavigating Britannia Reserves boundary.*
- *Do not have a BBQ area in the southern end of the reserve.*
- *Do not have a lavatory block at the southern end of the reserve.*

*18 responses were received in a format with the following statement:*

*"As a local land owner and rate payer in the TOV I applaud that Town for the vision and commitment to redevelop the Britannia Reserve precinct and the Litis Stadium Master Plan. This appears to be a sound investment for the residents of the Town, the many users of the reserve and the football community of WA. My young family looks forwards to enjoying these enhanced facilities. Good luck with your efforts."*

*8 responses were received in a format with the following statement:*

*"As a local resident and rate payer, I feel that the recently announced master plan for Britannia Reserve and Litis Stadium (The Perth Voice, Saturday 28 2010) is a well thought out and visionary initiative. The Reserve component in particular is a great idea as the proposed enhancements such as the provision of exercise equipment, barbeques and the walkway will certainly improve the recreational experience of all users - not only the junior sporting groups currently using the area such as football, rugby and cricket."*

*The opposition to the plan to certain Counsellors lacks insight into the local recreational needs for the Town of Vincent. An important space like Britannia Reserve deserves the attention and ratepayer investment as proposed in the plan. Given the increase in the number of young families now residing in the Town of Vincent and the metropolitan shortage of parks and reserves especially in the inner city areas, the need for multi-function recreational spaces have never been greater. My young family and friends look forward to enjoying the end product of the master plan and we commend the Town for committing to the development and hopefully the successful completion of the plan in the near future."*

*A newly formed group named "Friends of Britannia" sent a 24 page submission in response to the community consultation which is included in this report as Attachment A.*

#### Question 1:

*What is currently good about Britannia Reserve and Sporting Facility?*

*This question was presented without prompts and attracted a variety of comments which have been categorised as follows;*

- *Well kept/good facilities – 88 comments*
- *Large open space – 54 comments*
- *Great location – 43 comments*
- *Accessible to all/shared space – 37 comments*
- *Good dog exercise area – 33 comments*
- *Good for families and children – 20 comments*
- *The reserve required further work and needed to be spruced up - 20 comments*
- *Parking and crowd issues – 7 comments*

#### Question 2:

*What are the current issues and concerns about Britannia Reserve and Sporting Facility?*

- *Traffic control - 143 responses*
- *Parking - 103 responses*

- *The sustainability of the reserve surface given increased usage - 70 responses*
- *Lack of adequate public access to toilets - 76 responses*
- *More suitable playground and/or outdoor gym equipment - 67 responses*
- *Landscaping - existence of areas notably lacking trees and bushes – 61 responses*
- *Need to upgrade community amenities - 50 responses*
- *Limited pedestrian walkways - 49 responses*
- *Lack of adequate clubroom facilities - 30 responses*
- *Co-ordination of structured and non-structured recreation- 26 responses*

Question 3:

*What needs to be considered in the future planning of Britannia Reserve and Sporting Facility as a Sporting Precinct?*

- *Effective traffic management plan - 145 responses*
- *Improve car parking strategy - 86 responses*
- *Running/walking track - 78 responses*
- *Sustainability focus - 61 responses*
- *Landscaping - 54 responses*
- *Additional gym equipment - 54 responses*
- *Improved pedestrian walkways - 53 responses*
- *Possible community amenity - 51 responses*
- *Other - safe cycling pathways; improve litter and rubbish control – 47 responses*
- *Modern expanded clubroom facilities - 44 responses*
- *Improved facilities for dog walkers - 43 responses*
- *Co-ordination of sporting activities - 38 responses*
- *Agreed management models for the facilities - 33 responses*

Question 4

*What are the future opportunities that could be considered in the planning of Britannia Reserve and Sporting Facility as a Sporting Precinct?*

- *Development of a good sports precinct that complements the upgraded pavilion and other reserve developments - 140 responses*
- *Consider the needs of residents/ratepayers alongside the needs of the sporting groups - 91 responses*
- *Ensure facilities are effective in encouraging non- structured recreational needs of users e.g. dog exercisers, walkers and runners. - 84 responses*
- *Updating and modernising facilities within the precinct - 77 responses*
- *Improved car park facilities and vehicle access to the precinct - 64 responses*
- *Ensure all stakeholders contribute funding towards the development and maintenance of these facilities, not just Town of Vincent residents/ratepayers - 57 responses*
- *Ensure that facilities are utilised throughout the year and not just during peak sporting seasons (e.g. rugby, football) - 56 responses*
- *Better use of the area and its facilities - 50 responses*
- *Improve control of noise issues - 46 responses*
- *Provide café and retail outlets (e.g. drinks, ice creams, sporting goods etc) - 46 responses*
- *Convenient location for grouped sports - 44 responses*
- *Limit the amount of grassed areas thereby promoting water conservation - 10 responses*

*Other comments received are shown at the end of this report.*

Individual submissions

*Eighteen (18) submissions were received by individual residents via letters and email providing “free form” comments to the concept plans.*

*The comments and issues raised in these submissions were similar to those received via the survey process. There were concerns expressed regarding the parking, the redevelopment of the stadium, anti-social behaviour after soccer games,*

*Two of the submissions expressly supported a running/cycling track, a barbecue and toilet block in the southern end of the reserve, additional seating and some permanent shade structures. Four of the letters were members of the soccer club expressing support for the concept plan.*

#### Stakeholder meetings/consultations

##### *Football West*

*At the Ordinary Meeting of Council held on 5 April 2011, the Mayor announced that on 30 March 2011, Football West wrote to the Town to advise that they are no longer interested in pursuing the concept of co-locating their premises on Litis Stadium, for the following reasons;*

- 1. A lack of funding - primarily due to Australia being unsuccessful for a World Cup bid in 2018 and/or 2022;*
- 2. Opposition from certain members of the Town of Vincent community; and*
- 3. The opportunity to co-locate with Perth Glory Football Club on tertiary institution land to establish combined training and administrative facilities (as recently announced on 3 March 2011 by Perth Glory).*

*In view of the above, Litis Stadium will not be redeveloped and will remain as a local facility for the Floreat Athena Soccer Club, as prescribed under their current lease.*

##### *Modernians Hockey Club*

*The club is proposing that the reserve be identified as a potential location for a synthetic hockey turf to facilitate the growth of their membership and activities. They state that they have a strong junior club base and that as the players reach their early teens, most of the good players are lost to clubs with synthetic turf. Information is provided that non-turf base clubs are struggling to survive. They have requested that synthetic turf facilities similar to that located in Melville is imperative for the club's future survival.*

##### *Leederville Gardens Retirement Village*

*A presentation was held at the village for the residents, who live adjacent to the reserve and are regular passive users of the facilities. Some residents expressed concerns regarding safety if a walking path was constructed close to the fenceline. The residents submitted their comments through the survey questionnaire which was distributed to all the units as part of the consultation.*

##### *Leederville Cricket Club*

*Committee members of the club met with the Town's officers and submitted in writing issues pertaining to the lease of the clubrooms. The club also expressed support for the upgrade of the facility and proposed that instead of having new parking at the northeast of the reserve as proposed in the concept plan, that angled parking be considered parallel to the reserve. The club would like new nets to the east of the clubrooms and that they are aligned to the light tower closest to the clubrooms. They would also like the BBQ to be rebuilt with a gazebo on the eastern side of the clubrooms so that it can be used in wet and dry conditions.*

##### *WA Rugby*

*WA Rugby met with the Town's officers and has written in as well to state that they were very supportive of the proposed upgrade of Britannia Reserve and they believe that such work will enhance the "rugby experience" of their players and supporters.*

*They have otherwise stated that they were concerned with the proposed upgrade of the Litis Stadium as they "fear that soccer will seek exclusive rights to the playing fields."*

*Members of the committee attended the community consultation meetings and became aware of the sentiments expressed regarding the usage of the reserve where residents complained of parking issues, litter and cars blocking driveways. A committee member publicly acknowledged the comments at the meeting and made assurances that these matters will be addressed by the group to the best of their ability.*

#### *Central TAFE*

*The reserve is used for the TAFE's surveying and mining programme for practical applications. Mining programmes are being relocated to East Perth and will cease using Britannia Reserve this year. The Surveying department will still require the use for the reserve for second and third year practical work until alternative locations are sourced. They have stated that their use of the reserve will reduce significantly over the next two years.*

#### *Friends of Britannia*

*Due to the large amount of information and comments provided by this submission, the document is provided as an attachment in Appendix 9.3.5A.*

#### *Mount Hawthorn Precinct Group*

*The chairman of the group wrote expressing the view that the group was unable to complete the survey questionnaire as they believed that the content was biased. This document is provided as an attachment in Appendix 9.3.5B.*

#### *Floreat Athena Soccer Club*

*The club has provided full support in writing for the proposed concept and believe that the proposed improvements will transform the space into an "excellent recreational park". They also provided information that they have almost 500 members, 30% of whom reside in the Town of Vincent.*

#### *Bicycling WA*

*The General Manager of Bicycling WA met with the Town's officers to express their interest in the masterplan process, with particular interest to E & D Litis Stadium.*

*At this meeting the following points were recorded;*

- Bicycling WA is responsible for development of programs, participation and competitive racing of events*
- The organisation is eager to redevelop the old velodrome and introduce a Criterium circuit*
- Bicycling WA works with all cycling bodies*
- Bicycling WA is a non-profit organisation*
- Funding is acquired from corporate sponsorship and membership fees. Minimal funding is from Government*
- Membership stands at 9000 and friends*
- The board consists of seven members*
- Bicycling WA has been operating for six years*
- Bicycling WA is a financial organisation but to date has not looked at the cost of a new velodrome*
- Bicycling WA would use the Britannia Reserve facility at least 3 times a week, as this is an area (Leederville) where many cyclists regularly bike to*
- Competitors' ages range between 14 years and 79 years old*

- *An admittance fee would be charged – user pays to use the track*
- *Original specifications would be advised to be used for a new track. Concrete is more cost effective*
- *There a few places around the world where a soccer pitch is within a velodrome*
- *An immediate need for the organisation is an administration office*

#### **CONSULTATION/ADVERTISING:**

*A community consultation brochure was prepared and posted out to residents in the vicinity of the reserve on 11 October 2010. Reply paid postage was also included as part of the strategy.*

*The community consultation was advertised in the Guardian newspaper on 12 October 2010. The questionnaire was also available on the Town's website for community input. Two community consultation meetings were held at the clubrooms in Britannia Reserve. The initial consultation had a deadline of 29 November 2010.*

*Information was available through the consultation process through the following avenues;*

- *Council Minutes 24 August 2010;*
- *Proposed Concept Plan in the Brochure including Questionnaire;*
- *Brochure mailout to Residents; and*
- *Media release and advertisement in the Guardian newspaper.*

*Targeted stakeholder meetings were held with Leederville Gardens, Floreat Athena Soccer Club, Leederville Cricket Club and WA Rugby.*

#### **LEGAL/POLICY:**

##### *Statutory Information*

*Britannia Reserve is zoned for recreational use and located at 41, Britannia Road, Leederville.*

*The Reserve location is referenced to the following Certificates of Title:*

- *Lot 34 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 695 Folio 166*
- *Lot 14 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 160*
- *Lot 16 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 161*
- *D6718 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 163*
- *Plan 5208 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 164*
- *Lots 31 and 32 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1769 Folio 75*
- *D6583 being part of the land described in Crown Land Certificate of Title Volume 1769 Folio 77*

##### *Zoning:*

*"Metropolitan Region Scheme Reserve" – Parks and Recreation and under the Town of Vincent Town Planning Scheme No. 1*

##### *Land Ownership:*

*Freehold by the Town of Vincent*

Area:

Britannia Road Reserve:

175,000m<sup>2</sup> (17.5 hectares) (including car park hardstand)

Litis Stadium:

23,000m<sup>2</sup> (2.3 hectares)

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

*Strategic Plan 2009-2014:*

*“Key Result Area 1 - Natural and Built Environment:*

*1.1 Improve and the Environment and Infrastructure*

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

*(l) Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State Facility.*

*(m) Prepare and implement a Masterplan for Britannia Reserve.”*

**SUSTAINABILITY IMPLICATIONS:**

The project will be influenced by the Town's Environmental Strategies. This will ensure the masterplan is in line with current environmental actions being incorporated across the precincts.

- Strategic Waste Minimisation Plan 2006-2013
- Catchment Management Plan 2010-2015 (draft being produced).
- Sustainable Environment Plan 2007-2012

Examples of current Sustainable Environmental Actions being carried out across precincts that could be considered for Britannia Reserve are;

- Sustainable Street and Park Lighting (LED's)
- Water Sensitive Urban Design (Drains to living streams)
- Environmental Building Codes Compliance (e.g. insulation etc)
- Sustainable Energy Sources (Solar and Wind)
- Endemic Biodiversity Retainment and Improvement (Vegetation improvement).
- Travel Smart Concepts (Bike racks, paths, eco parking etc)

**FINANCIAL/BUDGET IMPLICATIONS:**

*An amount of \$6,000 was included in the Budget 2010/2011 for development of a Masterplan for Britannia Reserve and Litis Stadium.*

*An amount of \$2,000 was spent for Quarterly Surveyor fees. No other expenditure is expelled, as the Architect did not submit an invoice for the work, as the project did not proceed.*

*The items listed on the Draft Capital Budget 2011/12 for Britannia Road Reserve are as follows;*

<i>Britannia Road Reserve - Masterplan</i>	<i>\$10,000</i>
<i>Britannia Road Reserve (south) - Installation of Shade Sails</i>	<i>\$30,000</i>
<i>Britannia Road Reserve (south) - Electric BBQ</i>	<i>\$15,000</i>

**COMMENTS:**

*The community consultation process has been successful in eliciting a robust response from the residents and stakeholders with respect to Britannia Reserve and E & D Litis Stadium. Some of the comments provided through submissions and community meetings, highlighted issues that needed to be addressed such as parking, traffic issues at peak usage times and conflicting interests of shared users at the reserve.*

*It should be noted that majority of dissention also seemed to be against the redevelopment of E & D Litis Stadium to include the headquarters of Football West. However, given the recent correspondence from Football West as outlined in this report, the concept plans drafted for the Litis Stadium will not be going ahead.*

*Given the high number of responses and comments received on the issues regarding the potential redevelopment of Britannia Reserve during the community consultation period, it is recommended that the draft concept plans are revisited and revisited to redraft plans for the reserve that reflect the views of the community and stakeholders.*

**CONSULTATION/ADVERTISING:**

The positions of Community Members will be advertised for a period of fourteen (14) days in the local newspapers.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

*“Key Result Area 1 - 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.*

*...(l) Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State Facility.*

*...(m) Prepare and implement a Masterplan for Britannia Reserve.”*

**SUSTAINABILITY IMPLICATIONS:**

The project will be influenced by the City’s Environmental Strategies. This will ensure the masterplan is in line with current environmental actions being incorporated across the precincts.

- Strategic Waste Minimisation Plan 2006-2013
- Catchment Management Plan 2010-2015 (draft being produced).
- Sustainable Environment Plan 2007-2012

Examples of current Sustainable Environmental Actions being carried out across precincts that could be considered for Britannia Reserve are;

- Sustainable Street and Park Lighting (LED’s)
- Water Sensitive Urban Design (Drains to living streams)
- Environmental Building Codes Compliance (e.g. insulation etc)

- Sustainable Energy Sources (Solar and Wind)
- Endemic Biodiversity Retainment and Improvement (Vegetation improvement).
- Travel Smart Concepts (Bike racks, paths, eco parking etc)

**FINANCIAL/BUDGET IMPLICATIONS:**

The items listed on the Capital Budget 2011/12 for Britannia Road Reserve are as follows;

Britannia Road Reserve - Masterplan	\$10,000
Britannia Road Reserve (south) - Installation of Shade Sails	\$30,000
Britannia Road Reserve (south) - Electric BBQ	\$15,000

**COMMENTS:**

It is intended that the formation of the Working Group will allow all the stakeholders in the community to have input in to the Masterplan for Britannia Reserve.

Approval of the officer recommendation is requested.

**9.1.7 Nos. 132, 132A and 132B (Lots 2, 3 and 4; D/P: 68092) Chelmsford Road, North Perth - Proposed Construction of Three (3) Two Storey Single Houses - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 221 of 2011**

<b>Ward:</b>	South	<b>Date:</b>	27 July 2011
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO5354; 5.2011.37.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans <a href="#">002</a> – Amended Heritage Impact Statement for No. 130 Chelmsford Road, North Perth		
<b>Tabled Items</b>	Applicant's submission.		
<b>Reporting Officers:</b>	T Cappellucci, Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. 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 Zen Creative on behalf of the owner F Ranieri and P J and R Sgro for proposed Construction of Three (3), Two Storey Single Houses, at Nos. 132, 132A and 132B (Lots 2, 3 and 4; D/P: 68092) Chelmsford Road, North Perth, and as shown on the amended plans stamp-dated 19 and 22 July 2011, subject to the following conditions:

- 1.1 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Chelmsford Road;
- 1.2 Any new street/front wall, fence and gate within the Chelmsford Road setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
- 1.3 First obtaining the consent of the owners of Nos. 130 and 134 Chelmsford Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 130 and 134 Chelmsford Road in a good and clean condition;
- 1.4 No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
- 1.5 PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**1.5.1 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;

**1.5.2 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:

- (a) the location and type of existing and proposed trees and plants;
- (b) all vegetation including lawns;
- (c) areas to be irrigated or reticulated and such method;
- (d) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- (e) 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); and

**1.5.3 Garage Door – Unit 3**

The garage door for unit 3 shall be setback 750 millimetres from the side boundary of No. 130 Chelmsford Road, North Perth; and

2. **AUTHORISES** the Chief Executive Officer to **WRITE** to the Western Australian Planning Commission and the Department of Planning to highlight the difficulties that its approval of the subject three lot subdivision in a north south orientation has resulted in for both the applicant and the City. Specifically, as the subdivision has resulted in a lot configuration that has no regard for the original and established streetscape pattern evident in and valued by the City; making it difficult for the design of a development that sits well within and complements the existing character of Chelmsford Road.

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**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Topelberg, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

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<b>Landowner:</b>	F Ranieri and P J and R Sgro
<b>Applicant:</b>	Zen Creative
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single Houses
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	650 square metres
<b>Access to Right of Way</b>	North side, 4 metres wide, sealed, dedicated road

**PURPOSE OF REPORT:**

To comply with the requirements of the City's Policy/Procedure for the State Administrative Tribunal (SAT) and to provide information to the Council on the matter.

Section 31 of the State Administrative Tribunal 2004 states as follows:

*"31. Tribunal may invite decision-maker to reconsider*

- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
  - (a) *affirm the decision;*
  - (b) *vary the decision; or*
  - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision."*

Under Section 31 of the SAT Act 2004, the City has been invited to determine the revised application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.

**BACKGROUND:**

- 30 April 2010 The Western Australian Planning Commission conditionally approved the freehold (green title) subdivision of Nos. 132 and 134 (Lots 1, 2, 3 and 4) Chelmsford Road, North Perth against a recommendation for refusal by the City's Officers.
- 19 October 2010 Subdivision Clearance issued for conditions 1-6 of the Western Australian Planning Commission's approval dated 30 April 2010 being fulfilled, including the demolition of all buildings, outbuildings and structures from the proposed lots.
- 24 May 2011 The Council at its Ordinary Meeting deferred the proposed application for the construction of three (3), two-storey single houses at Nos. 132, 132A and 132B Chelmsford Road, North Perth, for further consideration.
- 14 June 2011 A further report was prepared for the proposed construction of three (3), two-storey single houses at Nos. 132, 132A and 132B Chelmsford Road, North Perth, and was refused by the Council for the following reasons:
- "1. Non-compliances in regard to the number and height of boundary walls; and*
  - 2. Impact of the 2 storey parapet wall."*

- 24 June 2011 The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 14 June 2011.
- 8 July 2011 Mediation held at SAT, where the SAT made the following Orders dated 8 July 2011:
- “1. On or before 18 July 2011 the applicant is to lodge amendments to the application with the respondent.
  2. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision in accordance with the amended application on or before 9 August 2011.
  3. The proceedings are adjourned to resume for mediation if required at 10am 16 August 2011 at the Tribunal.”

**DETAILS:**

The proposal involves the construction of three (3), two-storey single house dwellings at the subject property.

The applicant has provided amended plans as a result of the SAT Mediation, held on 8 July 2011, to address the reasons the application was refused following a further report to the Ordinary Meeting of Council held on 14 June 2011. The amendments to the plans are as follows:

- Western upper floor wall of unit 1 for kitchen/lounge/dining and balcony wall is now setback 1 metre from the side boundary of No. 134 Chelmsford Road in lieu of the previously proposed nil setback;
- Western ground floor garage/store wall for unit 1 now setback 1 metre from the side boundary of No. 134 Chelmsford Road in lieu of the previously proposed nil setback;
- Eastern parapet wall of unit 3 has now been reduced from 10.921 metres to 10.345 metres abutting No. 130 Chelmsford Road;
- Total length of the western parapet wall of unit 1 has now been reduced from 11.67 metres to 10.345 metres abutting No. 134 Chelmsford Road;
- Ground floor front setback of unit 3 has been increased from 4 metres to 6 metres, to match the ground floor front setbacks of units 1 and 2;
- Upper floor front setbacks for all three (3) units have been amended to all now be 1.3 metres to 1.9 metres in front of the ground floor front setback; and
- Screening from both front balconies of units 1 and 3 towards Nos. 130 and 134 Chelmsford Road, to comply with the R-Codes visual privacy requirements.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Ground Floor Front Setbacks – Chelmsford Road:	To be consistent with existing streetscape. Average of 6.5 metres.	Unit 1 = 6 metres Unit 2 = 6 metres Unit 3 = 6 metres Average proposed front setback is 6 metres.
<b>Officer Comments:</b>		
Supported – The amended plans result in the ground floor front setbacks for all three (3) single houses to Chelmsford Road complying with the City’s Residential Design Elements Policy in respect of the acceptable development standards, as the setbacks for all the		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
three (3) single houses maintain the character of the Chelmsford Road streetscape. In addition, the City permits a difference of up to 500mm from the calculated average setback of the street setback; therefore, the 6 metre ground floor front setbacks proposed comply.		
<b>Upper Floor Front Setbacks Chelmsford Road:</b>	Balcony 1 metre behind ground floor.	Unit 1 = 1.3 to 1.9 metres in front  Unit 2 = 1.3 to 1.9 metres in front  Unit 3 = 1.3 to 1.9 metres in front
<b>Officer Comments:</b>		
Supported – See 'Comments' section.		
<b>Boundary Setbacks:</b>		
<u>Upper Floor</u>		
<i>Unit 1</i>		
Side (West) – Balcony/Lounge/Dining	2.0 metres	1 metre
<i>Unit 3</i>		
Side (East) – Balcony/Lounge/Dining	2.0 metres	1 metre
<b>Officer Comments:</b>		
Supported – Not considered to have an undue impact on the amenity of the directly adjacent properties at Nos. 130 and 134 Chelmsford Road, and the street. In addition, there are no visual privacy variations given the front balconies of units 1 and 3 are now screened to both the eastern and western property boundaries.		
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.  To the eastern and western boundaries, maximum length of building on boundary allowed is 20.5 metres.	Three (3) boundary walls proposed on two (2) side boundaries.  <u>Unit 1</u>  One Parapet Wall on Western Boundary: (Retreat/Foyer) Wall Height Proposed – 2.743 metres Wall Length – Required: 2/3 = 20.5 metres Proposed length = 10.345 metres  <u>Unit 3</u>  Two Parapet Walls on Eastern Boundary: (Garage) Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres) (Retreat/Foyer) Wall Height Proposed – 2.743 metres  Total Wall Length – Required: 2/3 = 20.5 metres

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
		Proposed length = 16.545 metres
<b>Officer Comments:</b>		
Supported – The applicant has amended the parapet walls of unit 1 by removing the store parapet wall at the rear and reducing the two-storey parapet wall abutting No. 134 Chelmsford Road to a single storey parapet wall of a similar length and height to that also proposed for unit 3, abutting the heritage listed property at No. 130 Chelmsford Road, North Perth.		
The unit 1 retreat/foyer parapet wall is in-line with the main building line of the dwelling at No. 134 Chelmsford Road, while the unit 3 retreat/foyer parapet wall is slightly behind the main building line of No. 130 Chelmsford Road.		
Given that the only variation proposed is in regards to the garage wall height of unit 3, abutting No. 130 Chelmsford Road, as this wall creates no undue amenity impacts on the adjoining property, this variation is supported.		
<b>Sightlines:</b>	Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points.  Garage door for Unit 3 to be setback 750 millimetres from the side boundary.	Garage door for unit 3 now proposed with 0.4 metre setback from side boundary.
<b>Officer Comments:</b>		
Not Supported – A condition has been proposed for the garage door for Unit 3 to be setback 750 millimetres from the eastern side boundary.		

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

Consultation	
<b>In Support:</b>	Nil (0)
<b>Comments Received</b>	<b>Officer Comments</b>
Nil.	Noted.
<b>Objections:</b>	Eighteen (18)
<b>Comments Received</b>	<b>Officer Comments</b>
Unreasonably high parapet walls of 6.5 metres in this case will have a catastrophic effect on neighbours east and west.	Not Supported – Applicant has amended the plans so that the parapet walls to both the eastern and western boundaries, for units 3 and 1 respectively, are now single storey parapet walls.  The proposed parapet walls which abut Nos. 130 and 134 Chelmsford Road are not considered to have an undue impact on the neighbouring properties as they do not create excessive building bulk and scale, nor alter direct sun to major openings of habitable rooms and outdoor living areas.

<b>Consultation</b>	
<p>Neighbours must suffer in order to allow the over development of 3 narrow blocks rather than have 2 reasonable developments.</p>	<p>Noted – The development potential of an R40 site, in this case, is 2.95 grouped dwellings. The application proposes three (3) grouped dwellings. The density does not comply with the City of Vincent’s Policy No. 3.4.6 relating to Residential Subdivisions. However, the Western Australian Planning Commission approved the freehold (green title) subdivision of the site on the 30 April 2010.</p>
<p>Heritage area and this type of development should be resisted.</p>	<p>Not Supported – The amended plans have sought to minimise any adverse impact on the adjacent heritage listed property at No. 130 Chelmsford Road, North Perth, in accordance with the City’s Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1.</p>
<p>Development in no way is consistent with streetscape that is trying to be preserved by way of Guidelines.</p>	<p>Not Supported – Refer to ‘Comments’ section.</p>
<p>There is an opportunity to build a home in keeping with the historic street and area.</p>	<p>Not Supported – Given the subdivision approved by the Western Australian Planning Commission, three (3) dwellings can be constructed. The dwellings proposed, in particular for Units 1 and 3, have been amended as part of these amended plans received, to ameliorate any undue impacts on the adjacent heritage listed place at No. 130 Chelmsford Road, as well as the property at No. 134 Chelmsford Road.</p>
<p>Minimum setback far too close to street.</p>	<p>The proposed 6 metre ground floor front setbacks, in addition to the balconies being forward of the ground floor for all the three (3) single houses proposed, results in the development preserving the amenity of the adjoining neighbours and streetscape, while the upper floor balconies provide a feature of the façade when viewed from Chelmsford Road.</p> <p>Not Supported – See ‘Comments’ section.</p>
<p>Outdoor living should be at rear, not front.</p>	<p>Not Supported - Under the ‘Acceptable Development’ criteria of the R-Codes for ‘Outdoor Living Areas’, the areas are only non-compliant in regards to not being behind the street setback area.</p> <p>However, as the outdoor living areas are capable of being used in conjunction with a habitable room (lounge room), the proposed outdoor living areas comply with the Performance Criteria of the R-Codes.</p>

<b>Consultation</b>	
<p>Overlooking from neighbouring properties through front balcony.</p> <p>Proximity to the boundary as there will be noise factors and overlooking.</p> <p>Not visually sympathetic with the Chelmsford Road streetscape, which has an almost-intact historical variety of grand 'character' homes and workers cottages.</p>	<p>Not Supported – Amended plans propose no visual privacy variations with the front balconies of units 1 and 3 providing the necessary screening to comply with the privacy requirements of the R-Codes.</p> <p>Not Supported - The City's Health Services is able to action complaints under the Environmental Protection (Noise) Regulations 1997. In respect of overlooking, this has been addressed as a condition in the event of approval.</p> <p>Not Supported – See 'Comments' section.</p>
<p>Natural ground levels much lower than top of existing retaining wall, 1.3 metres in height.</p> <p>Proposal requires Council to change bylaws and Heritage guide lines to enable the buildings to fit on these lots.</p> <p>Impact on neighbouring environment, by dominating adjacent properties on their boundaries, creating shade and blocking sunlight to large areas of adjacent houses.</p> <p>Impact on the privacy of neighbours, by instating windows and balconies high on the second floor that would create plunging views into courtyards and other rooms.</p>	<p>Not Supported – The retaining wall variations have been deemed acceptable as garage walls on the east and west elevations; have retaining walls to a maximum of 900 millimetres in height above natural ground level, in lieu of the required 500 millimetre maximum.</p> <p>Not Supported – The subject contemporary development is consistent with the principles of good conservation practice as it provides an appropriate differentiation between the existing heritage listed Federation Queen Anne dwelling at No. 130 Chelmsford Road. The contemporary nature of the proposed development is simple in design and does not mimic the traditional detail of the adjacent heritage place and is considered acceptable.</p> <p>Not Supported – Clause 7.4.1 of the Residential Design Elements Policy states that any new development is to consider preserving the amenity of adjoining neighbours and the surrounding areas. Such impacts include overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm. The amended proposal is considered by the City's Officers to be compliant with these requirements and, it is considered the proposal will not unduly impact on the amenity of the adjoining landowners.</p> <p>Not Supported – The amended plans result in no visual privacy variations being proposed.</p>

<b>Consultation</b>	
If Council continues to approve developments of this nature, in this area, where the majority of homes are in the Federation style, the historical nature of the area will be lost forever.	Not Supported – See ‘Comments’ section.
Will be detrimental to the aesthetics of the area and have an adverse effect on value of surrounding properties.	Not Supported – See ‘Comments’ section.
<b>Advertising</b>	Advertising was carried out as per the City’s Policy No. 4.1.5 – relating to Community Consultation.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The City’s <i>Strategic Plan 2011-2021</i> - Objective 1 states:  “ <i>Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.</i> ”
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Heritage**

The City’s Heritage Services assessed the amended plans dated 19 July 2011 and amended the Heritage Impact Statement accordingly.

The Heritage Impact Statement (amended as at 20 July 2011) noted that the applicant has sought to further reduce the impact of the development on the adjacent heritage place by increasing the ground floor eastern side setback from nil to 1 metre to nil to 1.6 metres, and the first floor eastern setback from 1 metre to 1-1.68 metres. Overall, it is considered that the applicant has taken measures to minimise the impact on the adjacent heritage listed property by virtue of side and ground floor front setbacks and its contemporary nature.

It is considered that the subject proposal has aimed to address the criteria stated in City’s Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties and, therefore, there is no objection to the development.

**Streetscape and Character**

The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. Dwellings along Chelmsford Road are inconsistent in architectural style and the street contains a mix of developments in regards to style and building materials.

The three (3) proposed single houses allow for high levels of passive surveillance of the street due to the use of balconies within the front setback area facing Chelmsford Road, while achieving highly interactive front elevations and not causing any undue visual privacy impacts. Chelmsford Road is not considered a recognised streetscape.

The changes made as part of the SAT mediation have resulted in the proposed units 1 and 3 having a significantly lesser impact on the directly adjacent properties at Nos. 130 and 134 Chelmsford Road, North Perth. The proposed amendments to the western and eastern boundary parapet walls of units 1 and 3 respectively, to now both be single storey parapet walls which are setback level with the front building lines of Nos. 130 and 134 Chelmsford Road, results in an overall development that now has significantly reduced the undue amenity

impact on the adjoining properties and the Chelmsford Road streetscape given the size and nature of the lots.

### **Street Setbacks**

While the ground floor front setbacks now comply with the requirements of the R-Codes, the upper floor street setbacks for the three (3) single houses, in regards to the balconies, are non-compliant with SADC. 5 (Street Setbacks) of the Residential Design Elements Policy. Each of the three (3) units now propose similar upper floor front balcony setbacks which are 1.3 to 1.9 metres in front of the ground floor, in lieu of the requirement of being a minimum of 1 metre behind the ground floor. The applicant's proposal mitigates the visual impact of the balconies by ensuring the balconies are open in nature with steel balustrades and a high ceiling to enable views through it in addition to providing the necessary screening to comply with the visual privacy requirements of the R-Codes. It is considered that the settings of the adjoining properties at Nos. 130 and 134 Chelmsford Road, along with the remainder of the dwellings in the Chelmsford Road streetscape, are now not significantly compromised by this proposed new development.

In addition, the proposed single houses, given the size and nature of the lots, have now been altered to preserve the amenity of adjoining neighbours and the surrounding area, with the upper floor balconies providing a feature of the façade of the subject development.

### **Response to Council Reasons for Refusal**

In respect of Council's concern about the impact of the proposed two-storey parapet wall of unit 1 abutting the western property at No. 134 Chelmsford Road, this parapet wall has now been amended to a single storey parapet wall, which complies with the length and height required for a parapet wall, as per the R-Codes requirements.

While in respect of Council's comment about the non-compliances in regard to the number and height of boundary walls, this has been addressed as the store/garage wall of unit 1 which was on the boundary of No. 134 Chelmsford Road, has now been removed, and setback 1 metre from the western side boundary. In addition, the only variation proposed from the three (3) parapet walls proposed, which abut the adjoining properties at Nos. 130 and 134 Chelmsford Road, is in terms of the height of the unit 3 rear garage wall abutting No. 130 Chelmsford Road. This wall is in non-compliance due only to the variations in the natural ground levels at the rear of the site towards the right of way and does not cause any undue amenity impacts to No. 130 Chelmsford Road.

The City's Officers are of the view that the amended plans, in particular reducing the number of parapet walls and reducing the two-storey parapet wall of unit 1 abutting No. 134 Chelmsford Road to a single-storey parapet wall, address the reasons for the Council refusing the previous application. The revised proposal is considered supportable and recommended for approval.

**9.2.1 Traffic Management Matters - Proposed Implementation Procedure for Future Black Spot Improvement Projects**

<b>Ward:</b>	Both	<b>Date:</b>	27 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the Recommendation of the City’s Integrated Transport, Traffic and Road Safety Advisory Group to:
  - 1.1 prepare a report to Council once the Black Spot submissions have been approved and prior to the budget process commencing;
  - 1.2 provide the community with an enhanced ‘Information Bulletin’ at the time prior to construction outlining the background and rationale for the project; and
  - 1.3 provide potentially affected residents (upon request) with all the relevant information including, but not limited to, the approved design, accident information and posts this information on the City’s Website;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to amend the City’s Policy No 4.1.5-Community Consultation as follows;

**“7. NON-STATUTORY AND GENERAL CONSULTATION (Page 12)**

<p><b>LOCAL AREA TRAFFIC MANAGEMENT SCHEME (LATM) – Proposal to Conduct</b></p>	<p>Notice delivered or mailed to all owner(s) and occupier(s) within the designated area and those on both sides of the perimeter roads giving them 14 days to provide comment, <u>excluding “Black Spot” projects.</u></p> <p>CEO can determine Local Public Notice – if required.</p> <p><u>“Black Spot” Projects</u></p> <p><u>A “Black Spot” is defined as a location whereby there have been more than five (5) accidents over a five (5) year period.</u></p> <ul style="list-style-type: none"> <li>• <u>Provide the community with an enhanced ‘Information Bulletin’ at the time prior to construction outlining the background and rationale for the project; and</u></li> <li>• <u>Provide potentially affected residents (upon request) with all the relevant information including, but not limited to, the approved design, accident information and posts this information on the City’s website.</u></li> </ul>
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...

<p><b>ROADWORKS/FOOTPATH UPGRADES/APPROVED INFRASTRUCTURE IMPROVEMENTS</b> <u>Including “Black Spot” Projects</u></p>	<p>Information Bulletin delivered at least seven (7) days prior to the commencement of works to all owner(s) and occupier(s) adjoining the proposal street and affected properties on the side streets of the proposal street.</p> <p>Local Public Notice (if required at the discretion of the Chief Executive Officer/Director).</p>
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...”

3. **DOES NOT** advertise the change to the Policy, as it is made for public safety reasons.

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Topelberg, Seconded Cr Maier**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide information and a justification for implementing Black Spot projects without the need to formally seek residents views or consultation prior to approving a proposal.

**BACKGROUND:**

When the City receives Black Spot funding there can be up to a two (2) year gap between the submission being made, and if successful, the project being implemented.

A 'Black Spot' is a location whereby there have been five (5) or more accidents over a five (5) year period. The accidents are analysed and a treatment to address the predominant accident type is designed, costed, a cost benefit ratio (CBR) determined (in accordance with the funding guidelines) and if the CBR is above a certain threshold, the project is submitted for funding.

In the past a number of 'successfully' funded Black Spot projects have been withdrawn by the Director Technical Services following the formal consultation process or for other reasons. This results in the intersection still remaining as a 'Black Spot' with the potential for more accidents, of varying severity, to occur into the future.

**DETAILS:**

**Black Spot Improvement Projects, once approved difficult to change:**

This matter was discussed at length at the former Local Area Traffic Management Advisory Group\* Meeting held on 19 May 2011.

Note: This group is now referred to as the Integrated Transport, Traffic and Road Safety Advisory Group (ITTRS).

The group was advised that:

1. Black Spot improvements provide necessary safety improvements for the betterment of the wider community;
2. the Black Spot process could take in excess of two (2) years from the initial submission to construction;
3. there was no guarantee of success until the assessment period was completed and the project ranked against competing submissions; and

4. the design is based upon a range of standard treatments and counter measures to eliminate accidents and once approved by Main Roads WA there was little scope to change the design.

Therefore it was contended that if the City consults and the community rejects the proposal the project needs to be withdrawn as there is no mechanism to modify the design and resubmit. This is because any redesign would affect the CBR and the project would most probably not meet the funding requirements.

Therefore with regards Black Spot projects, for the reason outlined above, the majority of Local Governments do not consult on Black Spot projects, as a Black Spot improvement comprises a safety improvement for the betterment of the wider community.

As an example the approved drawing for the Lord/Edward intersection (a recent Black Spot improvement project) including the collision diagram to illustrate why the particular counter measures/treatments were selected was discussed.

It was indicated that if the community were provided with a similar level of information they would be more accepting than the City merely advising them of an intention to commence the works without prior consultation.

#### **Advisory Group Discussion/Conclusions:**

The Group discussed how the process could be more inclusive without necessarily giving the community the right of veto and arrived at the following possible way forward.

- Report to Council once the City's Black spot submissions had been approved and prior to the budget process commencing.
- Possible changes to the Public Consultation policy to acknowledge the need to advise the community of the proposal however, as indicated above, not necessarily giving the community the right of veto.
- Providing the community with an enhanced 'Information Bulletin' at the time of construction outlining the background and rationale for the project.
- Providing the community with all the relevant information, including the approved design, collision diagram etc on the City's web-site.

#### **CONSULTATION/ADVERTISING:**

Not applicable at this stage.

#### **LEGAL/POLICY:**

Not applicable.

#### **RISK MANAGEMENT IMPLICATIONS:**

**High:** Black Spots are locations that have recorded five (5) or more accidents over a five year period.

#### **STRATEGIC IMPLICATIONS:**

The *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 Cities infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

#### **SUSTAINABILITY IMPLICATIONS:**

Improve safety for road users.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 budget includes the following Black Spot projects:

- Norfolk/Raglan pedestrian refuge islands: \$50,000 (carry forward from 2010/2011)
- Scarborough Beach Road/Loftus/London, right turn phasing: \$260,000 (carry forward from 2010/2011)
- Lord/Edward: \$50,000 (carry forward from 2010/2011)
- Leake/Vincent ½ seagull island :\$50,000
- Lord/Harold ½ seagull: \$50,000

**COMMENTS:**

As mentioned above, Black Spots are locations whereby there have been five (5) or more accidents over a five (5) year period. The Black Spot design is based upon a range of standard treatments and counter measures to eliminate accidents and once approved by Main Roads WA there is no scope to change the design as funding will be jeopardised.

Also the majority of Local Governments do not consult on Black Spot projects, as a Black Spot improvement comprises a safety improvement for the betterment of the wider community.

It is therefore considered that the recommendations of the ITTRS be approved and the City's Consultation Policy be amended.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**At 8.50pm the Presiding Member Deputy Mayor, Cr Sally Lake called an adjournment of the meeting for 10 minutes, prior to proceeding "Behind close doors" to consider the Confidential items.**

At 9.00pm the adjourned meeting re-convened, with the following persons present:

Cr Sally Lake ( <i>Deputy Mayor</i> )	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Ben Doyle	Director, Planning Solutions (for Items 14.4 and 14.5) (from approximately 8.20pm.)
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**There were no members of the public or journalists present.**

**PROCEDURAL MOTION**

**At 9.01pm Moved Cr Maier, Seconded Cr Burns**

**That the Council proceed "behind closed doors" to consider confidential items:**

- **14.1 - as this matter contains information affecting an employee, in regards to the Chief Executive Officers contract of employment;**
- **14.3 – as this item contains information, if disclosed would have commercial value to a person; and**
- **14.2, 14.4 and 14.5 – as these matters contain information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

**(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)**

**Order of Business for the Confidential Items**

The Items were considered in the following Order:

14.4, 14.5, 14.1, 14.3 and 14.2 as the Planning Consultant was in attendance for Items 14.4 and 14.5.

**14.4 CONFIDENTIAL REPORT – Scheme Amendment No. 29 to the City of Vincent Town Planning Scheme No. 1 – Special Use Provisions**

<b>Ward:</b>	South	<b>Date:</b>	8 August 2011
<b>Precinct:</b>	EPRA - Claisebrook Road North - P15	<b>File Ref:</b>	PLA0224
<b>Attachments:</b>	001 – Confidential - Proposed Conditions submitted by Allering and Associates No. 71 (Lot 200) Edward Street, Perth 002 – Confidential - Proposed Conditions submitted by Allering and Associates No. 120 (Lot 1001) Claisebrook Road, Perth		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Marie, Planning Officer (Strategic) T Woodhouse, Manager Strategic Planning, Sustainability & Heritage Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

Confidential

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**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Maier**

That the Standing Orders be suspended to allow free and open discussion and to ask questions of the City's Town Planning Consultant.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

Discussion ensued.

Town Planning Consultant, Ben Doyle spoke about the report and responded to questions.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Maier**

That the Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Burns**

That the Council;

1. **DEFERS** making a decision concerning Scheme Amendment 29 to the City of Vincent Town Planning Scheme No. 1 – Special Use Provisions; and
2. **DIRECTS** that the report remain confidential until further considered and determined by the Council.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 14.4**

That the Council;

1. **DEFERS** making a decision concerning Scheme Amendment 29 to the City of Vincent Town Planning Scheme No. 1 – Special Use Provisions; and
  2. **DIRECTS** that the report remain confidential until further considered and determined by the Council.
- 

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an update on Scheme Amendment No. 29 as it relates to the Claisebrook Road North Precinct and the existing concrete batching plants.

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report (or parts of it) is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.5 CONFIDENTIAL REPORT: No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition requiring the concrete batching plant to cease operating after 16 October 2012 and extended hours of operation (Holcim Batching Plant)**

<b>Ward:</b>	South	<b>Date:</b>	8 August 2011
<b>Precinct:</b>	EPRA Claisebrook Road North-P15	<b>File Ref:</b>	PRO0733; 5.2011.173.1
<b>Attachments:</b>	Confidential Minutes Item 14.2 from OMC held 26 July 2011 and Background Information		
<b>Tabled Items:</b>	Applicant's submission and documentation		
<b>Reporting Officer:</b>	B Doyle, Director Planning Solutions (nominated consultant)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** of the City's Town Planning Consultant's Recommendations, as detailed in this confidential report, dated 8 August 2011; and
2. **NOTES** that a further report will be submitted to the Council following the mediation in the State Administrative Tribunal.

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**Moved Cr Burns, Seconded Cr McGrath**

That the recommendation be adopted.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Maier**

That the Standing Orders be suspended to allow free and open discussion and to ask questions of the City's Town Planning Consultant.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

Discussion ensued.

Town Planning Consultant, Ben Doyle spoke about his report and responded to questions.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Maier**

That the Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That Clause 1 be amended to read as follows:**

- 1. APPROVES of the City's Town Planning Consultant's Recommendations, as detailed in this confidential report, dated 8 August 2011, and as amended by the Council at the Ordinary Meeting of Council held on the 9 August 2011; and**

**AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 14.5**

**That the Council:**

- 1. APPROVES of the City's Town Planning Consultant's Recommendations, as detailed in this confidential report, dated 8 August 2011, and as amended by the Council at the Ordinary Meeting of Council held on the 9 August 2011; and**
- 2. NOTES that a further report will be submitted to the Council following the mediation in the State Administrative Tribunal.**

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<b>Landowner:</b>	Holcim Australia Pty Ltd
<b>Applicant:</b>	Allerding and Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme-Residential R80
<b>Existing Land Use:</b>	Concrete Batching Plant
<b>Use Class:</b>	General Industry
<b>Use Classification:</b>	"Unlisted" in the East Perth Redevelopment Scheme
<b>Lot Area:</b>	4870 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council to provide instruction in preparation of a 'without prejudice' Position Statement, and Statement of Issues, as ordered by the State Administrative Tribunal.

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**BACKGROUND:**

The background to this matter is shown in Appendix 14.5.

Council considered the matter as a confidential item at its Ordinary Meeting held on 26 July 2011, and resolved as follows:

*“That the Council;*

1. *SEEKS an urgent deputation before the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day, to discuss the planning applications for Holcim and Hanson Concrete Batching Plants in East Perth;*
2. *INSTRUCTS the City’s legal representative to write to the Honourable Minister seeking his agreement for the Council to engage in mediation;*
3. *CONSIDERS the matter at its Ordinary Meeting to be held on 9 August 2011;*
4. *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time; and*
5. *APPROVES of the deputation to the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day to comprise as follows:*
  - *Deputy Mayor Sally Lake;*
  - *Cr Warren McGrath (if available from leave of absence);*
  - *Cr Joshua Topelberg (if Cr McGrath is unavailable);*
  - *Chief Executive Officer, John Giorgi JP; and*
  - *Director Development Services, Rob Boardman.*

In accordance with clause 2 of Council’s resolution, the City’s legal representative wrote to the Minister requesting agreement to engage in mediation. In a letter dated 28 July 2011, the Minister’s Chief of Staff advised the Minister did not have any objection to the SAT ascertaining the best method to hear the application, prior to its referral to the Minister for determination.

Subsequently, at the Directions hearing held on 29 July 2011, the SAT listed the matter for mediation on 29 August 2011. The SAT also ordered that the City provide a ‘without prejudice’ Position Statement, and Statement of Issues, prior to mediation.

**DETAILS:**

On 11 March 2009, the Minister for Planning conditionally approved an application for the extension of hours from 7 pm to 6 am Monday to Saturday of the existing concrete batching plant; a sunset clause in the approval specified that the approval was granted for a term expiring on 16 October 2012.

This application is for additions, alterations to existing concrete batching plant and the lifting of time limited condition requiring the concrete batching to cease operating after 16 October 2012 and extended hours of operation.

The applicant states the following:

*"This proposal seeks approval to continue the location, operations of the plant and use of the site under its current suite of conditions by simply removing the sunset provision."*

Alongside the approval of the existing batching plant, the application seeks an approval for the construction of a roofed slump stand area with a three bay capacity for trucks, an additional access point fronting Claisebrook Road, reinstatement of the 4 metre high perimeter wall and associated landscaping.

The applicant's submission is Tabled and copied to Council Members.

The Officer Report to the Ordinary Meeting of Council held on 26 July 2011 is shown in Appendix 14.5. The previous Officer Report contains detailed assessment of the subject application, which will not be duplicated in this report.

**LEGAL/POLICY:**

East Perth Redevelopment Authority Scheme

**RISK MANAGEMENT IMPLICATIONS:**

**High:** This matter is the subject of considerable community interest in the local area. It is important for the Council to determine a position in this sensitive matter. Failure to do so could result in the City not being able to mediate the matter at the State Administrative Tribunal, and/or proceeding to a full hearing (if required) and/or providing the Council's position (and/or) conditions to the Minister for Planning, if necessary.

**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*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Cost implications for the City to be represented by Lawyers and Planning Consultant at the State Administrative Tribunal.

**COMMENTS:**

Detailed assessment and commentary on the potential impacts which may result from the ongoing operation of the plant is provided in the previous report as shown in Appendix 14.5. Detail regarding any further information, or changes to the specific circumstances of the application, is provided below.

At 10.10pm the Chief Executive Officer advised the meeting that the City's Policy concerning Meeting Procedures required meetings to conclude by 10.00pm. If the meeting is to continue, a Procedural Motion to continue is required to be moved and approved.

**PROCEDURAL MOTION**

**Moved Cr Burns, Seconded Cr Maier**

That the Council Meeting continue until 10.15pm.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

The Presiding Member, Deputy Mayor Cr Sally Lake advised that Chief Executive Officer had declared a financial interest in Item 14.1. The Chief Executive Officer departed the Chamber at 10pm whilst the matter was considered.

**14.1 Chief Executive Officer's Contract of Employment - Appointment to Healthway Board**

<b>Ward:</b>	-	<b>Date:</b>	29 July 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal File
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**Disclosure of Financial Interest:**

The Chief Executive Officer, John Giorgi, has declared a financial interest in this item.

The Extent of this Interest being that it relates to his Contract of Employment.

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that the Chief Executive Officer's nomination as the Western Australian Local Government Association's (WALGA) representative on the Healthway Board, as approved by the Council at its Ordinary Meeting of Council held on 22 March 2011, has been approved by the Minister for Health and endorsed by the State Cabinet; and
2. **APPROVES** of the Chief Executive Officer to hold a position on the Healthway Board, pursuant to Clause 4.2(f) of the Chief Executive Officer's Contract of Employment.

---

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Topelberg , Seconded Cr Maier**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell were on approved leave of absence. Cr Harvey was an apology for the meeting.)

---

**PURPOSE OF REPORT:**

The purpose of the report is to seek the Council's approval for the Chief Executive Officer to hold the position of WALGA representative on the Healthway Board.

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter contains information concerning a matter affecting an employee or employees.

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**BACKGROUND:**

On 7 July 2011, the Minister for Health, Dr Kim Hames, formally approved the appointment of the Chief Executive Officer, John Giorgi, to the Healthway Board. Healthway wrote to the Chief Executive Officer on 20 July 2011 confirming his membership on the Board and advising his term of service is effective from 7 July 2011 for a period of three years until 7 July 2014.

**Council Nomination**

At the Ordinary meeting of Council held on 22 March 2011, the Council considered nominations for WALGA's representation and resolved as follows;

*"That;*

*Chief Executive Officer, John Giorgi's nomination as WALGA Member - Healthway Board be approved.*

The WALGA Information Sheets advised as follows:

*"REASON FOR VACANCY, TERM AND COMMENCEMENT DATE  
Expiry of term of incumbent member*

**MEETING DETAILS**

<i>Meetings:</i>	<i>Every two months</i>
<i>Venue:</i>	<i>West Perth</i>
<i>Duration:</i>	<i>2 hours approx</i>
<i>Sitting Fee:</i>	<i>\$8,000 p.a. (tbc)</i>
<i>Travelling allowance:</i>	<i>In accordance with Government Policy</i>

*ELIGIBILITY*

*Open to Elected Members and Officers"*

**Healthway**

The Healthway Board was established under Section 15 of the Tobacco Control Act 1990 and operates the Tobacco Products Control Act 2006.

Healthway is an independent Statutory Body responsible to the Minister for Health and its objectives are;

- To fund activities that promote health, particularly that of young people;
- To provide grants to organisations engaged in health promotion programmes and research; and
- To offer sponsorship for sport, arts and racing activities which encourage healthy lifestyles.

It distributes almost \$20 million a year in sponsorship and funding grants.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Chief Executive Officer's Contract of Employment at Clause 4.2 - *"Employee's Agreement with the Council - General"* states;

**"4.2 Employee's Agreements with the Council: General**

*The Employee agrees with the Council that the Employee must:*

- (f) *not hold any position, unless approved by the Council, for reward or non-reward which may in any way be seen to conflict with the Employee's obligations, under this Contract."*

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016, Objective 4.1 - *"Provide good strategic decision-making, governance, leadership and professional management"*; and, in particular, Objective 4.1.1 - *"Develop leadership skills, behaviours and culture that enhance the public image of the City"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Board Member's position has an annual sitting fee of up to \$8,000. Travelling allowance would not be claimed as Healthway's office is located in West Perth.

**Number of Meetings**

The Board meets every two (2) months for a period of approximately two (2) hours. Meetings are usually held in the late afternoon and generally are of 2-3 hours duration.

### **Implication for the City**

Assuming six (6) meetings are held annually, this would equate to twelve (12) hours per annum, plus travelling time of approximately 15 minutes before and after a meeting.

Therefore, the total commitment during the employee's tenure would be approximately fifteen (15) hours per year.

All pre-reading of Agendas and reports would be carried out in the Chief Executive Officer's personal time.

The Chief Executive Officer currently works an average of sixty (60) hours per week - weekdays and up to approximately four (4) hours on most weekends. (This includes after hours work and Council Meetings, Council Forums, Citizenship Ceremonies, Civic Functions and other engagements). He therefore clearly works in excess of the minimum specified hours of 40 per week. This equates to in excess of 1,152 hours per year above the minimum required (assuming four (4) weeks' annual leave is taken). This has an estimated value in excess of \$100,000 per year.

The Chief Executive Officer does not take a monthly "flexi day" (for which employees are entitled to one per month) - as it has never been his practice. At most he has taken 1-2 days "Executive Leave" per year (as per his Contract of Employment) - usually around Christmas time.

The City clearly receives a positive benefit from the Chief Executive Officer's additional hours and this would continue in the future.

### **COMMENTS:**

The Chief Executive Officer has qualifications in environmental health and was the former President of the Western Australian Institute of Environmental Health and National Vice-President for a number of years, as well as management qualifications. He is, therefore, well qualified for the position.

The Chief Executive Officer's appointment to the Healthway Board is kudos for the City and also the Chief Executive Officer personally.

The purpose of this report is to ensure that there is no ambiguity in terms of the Chief Executive Officer's contractual arrangements. Accordingly, the Council's approval is respectfully requested.

**The Chief Executive Officer returned to the Council chamber at 10.02pm. The Presiding Member Deputy Mayor, Cr Sally Lake advised the Chief Executive Officer the item was unanimously carried (6-0).**

**14.2 CONFIDENTIAL REPORT: Toorak Rise – Trees Planted on City Property**

<b>Ward:</b>	South	<b>Date:</b>	28 July 2011
<b>Precinct:</b>	Smith Lake (6)	<b>File Ref:</b>	RES0035
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	J van den Bok; Manager Parks & Property Services R Lotznicker; Director Technical Services		
<b>Responsible Officer:</b>	John Giorgi; Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report and the notes the legal advice received in relation to the trees planted on the City's land adjacent to Nos. 4, 8, 14 and 16 Toorak Rise, North Perth as shown in Appendix 14.2A;
2. **APPROVES** the following in relation to the trees;
  - 2.1 **\*Option 1- No further action**
    - 2.1.1 takes no further action regarding the two Tipuana trees at the rear of No. 8 Toorak Rise (Appendix 14.2B);
    - 2.1.2 takes no further action regarding the two Gleditsia trees at the rear of No. 14 Toorak Rise (Appendix 14.2C, D and E);
    - 2.1.3 takes no further action regarding the two Gleditsia trees (planted prior to the gazettal of the City of Vincent Property Local Law 2008, on 15 April 2008) at the rear of No. 4 Toorak Rise (Appendix 14.2F);
    - 2.1.4 takes no further action regarding the two Gleditsia trees (planted prior to the gazettal of the City of Vincent Property Local Law 2008 on 15 April 2008) at the rear of No. 16 Toorak Rise (Appendix 14.2G); or

**ALTERNATIVELY**

**2.2 \*Option 2**

Subject to clauses 2.1.1 and 2.1.2 being approved, **AUTHORISES** the Chief Executive Officer to serve a notice on the owners of the following properties;

- 2.2.1 No. 4 Toorak rise- to remove the two Gleditsia trees (planted prior to the gazettal of the City's Property Local Law 2008 on 15 April 2008) (Appendix 14.2F);
- 2.2.2 No. 16 Toorak Rise to remove the two Gleditsia trees (planted prior to the gazettal of the City's Property Local Law 2008 on 15 April 2008) (Appendix 14.2G);

(\*Delete which is not applicable)

3. **NOTES** that subject to Clause 2.1 or 2.2 above being approved, the City's Parks and Property Services Section will continue to monitor the situation over the forthcoming years; and
4. **ADVISES** the owners and occupiers of Nos. 1-18 (inclusive) Toorak Rise, of its decision.

**Moved Cr Burns , Seconded Cr Buckels**

That the recommendation be adopted with Option number 1.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell were on approved leave of absence. Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 14.2**

That the Council;

1. RECEIVES the report and the notes the legal advice received in relation to the trees planted on the City's land adjacent to Nos. 4, 8, 14 and 16 Toorak Rise, North Perth as shown in Appendix 14.2A;
  2. APPROVES the following in relation to the trees;
    - 2.1 takes no further action regarding the two Tipuana trees at the rear of No. 8 Toorak Rise (Appendix 14.2B);
    - 2.2 takes no further action regarding the two Gleditsia trees at the rear of No. 14 Toorak Rise (Appendix 14.2C, D and E);
    - 2.3 takes no further action regarding the two Gleditsia trees (planted prior to the gazettal of the City of Vincent Property Local Law 2008, on 15 April 2008) at the rear of No. 4 Toorak Rise (Appendix 14.2F);
    - 2.4 takes no further action regarding the two Gleditsia trees (planted prior to the gazettal of the City of Vincent Property Local Law 2008 on 15 April 2008) at the rear of No. 16 Toorak Rise (Appendix 14.2G); or
  3. NOTES that subject to Clause 2.1 or 2.2 above being approved, the City's Parks and Property Services Section will continue to monitor the situation over the forthcoming years; and
  4. ADVISES the owners and occupiers of Nos. 1-18 (inclusive) Toorak Rise, of its decision.
- 

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of recent complaints and the legal advice received in relation to the trees planted on City property adjacent to Smiths Lake Reserve.

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

**BACKGROUND:**

On 25 March 2011 the City's Manager Parks & Property Services attended a meeting on site with the owners of No. \*\*\*\* Toorak Rise, North Perth following some concerns raised in relation to the upkeep and maintenance of the parkland (Smiths Lake Reserve) adjacent to their property. (Refer to Appendix 14.2A).

At the meeting the owner of No \*\*\*\* Toorak Rise also complained about the potential damage likely to be caused to City and private property by several trees that were planted by neighbouring property owners in a narrow garden bed between their property boundary and a path located within Smiths Lake Reserve.

Investigations identified that the narrow garden area in which the trees were planted is City owned land, comprising the Smiths Lake Reserve, and subsequently a letter dated 2 May 2011 was sent to the owners of Nos. 4, 8, 12, 14, and 16 Toorak Rise requesting that the trees be removed. The owners of No 12 Toorak Rise subsequently removed the trees upon receipt of the letter.

Letters were subsequently received from the owners of Nos. 4, 14 and 16 Toorak Rise advising of their disappointment with the decision, lack of consultation and that legal advice and reports from tree experts were being sought in regards to the matters identified in the letter to owner/occupiers.

The City engaged arboricultural consultant John Banks to inspect the trees and provide an independent report on their suitability for the location. A copy of this report is Tabled.

**DETAILS:**

**Arboricultural Report:**

**Information confidential.**

**Legal Advice:**

**Information confidential.**

The City's solicitors were requested to further review the Local Government Act 1995 and the City's Local Government Property Local Law 2008 and provide advice on whether the City could request removal of the trees by the owners of the properties adjacent to where the trees had been planted on the City's land.

The legal advice received is as follows:

**Information confidential.**

**Neighbourhood Conflict**

**Information confidential.**

**On-Going Monitoring**

As there is no current damage or problem caused by the trees, it is appropriate that the City's Parks and Property Services Section monitor the situation on an annual basis.

If the trees cause a danger, an obstruction to a thoroughfare or prejudicially affect the thoroughfare, the City can issue a Notice under section 3.25(1) of the *Local Government Act 1995* against the owner(s) of the tree(s) to remedy the situation.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Should the trees pose an immediate danger to person/property as they mature and Section 3.25 (1) of the Local Government Act 1995, Clauses 8 & 9 of Schedule 3.1, Division 1 are satisfied, the City would have the power to issue a Notice to the owners/occupiers of the land (where the trees have been planted in Council controlled land) for their removal.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium- High:** Notwithstanding the legal advice received, given the advice received from the arboricultural consultant John Banks it is likely that as the trees mature, unless the situation is regularly monitored, damage will most likely be caused to both City owned and private property.

However, to intervene in what is primarily a "civil dispute" could result in protracted appeals to the State Administrative Tribunal and/or expensive legal action.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2021* states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable at this stage.

**COMMENTS:**

It is therefore recommended that the City takes no further action in regards to the removal of the trees at Nos. 4, 8, 14 & 16 Toorak Rise at this point in time and advises the owner and occupiers of No's 2-16 Toorak Rise of the Council's decision. The trees will be regularly monitored and if they present a danger or obstruct the thoroughfare, a Notice will be issued under Section 3.25(1) of the *Local Government Act 1995* on the owner of the trees to remedy the problem.

### 14.3 CONFIDENTIAL REPORT: Opportunity to Purchase Land

<b>Ward:</b>	South	<b>Date:</b>	8 August 2011
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO1234
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that the independent valuation of the land as detailed in the confidential report significantly exceeds the City's estimate for the price of these properties;
2. **DOES NOT** proceed with the purchase of the land and takes no further action; and
3. **AUTHORISES** the Chief Executive Officer to make public the report at an appropriate time in the future.

---

#### COUNCIL DECISION ITEM 14.3

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

#### MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

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#### PURPOSE OF THE REPORT:

The purpose of this report is to provide the Council with further information on the opportunity to purchase No. 109 and 111 Oxford Street, Leederville, comprising of 458m<sup>2</sup> and 594m<sup>2</sup>, at public auction on 18 August 2011.

#### DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter;

- contains a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- if disclosed, would reveal information that has a commercial value to a person.

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**BACKGROUND:**

At the Ordinary Meeting of Council on 26 July 2011, the following was resolved:

“*That the Council;*

1. *NOTES that an opportunity has arisen to purchase land, as detailed in this confidential report and shown in Appendices 14.5(A), (B) and (C);*
2. *REQUESTS the Chief Executive Officer to submit a further report to the Ordinary Meeting of Council to be held on 9 August 2011; and*
3. *AUTHORISES the Chief Executive Officer to make public all or part of this recommendation once the matter has been finalised.*

The land at Nos. 109 and 111 Oxford Street, Leederville has been recently advertised for sale by Public Auction to be held on 18 August 2011.

The two lots are strategically located adjoining land which the Council will redevelop as part of the Leederville Masterplan. Purchase of the land will provide the Council with an opportunity for greater redevelopment potential / options.”

**DETAILS**

**Valuation**

A sworn valuation has been obtained from Don Eftos of Eftos Estate. This has been received.

**Information confidential.**

**Valuation Analysis**

*The various methods of analysis give a wide range of value from \$\*\*\*\* Information confidential.*

*Unfortunately we do not have any conclusive sales evidence to give an accurate assessment of where the land value lies in the immediate location and have relied on sales evidence although similar in nature are not directly comparable due to their smaller size hence selling at lower capital sums which are more affordable to the general market.*

*Bearing in mind the capital amount of the property we consider a yield as low as \*\*\*\*% might be achievable in the current market based on the current income after the rent review of the Siena's tenancy.*

Furthermore a rate in the order of \*\*\*\*% could be expected on the reversion of rentals results to derive a value range of \$\*\*\*\* **Information confidential**. This higher required yield would be sought due to the uncertainties of time frame and cost of works required in order to be able to achieve these possible rentals.

The higher figure equates to our estimated \$ **Information confidential** for the land including the improvements which is in keeping with our estimates analysed above.

Taking all these factors into account we consider a value in the order of \$ **Information confidential** is what could be readily expected from this property in the current market.

Nonetheless although we are experiencing poor market conditions at present we believe that a property of this nature would be keenly sought after from sectors of the market who are cashed up and looking for prime property which will have a low chance of having vacancies and having significant development potential for the future as previously discussed.

With this in mind we consider it would not be unreasonable to expect that a \*\*\*\*% to \*\*\*\*% premium over and above our suggested value range could be achievable which could derive a value of up to \$ **Information confidential** from either an adjoining owner or an investor with particular interest in the Leederville area.

**For valuation purposes however we have adopted a figure of \$ **Information confidential** taking into account all factors and available evidence at this time.**

The site is zoned District Centre under the City of Vincent Town Planning Scheme No.1. The District Centre zoning permits uses such as shops, local shops, eating house, offices, or showroom/warehouse.

Uses which require discretion include dwellings, consulting rooms etc.

Under the Leederville Masterplan area, the site is under the Oxford Street South precinct whereby the provisions are:

- a) Maximum height to be 3 storeys with 2 storeys or equivalent on the Oxford Street frontage;
- b) The ground and first floor are to be built up to the street edge;
- c) Floors two storeys and above to be set back 5 metres from the front boundary;
- d) Awnings to extend over the full width of the site; and
- e) Ground Floor must be active and provide interest.

A mixed use development with highly interactive uses at ground level with offices and residences above would be preferred.

In addition, given the site adjoins the Water Corporation easement, giving it a strong corner element, this aspect of the building should be particularly prominent and it would be strongly desired that the building has openings to the easement such as shop fronts or outdoor public spaces used by alfresco dining etc."

#### **CONSULTATION/ADVERTISING:**

Not applicable at this stage. However, if the City is successful in purchasing this land it will need to carry out a Major Land Transaction Business Case in accordance with Sections 3.58 and 3.59 of the Local Government Act.

#### **LEGAL/POLICY:**

There is a legal requirement to advertise this proposal for a period of six weeks, in accordance with Sections 3.58 and 3.59 of the Local Government Act.

The land is zoned "District Centre".

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The City would need to borrow funds for the purchase of this property. The City's borrowing capacity with existing loans and potential future borrowings (e.g. Hyde Park Lakes Restoration Project, Beatty Park Leisure Centre Redevelopment) may exceed the maximum ratios recommended by the Department of Local Government.

Given the City's existing and budgeted level of borrowing there is no guarantee that an additional loan application would be successful.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016 - Key Result Area 2.1.3 – *“Develop business strategies that reduce reliance on rates and revenue”*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

As this opportunity only arose last week, the 2011/2012 Budget does not contain any monies specifically for the purchase of land.

It will therefore be necessary to borrow the funds required (**\$ Information confidential**) from a short term loan or use monies in an existing Reserve Fund (subject to Local Government Act advertising requirements).

As stated above, the Annual Budget 2011/12 does not contain the funds for the purchase and it does not have the loan to fund this acquisition.

Therefore in accordance with section 6.20 (2) of the (1995) Local Government Act, the City must give one month's public notice of the proposal to borrow.

The advertising period for any loan would expire after the date of the auction for the land.

The City has existing borrowings of approximately **\$ Information confidential** with the potential for further loans that have been included in the Budget for Beatty Park Leisure Centre and the Hyde Park Lakes Restoration Project.

To seek further loans would take the level of borrowings above the recommended benchmark by the Local Government Department.

**COMMENT:**

The opportunity to purchase this land which adjoins the City's current land is considered to be of strategic importance as it will allow the opportunity for the City to act as a catalyst for the development of this part of Leederville, particularly as part of the Leederville Masterplan.

However the independent valuation for the properties significantly exceeds the estimates considered viable for the Council. It is noted that the valuer has stated that in his opinion a premium may be required for the properties.

In addition in order for the City to obtain any loan funding required for this potential purchase, it is required by legislation to be advertised for one month. This advertising will take it past the auction date.

It is therefore recommended that the City does not pursue the purchase of these properties and takes no further action in the matter.

**PROCEDURAL MOTION**

At 10.15pm **Moved Cr Buckels, Seconded Cr Burns**

That the Council resume an "Open Meeting".

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Mayor Catania and Cr Farrell on approved leave of absence. Cr Harvey was an apology for the meeting.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Deputy Mayor Cr Sally Lake, declared the meeting closed at 10.15pm with the following persons present:**

- |                                       |                               |
|---------------------------------------|-------------------------------|
| Cr Sally Lake ( <i>Deputy Mayor</i> ) | Presiding Member, South Ward  |
| Cr Matt Buckels                       | North Ward                    |
| Cr Anka Burns                         | South Ward                    |
| Cr Warren McGrath                     | South Ward                    |
| Cr Dudley Maier                       | North Ward                    |
| Cr Joshua Topelberg                   | South Ward                    |
| John Giorgi, JP                       | Chief Executive Officer       |
| Rob Boardman                          | Director Development Services |
| Rick Lotznicker                       | Director Technical Services   |
| Mike Rootsey                          | Director Corporate Services   |

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 August 2011.

Signed: ..... Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2011