



## CITY OF VINCENT

---

*"Enhancing and celebrating our diverse community"*

---

# MINUTES

**13 SEPTEMBER 2011**

---

*This document is available in the following alternative formats  
upon request for people with specific needs; large print, Braille  
and computer disk*

**INDEX  
(13 SEPTEMBER 2011)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>9.1 DEVELOPMENT SERVICES</b>		
9.1.1	No. 180 (Lots 254 and 255; D/P: 2503) Scarborough Beach Road, Mount Hawthorn – Demolition of Existing Building and Construction of a Four-Storey Mixed-Use Development Comprising of Three (3) Shops, Two (2) Offices, Two (2) Single Bedroom Multiple Dwellings, Four (4) Multiple Dwellings and Associated Car Parking (PRO3777; 5.2011.306.1)	57
9.1.2	No. 5 (Lot 125; D/P: 12521) Hanover Place, North Perth – Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings (PRO5166; 5.2011.131.2)	52
9.1.3	No. 65 (Lot 800; D/P: 49553) Kingston Avenue (formerly No. 60 Loftus Street), West Perth - Proposed Construction of Four (4) Storey Building consisting of Four (4) Two Bedroom Multiple Dwellings and Eleven (11) Single Bedroom Multiple Dwellings and Basement Car Park (PRO4794; 2011.209.1)	96
9.1.4	No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre (PRO0143; 5.2010.524.4)	72
9.1.5	Nos. 193-195 (Lots 267-269; D/P: 3642) Scarborough Beach Road, corner of The Boulevarde, Mount Hawthorn – Proposed Extension of Trading Hours to Existing Unlisted Use (Plant Nursery) and Incidental Shop and Eating House (PRO3020; 5.2011.333.1)	93
9.1.6	East Perth Redevelopment Authority – Stage 1B Normalisation (PLA0226)	12
9.1.7	Department of Transport – Draft Public Transport for Perth in 2031 Document (ORG0016)	106
<b>9.2 TECHNICAL SERVICES</b>		
9.2.1	Proposed Eco-zoning of Keith Frame Reserve & Loftus Street Median (RES0039)	17
9.2.2	Traffic Management Matter – Hobart Street, North Perth, Progress Report No. 1 (TES0334)	20
9.2.3	City of Vincent 2011 Streetlight Audit (TES0175)	25
9.2.4	LATE ITEM: Tender No. 433-11 Engagement of Consultants for Hyde Park Lakes Restoration & Remediation (TEN0441)	28
<b>9.3 CORPORATE SERVICES</b>		
9.3.1	Financial Statements as at 31 July 2011 (FIN0026)	31
9.3.2	Hyde Park Rotary Community Fair 2012 (RES0031)	47
9.3.3	Reconciliation Place Project – Progress Report No. 3 (CMS0120)	36
9.3.4	Proposed New City Entry Statements (TES0558)	42

---

<b>9.4</b>	<b>CHIEF EXECUTIVE OFFICER</b>	
9.4.1	Use of the Council's Common Seal (ADM0042)	45
9.4.2	Draft Policy No. 1.1.9 – Public Murals (CMS0025) [ <b>Absolute Majority Decision Required</b> ]	111
9.4.3	Information Bulletin	46
<b>10.</b>	<b>COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
10.1	Cr J Topelberg – Request for a report concerning the lodgement of electronic plans with major Development Applications	114
10.2	Cr S Lake – Request for a report concerning the provision a free portion for ticket parking in Highgate	115
10.3	Cr D Maier – Request for Ministerial approval for Community Members to participate in the City's Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups	116
<b>11.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b> (Without Discussion)	
	Nil.	119
<b>12.</b>	<b>REPRESENTATION ON COMMITTEES AND PUBLIC BODIES</b>	
	Nil.	119
<b>13.</b>	<b>URGENT BUSINESS</b>	
	Nil.	119
<b>14.</b>	<b>CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b> ( <i>"Behind Closed Doors"</i> )	
14.1	CONFIDENTIAL REPORT: Review of City of Vincent Town Planning Scheme No. 2 – Progress Report No. 13 (PLA0140)	120
<b>15.</b>	<b>CLOSURE</b>	122

---

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 13 September 2011, commencing at 6.00pm.

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

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.03pm 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 Anka Burns – apology – arriving late due to work commitments.  
Mike Rootsey, Director Corporate Services – annual leave.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward (from 6.11pm)
Cr Anka Burns	South Ward (from 6.42pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	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
Jacinta Anthony	A/Director Corporate Services
Anita Radici	Executive Secretary (Minutes Secretary) (until 7.46pm)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until 7.46pm)
Jessica Tana Bankoff	Journalist – <i>"The Perth Voice"</i> (until 7.46pm)

Approximately 23 Members of the Public

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

Nil.

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

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

1. Mudji Nielson of the Rotary Club North Perth, 214 Cape Street, Tuart Hill – Item 9.3.2. Stated the following:
  - Congratulated the City on the change of status from "Town" to "City".
  - They will be running the next community fair over the Labour Day long weekend (Sunday 4 and Monday 5 March 2012).
  - In May 2011 a letter was written to the City requesting sponsorship of \$18,000 as major sponsor of the Hyde Park Rotary Community Fair 2012. The City has approved sponsorship of \$17,000 to assist with the costs of running the Fair.
  - Requested support to grant an additional \$1,000 (total of \$18,000).
  - They have been supportive of and participated in many of the City's different events during the year.
  - Urged the Council to support \$18,000 for the Fair.

2. Jill Valli of 5 Hanover Place, North Perth – Item 9.1.2. Requested approval of her development application.
3. Tony Paduano of TPG Town Planning & Urban Design, 7/182 St George's Terrace, Perth on behalf of the landowners Western Network Pty Ltd – Item 9.1.1. Stated the following:
  - In favour of the development and in supports the Officer Recommendation
  - The proposal is the culmination of detailed liaison over a period of time between the landowners consultant team comprising of architectural, heritage interpretation, planning and urban design, civil and construction advice and the City's development and technical service departments. Acknowledged that the City's Officers have made themselves available to discuss the proposal in a constructive and helpful manner.
  - The consultation process has been able to resolve an existing storm water drainage issue that currently occurs in the real right of way with an agreement of a solution between the landowner and the City involving drainage via a proposed pipe network through the subject site.
  - The proposal includes a well researched interpretation strategy for the site which outlines the chronology of the sites use and changeover time as well as identifying key historic themes associated with the site. These themes will be interpreted by means of a detailed history wall and a visually prominent feature panel which will be further developed as part of the City's percent for art component of the development. Design features such as vertical window mullions and louvers will reflect the aesthetics of the former Post Office.
  - Believe the proposal will make a positive contribution to the ongoing revitalisation and growth of the Mt Hawthorn precinct attracting additional workers, shoppers, residents and visitors to the area.
  - The mixed use development is consistent with the City's current strategic vision for the Activity Corridor as identified in the draft Urban Design Framework for Scarborough Beach Road in terms of scale, land use activity and intensity of development.
  - The proposal is also in line with the objectives of Directions 2031 promoting a framework that provides for different lifestyle choices, vibrant nodes for economic and social activity and a more sustainable urban transport network.
  - Requested support of the proposal and looks forward to working closely with the City to satisfy the conditions of development.

**Cr Buckels entered the meeting at 6.11pm.**

4. Brendan Decowie of 22/630 Newcastle Street, Leederville – Item 9.1.4.
  - Asked what consideration the Council has had for the privacy of existing residential buildings on the street, particularly in regards to the height of the proposed development. His complex consists of townhouses with open plan courtyards, balconies and bedrooms facing Newcastle Street.
  - Believed the height of 10 storeys directly in front of their building would impose some privacy issues to the existing residents.
  - Considers there are some congestion issues for traffic exiting Newcastle Street, particularly towards Oxford Street. People trying to turn right will block Newcastle Street. Exiting Oxford Street is not such an issue.
5. Rachael Taylor of 82 Buxton Street, Mt Hawthorn – Item 9.1.1. Stated the following:
  - The old Post Office has been assessed for heritage values and has been recommended for conservation therefore appeals to the Council to make the decision to ensure the essence of the building is conserved.
  - The heritage assessment uses words such as *"rare example, iconic and high quality of modern architectural design"*. If a building described in these terms cannot be conserved (even in part), what chance do historic buildings have?

- Referred to Vincent Vision 2024 and Guiding Principles for the Town Centre of Mt Hawthorn which states *"heritage and icon buildings and places are conserved with the retention of traditional shop fronts, facades and awnings"*.
  - Asked if it can be insisted that the original character be preserved within the new architecture? Instead of the proposed panel wall, keep the façade.
  - Believed the enforcement of a 1% investment in an artwork could only result in a token gesture towards both art and heritage.
  - There is value in preserving or integrating more of the character of the building into the plans. A well designed building with a unique and historic façade would surely attract potential buyers and tenants better than another circa 2012 commercial property i.e. malting in Northbridge, the Bowens Warehouse in East Perth and the beautiful buildings that have been preserved throughout the CBD (particularly the west end).
  - Visions of Vincent have a very clear mandate for the preservation of the character and history of Mt Hawthorn and for the past 12-24 months they have been caught out with the lack of a good preservation or conservation policy and, an unprecedented influx of development both commercial and residential. The underlying fabric of the area is changing far too quickly and very soon will be left with a small proportion of traditional properties dwarfed by recently erected blocks of concrete and steel.
  - The modern buildings show a total lack of empathy for the surrounding area. Asked how they would be perceived by future generations.
  - Loves the building and its presence on the main street of Mt Hawthorn and has always hoped that it would be renovated and developed. Has wanted to walk through the iron gated entrance and see what the world looks like from the inside of the amazing high windows.
  - She is one of many locals who have chosen to live in the area because of its strong village atmosphere where building scale and heights do not dominate the street. Believed the proposed building style and scale has not place in this section of Scarborough Beach Road. The aesthetic qualities of the old Post Office contribute to the areas sense of place. Worries if the building is allowed to fall something intangible will be lost that could never be replaced.
6. Susan Enberg of 2/190 Scarborough Beach Road, Mt Hawthorn (representing tenants, other owners in the complex and several home owners in Mt Hawthorn) – Item 9.1.5. Stated the following:
- As a group they oppose the request for extension of training hours.
  - Over the past 3 years she has received numerous calls from distressed tenants and neighbouring owners who have not sleep because of the high volume music blaring from this business. This music and noise going on day and night, sometimes up to 3am and requests to the owners (who have been rude and disrespectful to requests) to turn the music off have been ignored. Police have been called and they have also been ignored. On several occasions she has driven down at 2am to hear the unbearable music herself.
  - She has had tenants vacate her unit before their lease expires and she has been out of pocket thousands of dollars as the covenant of the lease states that she the landlord *"promise that during the term of the tenancy no one will disturb the tenant in the tenants use and quite enjoyment of their premises"*. She has therefore attended this evening to do this for them and other tenants in the apartments.
  - Understands that Mt Hawthorn is going through a resurgence of new shops, food outlets and the Council is upgrading the area which is fantastic and fully support the Council for making some great decisions to date.
  - Asked that the City take future steps with whatever law they can use to ensure that home owners and tenants living in the area can have peace.
  - Urged the Council to reject this and any future requests for this location.

7. Barbara Chester of 4 Deague Court, North Perth – Item 9.1.2. Opposed to the proposal:
  - Due to the garages that are being proposed as her calculation is that it will be 30% more garage than what is the Building Code. Officers report that it is being recommended is that it is similar to the approval being given at 3 Deague Court however, that is two single garages with two single driveways.
  - Due to the lack of setback – this is only 0.5m less than the Building Codes however, she is looking at the accumulative effect and, if that happens down the street with everyone creeping forwarding 0.5m with no ability to ever putting any green, just a row of garages. Requested the Council look to try and protect the ability to look out and see green and not cement.
  
8. Chris Cronin of 79 Coogee Street, Mt Hawthorn – Item 9.1.1. Stated the following he lives directly behind the proposal and there are two dwellings at the top of the proposed building which would view directly into their backyard therefore, asked the Council to consider their privacy.
  
9. Brian Hancock, Property Portfolio Manager of the Water Corporation (WC), 629 Newcastle Street, Leederville – Item 9.1.4. Stated the following:
  - WC's association with Leederville began in 1906 when a small work depot and pumping station was established on the corner of Newcastle and Loftus Streets and, over the 105 years Leederville has evolved to a small traditional shopping street with a vibrant commercial area and unique character. WC has grown with Leederville with the current building housing over 1,500 staff, each one making a direct impact on to the health and vitality of the Leederville Town Centre every day.
  - In 2007 the WC commenced a site masterplanning and accommodation planning project and, whilst options in Balcatta and Canning Vale were available, WC chose to expand in Leederville. This decision was encouraged by the bold vision put forward by the City's Leederville Masterplan and has been reinforced by the excellent ongoing working relationship with the City.
  - The proposal represents a significant long term commitment to Leederville by WC. It would add 10,000m<sup>2</sup> of extra office space to the John Tonkin Water Centre enabling up to a total of 2,000 WC staff to be accommodated.
  - The application includes for the redevelopment of the underutilised Newcastle Street frontage by the private sector with an additional 80,000m<sup>2</sup> of commercial retail development and 241 residential units proposed.
  - The commercial viability of this proposal is of course dependent on the conditions imposed in its approval.
  - The proposal is in keeping with the key goals outlined in the Leederville Masterplan and the Guiding Principles of the Vincent Vision 2024. The application seeks to create increased density while respecting Leederville's unique character. It maximises development within the walking distance of the railway station and provides new opportunities for people to live and work in Leederville. It will revitalise Newcastle Street through streetscaping enhancement and creation of an active frontage. It will create a new high quality public square and will generally enhance public amenity in Leederville's east end. Also it will form an iconic entry statement of Leederville's main eastern approach and enhance the commercial viability of the Leederville Town Centre.
  - The application represents the first of many significant changes proposed for Leederville. Understands that some people maybe apprehensive of change. Whilst they recognise the scale of their vision, WC is proud to be a catalyst for the transformation envisaged under the Vincent Masterplan and these changes will bring significant benefit to local businesses and the community.

10. Genevieve New of 63 Kingston Avenue, West Perth – Item 9.13. Stated she has documented her concerns during the consultation process and has seen the revised plans and notes comments in report as follows:
- schedule of external finishes – they would like to be a part of the review of external finishes so it satisfies them being immediately adjacent;
  - amended Multiple Dwelling Policy on 9 August 2011 which allows for an increase for height for development if a site is of a strategic nature and satisfies design and lot criteria – they purchased their property in 2008/09 and they consider it to be an investment therefore future changes have an impact on the value of their property. The changes allows for it to be 4 storey plus basement instead of limited to 2 storey next to a single storey dwelling therefore, has an impact on them and will reduce the value of their property. Asked for a Council representative to contact her to advise what can be done in that regard alternatively she will obtain legal advice;
  - height, particularly overshadowing – the City commented that it meets the requirements (page 26). She requested further shadow plans for later in the day for the winter solstice and had a response that it is not required as it meets the requirements however, the shadow cast plan is for midday and watching the sun setting from their property since they face due east, very quickly they would have a significant amount of shadowing on their property and on their outdoor entertaining area;
  - car parking, page 28 notes that some car parks are to be deleted because the design provided did not adequately consider manoeuvrability within the car parking area – believes these should be included elsewhere.
11. Andrea of Cuborosso Designing and Development – Item 9.1.3. Advised that this a revised submission where they have tried to address the issues i.e.:
- impact on height, bulk, scale, overshadowing and parking – has been addressed by completely removing one storey;
  - bicycle parking which has now been implemented;
  - visitors parking – reduction of apartments has decreased this impact and they have excess parking on the side which they would be prepared and happy to sit down with the officers to organise and rearrange as necessary;
  - setbacks, specifically to the eastern boundary which is the boundary that they took as much care as they could by having the greater setback and the most articulation to the building;
  - clothes drying – they will be providing the washing machines and dryers for all apartments;
  - eastern boundary neighbour requested a higher fence line and they are prepared to comply with that provided the Council is happy with it;
  - shadow diagram – believes they have achieved the requirements of the R Codes and the Council however, they are prepared to discuss this with the Officer and comply with what is required;
  - traffic – reduction in apartments has reduced the potential traffic impact however, due to the masterplan in the area the proximity to the bike and pedestrian access ways, local bus stops on Carr Street, CBD and Leederville train station, hopefully this will encourage increased use of public transport and less impact on use of vehicles; and
  - external finishes – once again they are happy to sit down with the officers and neighbour to work out what colours, materials etc. are necessary to decrease the impact on the neighbours. Believed they have kept in character with the area in that the area is so varied with its semi-commercial, semi-high density, high density, medium density and all the proposals including the new 6 storey development on the hospital site around the corner.
- Stated that they have and will continue to work with the City's Officers and they believe this revised development is worthy of the Council's support.

12. Adam Bury of 55 Kingston Avenue, West Perth – Item 9.1.3. Stated the following:
  - Supported the comments of his neighbours at No. 63 have stated.
  - Frustrated as they live within an area that has specific regulations on building size however, this proposal is being considered.
  - When the decision was made a couple of years ago that 2/3 storey buildings could be built on Newcastle/Kingston they decided to stay in the area with this possibility however, being faced with 5/6 storey buildings is a real concern. If 3 storeys is the maximum then that is all that should be considered and does not understanding why 5 storey is even being discussed.
  - This proposal may state 4 storeys however, the basement is above ground level therefore believed that made 5 storeys which is extremely concerning.
  
13. Damien Newnham of 59 Kingston Avenue, West Perth – Item 9.1.3. Stated the following:
  - Supported his neighbours that spoke previously.
  - Requested that the Council reconsider the development based on the height.
  - Sometime ago there was discussion about 5 storey buildings being permitted on Newcastle Street however understood that that was “shelved” and put up for reconsideration.
  - Has small children and lives on a cul-de-sac and would prefer not to have high density living within their area.
  - The ingress and egress into the site looks to be that one car will be able to enter and one to leave and not a dual carriage way. Queried where this stands in planning approval?
  - Believed this to be a very cumbersome building and the finished floor level indicated on the plans suggested that it is a 5 storey building.
  
14. Robert New on behalf of Anne Kusic of 61 Kingston Avenue, West Perth – Item 9.1.3. Stated the following:
  - Has concerns in line with the Cleaver Precinct Policy and over the height of the proposal.
  - Given there is a Policy that states 2 storey plus a loft is a maximum, queried how 4 storey plus basement is being considered.
  - Concerned about the entry and egress of the building, they have people on the street who are infirmed and do not move or see very well and given the difficult line of site that is a big concern.

There being no further speakers, Public Question Time closed at approx. 6.36pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 5.1 Cr Anka Burns requested leave of absence from 6 – 17 October 2011 inclusive, due to personal commitments.
- 5.2 Cr Joshua Topelberg requested leave of absence from 10 – 15 October 2011 inclusive, due to personal commitments.

**Moved Cr Farrell, Seconded Cr Buckels**

**That Cr Burns and Cr Topelberg’s requests for leave of absence be approved.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Burns had not yet arrived at the meeting.)**

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

- 5.1 Petition received from Ms V. Pugliese of Coogee Street, Coogee Street, Mt Hawthorn along with 7 signatures, regarding parking issues caused by the patrons of "Curves Fitness Studio" in Mt Hawthorn.

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

**Moved Cr Farrell, Seconded Cr Harvey**

*That the petition be received as recommended.*

**CARRIED UNANIMOUSLY (8-0)**

(Cr Burns had not yet arrived at the meeting.)

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

- 6.1 Minutes of the Ordinary Meeting of Council held on 23 August 2011.

**Moved Cr McGrath, Seconded Cr Buckels**

**That the Minutes of the Ordinary Meeting of Council held 23 August 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

(Cr Burns had not yet arrived at the meeting.)

- 6.2 Minutes of the Special Meeting of Council held on 30 August 2011.

**Moved Cr Buckels, Seconded Cr Maier**

**That the Minutes of the Special Meeting of Council held 30 August 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

(Cr Burns had not yet arrived at the meeting.)

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

- 7.1 Employee of the Month Award for the City of Vincent for September 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 SEPTEMBER 2011, the award is presented to Sharnelle (Sharnie) Raines, Payroll Officer in the CEO's Section. Sharnie was nominated by the Chief Executive Officer, John Giorgi, in recognition of her efforts and assistance whilst in the Acting Manager Human Resources role over the last few months.

Sharnie has been with the City of Vincent for over 10 years. In December 2010, Sharnie took on the role of Payroll Officer in the Chief Executive Officer's section.

During the recent absence of the Manager Human Resources, Sharnie took on the role of Acting Manager Human Resources. Over this period, Sharnie also carried out her Payroll duties during a heavy recruitment period and end of financial year deadlines and managed both roles without complaint. Sharnie worked long hours and undertook all tasks assigned to her in a very professional manner.

Sharnie's services are highly valued and most appreciated by the City.

This Award is presented to Sharnie as a result of her dedication and commitment to the City of Vincent.

Congratulations to Sharnie – well done!!

**Received with Acclamation!**

**Cr Buckels departed the Chamber at 6.39pm.**

**Cr Buckels returned to the Chamber at 6.40pm.**

7.2 2011 Rates Prize Draw Winners

Congratulations to the following winners of the City of Vincent Rates Prize Draw:

- First Prize – SE Shuster De Princ and EB Princ of Shady Grove, Ballajura – *A Commonwealth Bank cash prize of \$2,000;*
- Second Prize – CJ and SB Marchesi of Nanda Close, Kinglsey – *A Bendigo Bank cash prize of \$500;*
- Third Prize – NL Carter and MJ Francis of Ursa Place, Kinglsey – *An Esplanade Breakaway Package;*
- Fourth Prize – IP Katavatis of Lacey Street, Perth – *One night Aspen Park in WA;*
- Fifth Prize – A and N Scafetta of Cowle Street, West Perth – *A \$100 Oxford Hotel Lunch Voucher;*
- Sixth Prize – NY Sun and JM Chen of Vincent Street, Mount Lawley – *A \$20 Kailis Brothers Voucher;*
- Seventh Prize – A Gotsis – of Paddington Street, North Perth – *A \$20 Kailis Brothers Voucher;*
- Eighth Prize – P Necakovski of Beaufort Street, Highgate – *A \$20 Kailis Brothers Voucher;*
- Ninth Prize – JL Davidson of Russell Avenue, North Perth – *A \$20 Kailis Brothers Voucher;*
- Tenth Prize – HT Hyeth of Monmouth Street, Mt Lawley – *A \$20 Kailis Brothers Voucher;*
- Eleventh Prize – C Princiotta of Newcastle Street, Perth – *A \$50 Siena's Voucher;*
- Twelfth Prize – R Fogliani of Wanneroo Road, Tuart Hill – *A \$50 Siena's Voucher;*
- Thirteenth Prize – JO Ladyman and AL Furnell of Egina Street, Mt Hawthorn – *A \$50 Siena's Voucher;*

- Fourteenth Prize – NJ and SE Stark of Dunedin Street, Mt Hawthorn – A \$50 Siena's Voucher;
- Fifteenth Prize – LC Metzke of Britannia Road, Mt Hawthorn – A 3 month Loftus Membership;
- Sixteenth Prize – TW Tye and CJ Watkins of Buxton Street, Mt Hawthorn – A Beatty Park 6 month full membership.

Thank you to all of the City's Sponsors.

**Cr Burns entered the meeting at 6.42pm.**

## **8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Lake declared an Impartiality interest in Item 9.3.3 – Reconciliation Place Project – Progress Report No. 3. The extent of her interest being that she is a member of the Claise Brook Catchment Group who made a submission.
- 8.2 Cr Maier declared an Impartiality interest in Item 9.3.3 – Reconciliation Place Project – Progress Report No. 3. The extent of his interest being that he is a member of the Claise Brook Catchment Group and that group made a submission on the project.
- 8.3 Cr McGrath declared an Impartiality interest in Item 9.3.3 – Reconciliation Place Project – Progress Report No. 3. The extent of his interest being that he is a committee member of the Claise Brook Catchment Group, who supported and previously made submissions on elements of the project, in particular the rehabilitation of Waters Brook.
- 8.4 Cr McGrath declared an Impartiality interest in Item 9.4.3 – Information Bulletin, particularly IB09 – Minutes of the Tamala Park Regional Council Ordinary Meeting of Council held on 18 August 2011. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.
- 8.5 Cr McGrath declared an Impartiality interest in Item 9.1.4 – No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre. The extent of his interest being that he has previously undertaken environmental consultancy work for the Water Corporation while at a previous place of employment.
- 8.6 Cr Topelberg declared an Impartiality interest in Item 9.1.4 – No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre. The extent of his interest being that the architectural firm is on occasional client of his business. At no time has he or any representative of his business had any involvement with the proposed development.

All Councillors stated that as a consequence, there may be a perception that their impartiality on the matter may be affected. They declared that they would consider the matter on its merits and vote accordingly.

- 8.7 Chief Executive Officer, John Giorgi declared an Impartiality interest in Item 9.1.4 – No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre. The extent of his interest being that he has a brother who is a Senior Employee at the Water Corporation. The Chief Executive Officer stated that to his knowledge, his brother has not had any significant involvement in the Development Application and they have not discussed this Development Application, other than cursory comments at least a year ago. The Chief Executive Officer also stated that he has not had any significant involvement in the drafting of this report.

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

Nil.

**10. REPORTS**

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.3.2, 9.1.2, 9.1.1, 9.1.4, 9.1.5 and 9.1.3.

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

Item 9.4.2.

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

Nil.

Presiding Member, Mayor Nick Catania, 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 Farrell	Nil.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Item 9.1.7.
Mayor Catania	Nil.

The Presiding Member, Mayor Nick Catania, 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, 9.2.1, 9.2.2, 9.2.3, 9.2.4, 9.3.1, 9.3.3, 9.3.4, 9.4.1 and 9.4.3.

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

Item 14.1.

**New Order of Business:**

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

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

Items 9.1.6, 9.2.1, 9.2.2, 9.2.3, 9.2.4, 9.3.1, 9.3.3, 9.3.4, 9.4.1 and 9.4.3.

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

Items 9.3.2, 9.1.2, 9.1.1, 9.1.4, 9.1.5 and 9.1.3.

**(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 Buckels, Seconded Cr Topelberg**

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

**Items 9.1.6, 9.2.1, 9.2.2, 9.2.3, 9.2.4, 9.3.1, 9.3.3, 9.3.4, 9.4.1 and 9.4.3.**

**CARRIED UNANIMOUSLY (9-0)**

### 9.1.6 East Perth Redevelopment Authority – Stage 1B Normalisation

<b>Ward:</b>	South	<b>Date:</b>	31 August 2011
<b>Precinct:</b>	Beaufort (P13)	<b>File Ref:</b>	PLA0226
<b>Attachments:</b>	<a href="#">001</a> – Proposed Scheme Map		
<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 **AUTHORISES** the Chief Executive Officer to **ADVISE** the East Perth Redevelopment Authority that following Stage 1B Normalisation, the City **REQUESTS** that;

1. The existing Primary Regional Road Reservation on Lord Street and Newcastle Street under the Metropolitan Region Scheme be maintained, and that the remainder of the Precinct from be rezoned from 'Central City Area' to 'Urban' under the Metropolitan Region Scheme;
2. The land bounded by Stirling Street, Newcastle Street, Lord Street and Parry Street, Perth, be zoned Residential/Commercial R100 and included within the City of Vincent Town Planning Scheme No. 1 Scheme Map 13 – Beaufort Precinct as shown in Appendix 9.1.6;
3. Weld Square located at No. 180 (Lots 1271 and 1272) Beaufort Street, Perth, be zoned as City of Vincent Parks and Recreation Reserve and included in the City of Vincent Town Planning Scheme No. 1 Scheme Map 13 – Beaufort Precinct as shown in Appendix 9.1.6;
4. The provisions of the City of Vincent Town Planning Scheme No. 1 and associated Local Planning Policies are to apply to the area; and
5. The Minister for Planning to include a transition period of 24 months from the date of gazettal of the Governor's Order, in order to allow the City to apply the following Policies and Guidelines;
  - 5.1 *New Northbridge Design Guidelines*, as prepared by the East Perth Redevelopment Authority; and
  - 5.2 *The Village Northbridge Heritage Inventory*, as prepared by the East Perth Redevelopment Authority.

---

#### COUNCIL DECISION ITEM 9.1.6

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

---

#### PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of the East Perth Redevelopment Authority (EPRA) Stage 1B Normalisation, as it relates to the City of Vincent, and to advise the Council of the additional information received from EPRA.

**BACKGROUND:**

- January 2000 The East Perth Redevelopment Authority (EPRA) was identified as the planning authority for the New Northbridge Project.
- 1 July 2007 A portion of the New Northbridge Precinct roughly bounded by Newcastle, Lord, Parry, Little Parry and William Streets, Perth, was transferred to the then Town of Vincent from the City of Perth as part of a local government boundary change. At this time, the area remained under the planning control of EPRA.
- 5 November 2010 The Minister for Planning granted approval to commence Stage 1A and 1B Normalisation of the New Northbridge Project.
- Normalisation involves returning planning authority for the area to the local government resulting in EPRA no longer being the planning authority.
- As part of this process, a 60 day period of consultation (concluding 7 February 2011) is required with comments sought from the City, stakeholders and the community.
- 8 February 2011 The Council considered EPRA's Stage 1B Normalisation and resolved as follows;
- 'That the Council;*
- (i) SUPPORTS Stage 1B Normalisation of New Northbridge as it relates to the Town of Vincent as shown in Appendix 9.1.5;*
  - (ii) AUTHORISES the Chief Executive Officer to recommend to the East Perth Redevelopment Authority the following post normalisation zones and reservations under the Metropolitan Region Scheme and Town of Vincent Town Planning Scheme No. 1 for the land subject to Stage 1B Normalisation of New Northbridge;*
    - (a) The entire land subject to Stage 1B Normalisation of New Northbridge be rezoned from 'Central City Area' to 'Urban' under the Metropolitan Region Scheme;*
    - (b) The land bounded by Stirling Street, Newcastle Street, Lord Street and Parry Street, Perth, be rezoned to Residential/Commercial R60 and included in the Town of Vincent Town Planning Scheme No. 1 Scheme Map 13 – Beaufort Precinct as shown in Attachment 002; and*
    - (c) Weld Square located at No. 180 (Lots 1271 and 1272) Beaufort Street, Perth, be rezoned Town of Vincent Parks and Recreation Reserve and included in the Town of Vincent Town Planning Scheme No. 1 Scheme Map 13 – Beaufort Precinct as shown in Attachment 002; and*
  - (iii) REQUESTS clarification from the East Perth Redevelopment Authority and the Western Australian Planning Commission as to whether the 'Central City Area' zoning under the Metropolitan Region Scheme for the portion of Beaufort Street between Newcastle and Parry Streets, will be removed and the Other Regional Road Classification extended post-normalisation.'*
- 29 August 2011 The City's Strategic Planning Officers met with representatives from the EPRA. The outcomes of the discussion is outlined in the 'Details' section below.

**DETAILS:**

The City's Officers met with representatives from EPRA, where EPRA advised that the process of normalisation of the New Northbridge Precinct is near completion. It is noted that the normalisation was previously considered at the Ordinary Meeting of Council held on 8 February 2011. However, following the meeting with EPRA, the City would like to provide further comments and clarification to ensure that following normalisation, the City has all the necessary guidelines in place. Each of the key aspects discussed at the meeting will be addressed separately.

**Metropolitan Region Scheme (MRS) Zoning**

In the City's advice to EPRA following consideration of Stage 1B Normalisation at the Ordinary Meeting of Council held on 8 February 2011, it was requested that the entire land subject to Stage 1B Normalisation be rezoned from 'Central City Area' to 'Urban' under the MRS. It was noted at the meeting with EPRA, that some of the land within this area is zoned 'Primary Regional Road' under the MRS and should remain as such. To remove any ambiguity, it was suggested that the City revise its comments to ensure that the road reservation zoning is maintained and that the requested urban zoning only apply to the remainder of the area.

In addition, the City had requested clarification from the Western Australian Planning Commission (WAPC) as to whether the 'Central City Area' zoning under the Metropolitan Region Scheme for the portion of Beaufort Street between Newcastle and Parry Streets, will be removed and the Other Regional Road Classification extended post-normalisation. The City received a response from the WAPC date 24 March 2011 which advised that;

*'The Department's Network Planning Branch has confirmed that to be consistent with the existing road network, the ORR [Other Regional Road] reservation for Beaufort Street would only be extended from Parry Street to Newcastle Street, if the Central City area zone were to be replaced.'*

All decisions relating to the MRS are determined by the WAPC.

**Local Planning Scheme Zonings and Provisions**

At the Ordinary Meeting of Council held on 8 February 2011, the City resolved to request that the land bounded by Stirling Street, Newcastle Street, Lord Street and Parry Street, Perth, be rezoned to Residential/Commercial R60 and Weld Square located at No. 180 (Lots 1271 and 1272) Beaufort Street, Perth, be rezoned City of Vincent Parks and Recreation Reserve, and the areas to be included in City of Vincent Town Planning Scheme No. 1 Scheme Map 13 – Beaufort Precinct.

EPRA has advised that by requesting this, once normalisation is completed, the Town Planning Scheme would automatically be updated. The proposed zoning of Residential/Commercial R60 was questioned, as the area is developed to a density closer to R100. Residential/Commercial R60 was recommended based on the City's Officer's understanding that R60 under the multi-unit housing code was approximately three (3) storeys and given the area was characterised by mixed use 2-3 storey developments, the zoning was considered appropriate. It is noted that following normalisation, the Local Government is to apply a zoning, similar to that under the EPRA Scheme. As a result of discussions with EPRA, it is considered more appropriate that a Residential/Commercial R100 zoning apply to the area. It is noted that the majority of the area is built out and the *New Northbridge Design Guidelines and Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge (2002)*, as prepared by Main Roads WA, will provide guidance in terms of what can be built in the area.

In accordance with the above comments, the zonings under Draft Town Planning Scheme No. 2 will be amended to reflect this advice.

In addition to the above, EPRA advised that following normalisation, the City's Town Planning Scheme provisions would apply to the area.

### **Local Planning Policies**

It was suggested in the Agenda Report considered by the Council at its Ordinary Meeting on 8 February 2011, that following normalisation, that the City would adopt the Policy relating to the New Northbridge Design Guidelines.

EPRA has advised should the City wish to use the guidelines, it would be recommended that a transition period be requested, in which the Policy could be used. This means that from the time of normalisation, the Policy will automatically become part of the City's Policies to be used to guide development within this area.

EPRA noted that the City of Perth have requested a 24 month transition period into the 1A normalisation to allow for an amendment to Local Planning Scheme No. 26. It is recommended that a similar request be made by the City, to ensure there are development provisions in place that can be used until the City's Scheme and Policies are reviewed, as part of the preparation of Town Planning Scheme No. 2.

In addition to the above, in the Council Agenda Report of 8 February 2011, the City had noted the document relating to Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge (2002), as prepared by Main Roads. This document is not an EPRA Policy and, therefore, cannot be included in the transitional provisions. However EPRA have noted that Section 1.6.1 of the New Northbridge Design Guidelines requires plans for development over the tunnel to be submitted to Main Road WA and references the Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge (2002). Therefore, it has been advised that including the New Northbridge Design Guidelines alone in the transition period is sufficient.

### **Heritage**

There are a number of Heritage listed properties in the area as listed below;

- The dwellings at Nos. 89 – 147 Parry Street are listed on the State Register of Heritage Places, as the Parry Street Precinct (HCWA Place No. 11543);
- The dwellings at Nos. 65 (Lot 825), 63 (Lot 826) and 61 (Lot 827) Parry Street were listed on the ERPA Heritage Inventory; and
- Weld Square at No. 180 (Lots 1271 and 1272) Beaufort Street was listed on the City of Perth Heritage List and is recognised as an Aboriginal Registered Site.

EPRA have advised that the normalisation process cannot be used to amend the City of Vincent Heritage Inventory under clause 24 of the Town Planning Scheme; however, through the transition arrangement discussed above, the City can use EPRA's Heritage Inventory until such time as the City's Heritage Inventory is amended.

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1 and associated policies;  
East Perth Redevelopment Act 1991; and  
East Perth Redevelopment Scheme 2.

### **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:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

Following the City's meeting with EPRA, it was considered appropriate to provide revised comments in relation to the normalisation process to ensure a smooth transition from the EPRA Scheme and policy provisions to the City of Vincent's provisions.

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

**9.2.1 Proposed Eco-zoning of Keith Frame Reserve & Loftus Street Median**

<b>Ward:</b>	South	<b>Date:</b>	1 September 2011
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	<a href="#">001</a> – Plan 2772-CP-22A		
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	K Godfrey, Parks Technical Officer J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the proposal to “Eco-zone” sections of Keith Frame Reserve and the Loftus Street Median, as shown on the attached Plan No.2772-CP-22A.

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval of the proposed ‘Eco-zoning’ of selected areas of Keith Frame Reserve and Loftus Street median.

**BACKGROUND:**

At its Ordinary Meeting held on 8 February 2011 the Council made the following decision:

*“That the Council;*

- (i) *ADOPTS IN PRINCIPLE the Draft ‘Eco-zoning’ Parks and Reserves Implementation Plan 2011-2025 for the areas within the Town’s Parks & Reserves which have been identified for potential conversion , from turf to native garden areas, as shown on the attached spreadsheet and as shown in Appendix 9.2.2-Plan Nos 2772-CP-01 to 25, subject to the following:*
  - (a) *Keith Frame and Loftus Street Median be moved to 2011/2012; and*
  - (b) *Kyilla Park and Mick Michael Reserve be moved to 2015/2016;*
- (ii) *ADVERTISES the ‘Eco-zoning’ Parks and Reserves Implementation Plan 2011-2025 for a period of twenty-one days, seeking public comment;*
- (iii) *After the expiry of the period of submissions:*
  - (a) *REVIEWS the draft “Eco-zoning’ Parks and Reserves Implementation Plan 2011-2025 having regard to any written submissions; and*
  - (b) *DETERMINES to proceed with, or not to proceed with, the Draft ‘Eco-zoning Parks and Reserves Implementation Plan 2011-2025, with or without amendment;*

- (iv) *LISTS an amount of \$30,000 for consideration in the 2011/12 draft Capital Works Budget and in future annual budgets to enable the works as outlined in the report, to be implemented; and*
- (v) *NOTES that a further report will be submitted to the Council to consider any submissions received.*

*Note: The Council requested that the concept plans for each specific park/reserve be reported to the Council for approval prior to implementation..."*

#### **DETAILS:**

##### **Consultation:**

In accordance with part (ii) of the Council decision, at the Ordinary Meeting held on 8 February 2011, the proposed 'Eco-zoning' Parks and Reserves Implementation Plan 2011 - 2025 was advertised for comment for a period of twenty-one (21) days, and at the end of the consultation period no responses were received.

Therefore the plan is being implemented as approved by the Council with an annual report presented outlining the specific areas proposed and any particular requirements or issues arising.

##### **Keith Frame Reserve:**

This reserve is adjacent to the City's Administration & Civic Centre, predominantly consists of kikuyu turf interspersed with plantings of various native trees. A unique feature within Keith Frame Reserve is the stands of remnant Jarrah which have been supplemented with additional tree plantings of Sheoak and Lemon Scented Gums. As was the landscape design of most municipal reserves until the late 1990's, other than the typical playground area and pathways the entire area is turfed.

The proposed 'Eco-zoning' of this reserve will entail spraying out areas of underutilised turf located around the groves of Jarrah trees as shown on the attached plan. In addition other underutilised areas of turf adjacent to Vincent Street have been identified as potential eco-zoned areas without reducing too much of the turfed area or significantly changing the overall landscape feature of the park. All areas will be planted with native groundcovers and small shrubs which will enhance the biodiversity of the area and create added interest.

Seating in and around the areas within Keith Frame Reserve will not be compromised by the removal of the areas of turf as there will be some sections of turf remaining which will be utilised as pathways/access ways for the public and for Parks Services staff to access and undertake any maintenance required.

With the current design of the irrigation system minor water savings can be made, however in the longer-term and following a redesign of the system in future years to accommodate established native garden areas, a significant saving in power and water will be achieved.

The proposal also includes a 2m wide urban stone path adjacent to the Vincent Street kerbline as shown on attached plan No 2772-CP-22A, as this will improve the pedestrian access along Vincent Street. This is estimated to cost in the order of \$30,000 including minor retaining and landscaping and any remaining funds will be carried forward and additional funds listed for consideration in the 2011/2012 draft budget.

##### **Loftus Street Median:**

The Loftus Street median is located on Loftus Street directly adjacent to Keith Frame Reserve and previously consisted of kikuyu turf interspersed with plantings of the W.A. Weeping Peppermint and some semi-mature Jarrahs. In readiness for the planting, areas of turf have progressively been sprayed out over the past months with leftover herbicide residue from spraying tanks, rather than it being disposed of as would normally be the case.

All turf along the median is to be eradicated and informal compacted gravel pathways will dissect the median strip at various points. Native low growing vegetation including the addition of Jarrah and Marri trees will form part of the proposed landscape.

Eco-zoning of this area will provide a significant savings in groundwater as this entire median is one watering section and can therefore be turned off completely or reduced without any affect on other irrigated areas.

**CONSULTATION/ADVERTISING:**

Adjacent owner/occupiers will be notified of the proposed works once approved by the Council and prior to the commencement of on-ground works.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Low.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Implementation of 'Eco-zoning will have Environmental, Economic and Social benefits for the City of Vincent.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$30,000 has been allocated in the City's 2011/2012 budget to undertake the works.

Any remaining funds will be carried forward and additional funds listed for consideration in the 2012/2013 draft budget for the construction of the path.

**COMMENTS:**

Once these native plants and shrubs mature and flower they will provide a brilliant colourful back drop to compliment the City's Administration Building and increase the biodiversity of the area.

**9.2.2 Traffic Management Matter – Hobart Street, North Perth, Progress Report No 1**

<b>Ward:</b>	North	<b>Date:</b>	1 September 2011
<b>Precinct:</b>	Mount Hawthorn (1)	<b>File Ref:</b>	TES0334
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2865-CP-01		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that;**
  - 1.1 **The Integrated Transport, Traffic & Road Safety Advisory Group considered Hobart Street traffic at its meeting held on 18 August 2011 attended by several residents from the street;**
  - 1.2 **The Traffic data in Hobart Street indicates that there is speed issue and there is also a possible rat running issue;**
  - 1.3 **Residents have raised concerns regarding the intersection of London and Hobart and requested that the existing median island be extended to restrict through movement across London Street;**
  - 1.4 **The City has secured Black Spot funding to modify the traffic signals at the intersection of Scarborough Beach Road, London and Loftus Streets to incorporate 'right turn' arrows in both north/south directions; and**
2. **CONSULTS with the residents of Hobart Street regarding the implementation of a wider street treatment in the street, as shown on attached Plan No 2865-CP-01 and that the other issues raised be further investigated and that a further meeting of the Integrated Transport, Traffic & Road Safety Advisory Group be convened at the conclusion of these investigations.**

---

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise of the outcome of the Integrated Transport, Traffic & Road Safety (ITTRS) Advisory Group meeting held on 18 August 2011.

**BACKGROUND:**

The City has received correspondence from several residents of Hobart Street, west of London Street expressing concerns regarding traffic issues in their street. Following consideration of the residents' concerns they were invited to attend the ITTRS Advisory Group meeting held on 18 August 2011.

**DETAILS:**

The ITTRS Advisory Group considered Hobart Street traffic at its meeting held on 18 August 2011 attended by several residents from the street.

The residents who attended the meeting, while acknowledging that the total volumes were not excessive, considered that "rat running" occurred in the morning (AM) and afternoon (PM) peak periods\*.

Note:\* The recorded traffic data indicated that there were peaks between 8.00 and 9.00am and again in the afternoon between 5.00 and 6.00pm. However again these weren't excessive and very similar to surrounding streets.

**Discussion:**

Road Classification:

Hobart Street is classified as an access road in accordance with the Functional Road Hierarchy. The traffic threshold for an Access Road is up to 3,000 vehicles per day (vpd). The section of Hobart Street between London Street and Edinboro Street currently carries between 820 and just over 1210 vpd.

Traffic Speed:

Hobart Street is an incline from London Street up to Edinboro Street and is free flowing as there are no mid-block controls. As a consequence, for the section between Dunedin and Shakespeare Street the 85% speed (collected August 2011) was 59 kph while the average speed was 52 kph. All agreed that it was too high.

There was some discussion on reversing the control measures at Shakespeare Street so that either a stop or give-way control was on Hobart Street. However it raised concerns amongst the Group that it may solve one problem while creating another.

Accidents Statistics:

The intersection of Hobart and Shakespeare Street is classified as a Black Spot as there had been six (6) reported accidents over the five (5) year period. Shakespeare Street has give way control while Hobart Street is free flowing. The accident types were as expected, all right-angled crashes. As a result, the City had applied for Black Spot funding in 2010 for the 2011/2012 financial year. The proposal was to install a roundabout that would have not only reduced the number and severity of the accidents but also controlled the speed of traffic in Hobart Street. However, the Benefit Cost Ratio (BCR), while meeting the criteria, was low and as a consequence, the project was listed as a reserve project for 2011/2012.

In respect of the other mid-block intersections, Edinboro and Dunedin Streets neither were on the City's annual accident statistics list.

The Group was advised that the City had secured Black Spot funding to modify the traffic signals at the intersection of Scarborough Beach Road, London and Loftus Streets to incorporate 'right turn' arrows in both north/south directions. Currently there is a right turn ban in the peak periods. Further it was advised that once the changes were completed it is anticipated that fewer drivers would use Hobart Street (either side of London Street) as they would be able to turn into Scarborough Beach Road at all times.

However, London and Hobart Streets intersection is also a Black Spot with thirteen (13) reported accidents over five (5) years to 31 December 2010. Again, the majority, as would be expected were right angled and right angled through with some rear end accidents. London Street is a District Distributor 'A' Road and carries in excess of 20,000 vpd.

Improvement Option/s:

The concept of narrowing Hobart Street by installing embayed parking thereby resulting in a change in driver perception of the road environment was discussed (wider street treatment).

Currently Hobart Street has a 10m wide pavement (13m wide near London Street). By narrowing the pavement to 5.8m wide (allowing for 2x 2.1m wide parking lanes) it immediately changes the 'feel' of the street and makes drivers more cautious resulting in lower speeds. The City had successfully undertaken these treatments in other similar streets such as, Bourke and York Streets.

It was indicated that if the treatment did not have the desired affect then a second stage could include the introduction of low profile speed humps to enforce the reduction in speed.

All in attendance considered that this would be a good way forward.

Other issues raised:

The issue of pedestrian safety at the London / Hobart intersection and the difficulty of crossing the road, particularly in peak periods were also discussed.

A community representative requested that consideration be given to blocking the straight through and right turns into and out of Hobart Street to reduce traffic volumes and make it easier for pedestrians to cross London Street.

It was advised that while relatively simple this may have a significant impact upon surrounding streets as drivers would find alternate routes. North bound it would likely impact Gill and Ellesmere Streets and south bound Ellesmere and Woodstock Streets.

It was suggested that this matter should be placed on hold until the results of the signal impending modifications were determined.

**Suggested way forward:**

The group agreed on the following:

A report would be presented to Council recommending consulting the community regarding the implementation of a 'wider streets' treatment.

Further investigation and analysis would be undertaken regarding the accidents statistics for the intersection of London and Hobart Streets, and

Assess the possible impact on the surrounding street network should the existing median islands be extended (to prevent the straight through and right turn movements), and

The matter again be listed for discussion at, and the residents invited to attend, the next ITTRS meeting.

**CONSULTATION/ADVERTISING:**

Residents will be requested to comment on the proposal.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The recorded 85% speed is excessive in a section of 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:**

Funds have been included in the 2011/2012 budget to undertake traffic improvements (wider street treatment) in Hobart Street between London Street and Edinboro Street.

**COMMENTS:**

The Traffic data indicates that there is speed issue in Hobart Street and to a less extent a rat running issue.

The residents also raised concerns regarding the intersection of London and Hobart and requested that the existing median island be extended to restrict through movement across London Street.

The City has secured Black Spot funding to modify the traffic signals at the intersection of Scarborough Beach Road, London and Loftus Streets to incorporate 'right turn' arrows in both north/south directions and once the changes are completed it is anticipated that fewer drivers will use Hobart Street (either side of London Street) as they will be able to turn into Scarborough Beach Road at all times.

It is recommended that the residents of Hobart Street be consulted regarding the implementation of a wider street treatment and that the other issues raised are further investigated and a further meeting of the ITTRS Advisory Group be convened at the conclusion of these investigations.

**Resident's issues and concerns as tabled at the ITTRS Advisory Group meeting:**

Used as a short-cut from Scarborough Beach Road and London Street from all directions to avoid traffic lights.

Volume of traffic at Hobart and London Streets intersection; Hobart Street is a local traffic road, not an alternate route like for example Anzac Road. Anzac Road is classified as an alternate route but has had extensive traffic management measures put in place such as an extended medium strip on Loftus Street to prevent traffic turning right and going straight through to Scarborough Beach Road, addition of speed humps as well to slow traffic down. Measures in place are to not only decrease volume of traffic but to also slow it down.

Volume of traffic along Hobart Street Mount Hawthorn from London to Edinboro Streets;

Currently no measures are in place to reduce speed in Hobart Street, as cars have right of way all the way along;

The ability for traffic to travel straight over London Street on Hobart Street encourages traffic from Charles Street all the way thru to Scarborough Beach Road. This is a safety concern as vision at entry to Scarborough Beach Road from Edinboro Street is impaired due to large trees; cars have to creep out into oncoming traffic to gain vision, difficult to turn right and because the intersection is so busy, cars are taking off at rapid pace to get through the intersection (either straight across or turning right) and it is causing safety concerns for residents that live closer to the intersection when backing out of their driveways.

Hobart Street is only one street away from the intersection of Loftus and Scarborough Beach Road that doesn't have a median strip or made into a cul-de-sac to prevent traffic from using as an alternate route. Other surrounding streets have had measures put in place to redirect traffic back to main roads.

The intersection of Hobart and London Streets is very busy for traffic but also for pedestrians' as Vincent Council has invested money in a much utilised and loved park in Hobart Street, North Perth. As a result of the park and the new deli, the foot traffic along Hobart Street has increased remarkably. It is very dangerous trying to cross on foot over London Street to Hobart Street due to the congestion of that intersection.

There has been an increase in accidents at the intersection of Hobart and London Streets with serious injury as a result, and we believe the Council has a duty of care for a street that is a local street to put measures in place to protect the safety of all residents and pedestrians. If nothing is done, we believe there will be a fatality either from a pedestrian or a vehicle accident in the near future.

Hobart Street also caters for the increased traffic to Paddington Hotel and TAB as they park in the car park outside the TAB, which at times on weekends we have hooning and speeding along Hobart Street.

Lots of young families use Hobart Street, walk to parks at both ends of the street and shops, utilise the Baptist church and playgroups. There are many kids who ride bikes along our street, and residents have seen near misses for individuals on bikes by cars speeding through using Hobart Street as a cut through.

We really do believe that it is safety issue and that something really needs to be done ASAP.

**9.2.3 City of Vincent 2011 Streetlight Audit**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0175
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the report on the 2011 Streetlight Audit; and
2. **ADVISES** the Chief Executive Officer of Western Power Corporation, that while it is acknowledged that the percentage of lights not working has decreased the length of time taking to repair faults is still excessive and not in accordance with the Western Power Corporation Customer Service Charter.

---

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the results of the City's 2011 Streetlight Audit.

**BACKGROUND:**

Over the past decade, the provision of street lighting has evolved into a core function of Local Government. Whilst the actual installation and maintenance of streetlights is undertaken by Western Power Corporation, the cost of installation and the annual running costs are borne by Local Government.

Until the mid 1990s, Western Power personnel regularly inspected the network to ensure a high level of service. However, Western Power no longer carry out this function and the onus has been shifted to Local Government and the general public to advise Western Power of any faulty streetlights by way of telephone, email or facsimile.

As a result and as widely acknowledged, the level of service has diminished as the public are generally unaware that they are expected to report faulty streetlights in lieu of Western Power actively inspecting the network.

In 2001, in order to determine if there were an excessive number of streetlights not working within the City, the Council endorsed a proposal for Technical Services to undertake an annual streetlight audit.

**DETAILS:**

Over three (3) consecutive nights, commencing 8 August 2011, a systematic streetlight audit was undertaken within the City. The City was divided into three (3) zones and every streetlight (within the City) inspected under operating conditions. The primary aim of the audit was to identify those lights not working, while the secondary aim was to assess the adequacy of the lighting and to make recommendations, where necessary, to install improved or additional lighting.

The streetlight audit is undertaken in the winter months to take advantage of the early sunset and thereby ensuring that the contractor finishes at a reasonable hour.

The results of the audit are as follows, with comparative figures from 2009 and 2010:

Year	No. of Lights	No. Not Working	% Not Working
2011	3034	104*	3.4%
2010	3063	180	5.9%
2009	3038	177	5.8%

Table 1

\* While it there has been a significant decrease in faults some of this can be attributed to the current underground power works in Walcott Street where a majority of the existing streetlights have already been disconnected and therefore not included in the above table.

A spreadsheet of the audit results was forwarded to Western Power on 23 August 2011 for action.

In addition to the audit, Technical Services regularly reports streetlight faults to Western Power throughout the year.

Under Western Power's Customer Service Charter, they have five (5) working days in which to repair streetlights, however, anecdotal evidence suggests that Western Power continues to take, on average, in excess of ten (10) working days to repair a fault. Further, for streetlights in a central median, such as Beaufort Street in the Mt Lawley Centre Precinct and Scarborough Beach Road through the Mt Hawthorn Centre Precinct, repairs are taking considerably longer.

**Number of Streetlights**

Synergy provides the City with an annual schedule of the total number of streetlights by wattage and filament type. According to Synergy's records, there are currently 3,034 streetlights within the City.

The number of streetlights, from 2011 and 2010, decreased as a result of a Synergy/Western Power asset audit. The streetlights physically still exist but they (Synergy/Western Power) had incorrectly identified some lights as their asset whereas they became the City's when we took over sections of the City of Perth in 2007. In respect of the impact upon the annual tariff there is no change but City is now responsible for maintaining the lights.

The difference between 2010 and 2009, an increase of 25 streetlights, can be mainly attributed to the last of the new Highgate East SUPP Project lights being included in the schedule (after 1<sup>o</sup>July<sup>o</sup>2009).

**Results**

As can be seen from Table 1 up to 3.4% of all streetlights within the City are not working at any given time.

However, the Walcott Street works aside, there are indications of a downward trend in faults which is to be commended.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The City's Policy No. 2.2.9 "Street Lighting" states the objectives of this policy are to provide effective and efficient street lighting throughout the City and to provide a mechanism by which street lighting requests and designs can be assessed and sets out the minimum standard according to road classification.

**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:**

Synergy and Western Power are currently investigating the use of more environmentally sustainable lighting such as compact fluorescent (CFL) and light emitting diodes (LED) lamps. While Synergy has recently offered the CFL alternative to Local Government the installation costs of new CFL lights are to yet to be assessed. Synergy has however advised that where an existing 80watt MVL streetlight (typical of residential streets) requires replacement they will install a 42watt CFL instead.

**FINANCIAL/BUDGET IMPLICATIONS:**

The streetlight installation program, maintenance and annual running costs are reviewed as part of the annual budget preparation process.

**COMMENTS:**

When there are a number of streetlights not working within a small area, it can cause residents anxiety, particularly for the elderly, as there is a perception that unlit areas are unsafe.

Western Power relies upon the public and Local Government to advise them when a street light is not working. While it is considered that Western Power should be more proactive in maintaining the street lighting infrastructure, it is understood that they are not currently intending to re-introduce their own inspection system.

**9.2.4 LATE ITEM: Tender No. 433-11 Engagement of Consultants for Hyde Park Lakes Restoration & Remediation**

<b>Ward:</b>	South	<b>Date:</b>	9 September 2011
<b>Precinct:</b>	Hyde Park	<b>File Ref:</b>	TEN0441
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	J van den Bok; Manager Parks & Property Services C Chaudhry; Project Officer - Environment		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tender submitted by Golder Associates Pty Ltd as being the most acceptable to the City for the Engagement of Consultants for Hyde Park Lakes Restoration and Remediation, at a total cost of \$333,000 (excluding GST) in accordance with the specifications as detailed in Tender No. 433/11.

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for awarding of the tender for the engagement of Consultants for Hyde Park Lakes Restoration and Remediation.

**BACKGROUND:**

Tender No. 433/11 - Engagement of Consultants for Hyde Park Lakes Restoration and Remediation was advertised in The West Australian newspaper on 20 August 2011.

At the close of the tender at 2.00pm on 7 September 2011 only one (1) tender was received.

Present at the tender opening were Purchasing/Contracts Officer, Mary Hopper and the Manager Parks & Property Services, Jeremy van den Bok.

**DETAILS:**

The details of all submissions received for Tender No. 433/11 are listed below:

<b>No.</b>	<b>Tenderers</b>	<b>Price (Excl GST)</b>
1.	Golder Associates Pty Ltd	\$333,000

**Tender Evaluation**

Selection Criteria

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

<b>Criteria</b>		<b>Weighting</b>
1.	Financial Offer/Fee Proposal	45%
2.	Relevant experience, expertise and project team	25%
3.	Methodology, Key Issues and Risk	25%
4.	History and Viability of Company	5%
Total		<b>100%</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Rick Lotznicker, Manager Park and Property Services, Jeremy van den Bok, Manager Financial Services, Bee Choo Tan and the Project Officer – Environment, Craig Chaudhry.

The tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

		<b>Weighting</b>	<b>Golder Associates Pty Ltd</b>
<b>1.</b>	Financial Offer/Fee Proposal	45	45
<b>2.</b>	Relevant experience, expertise and project team capacity to deliver product	25	19.4
<b>3.</b>	Methodology, Key Issues and Risk	25	19.9
<b>4.</b>	History and Viability of Company	5	4.4
<b>Total</b>		<b>100</b>	<b>88.7</b>

The Tender Evaluation Panel met on 8 September 2011 to assess the one (1) compliant tender submission for the project. The Tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation. Tender Evaluation Panel comments are shown below:

**1. Golder Associates Pty Ltd**

Total weighted score:	<b>88.7</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• \$333,000 – which is considerably lower than the original estimate determined in June/July 2011.</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Experienced geotechnical &amp; hydrogeological engineers, geologists and environmental engineers.</li> <li>• Have an ongoing commitment to the City of Vincent having brought the project to its current point through completion of the DSI.</li> <li>• Golders and their staff are members of various professional organisations and have the experience and expertise to take this project through the design stage to construction.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• Resumes provided for key staff to be involved in the project and they have indicated that if key staff are not available ongoing support can be provided with alternative staff provided from their Perth or other Australian offices.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Golder Associates have been providing practical environmental consulting services for over 20 years locally and 50 years worldwide</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to City</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to City</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to City</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>• An extensive list of project experience was provided which includes various remediation design and implementation projects.</li> </ul>

Comment:

The tender was very well documented and comprehensive. Whilst it was disappointing to only receive one (1) submission, staff believe that with the experience and local knowledge that Golder Associates have already having completed the DSI they are well appointed and advantaged to take this project through the design stage until construction commences.

Golder Associates have indicated that they can commence immediately.

**CONSULTATION/ADVERTISING:**

Not applicable.

**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:**

**High:** The Lakes have been listed as contaminated requiring remediation however they do not pose any serious risk to human health. The proposal is more one of improving the aesthetics and amenity of the park and at the same time addressing the contamination issues which if left untreated may cause longer term water quality issues. As the proposed works involve rehabilitation of a contaminated site, there is a high risk that estimated costs may escalate. This will need to be closely managed. The engagement of consultants with expertise in this type of work is strongly recommended.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 (adopted in principle) states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$4,872,200 is included in the 2011/12 Capital Works budget for the Restoration of Hyde Park Lakes. This amount includes the \$2,000,000 being provided by the Federal Government.

**COMMENTS:**

The Tender Evaluation Panel has unanimously recommended that the tender submitted by Golder Associates Pty Ltd, at a total cost of \$333,000 be accepted for the engagement of Consultants for the Hyde Park Lakes Restoration and Remediation in accordance with the specifications as detailed in Tender No. 433/11.

### 9.3.1 Financial Statements as at 31 July 2011

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

#### OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 July 2011 as shown in Appendix 9.3.1.

#### COUNCIL DECISION ITEM 9.3.1

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

#### PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Provisional Financial Statements for the period ended 31 July 2011.

#### BACKGROUND:

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

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

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period; and
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 July 2011:

- Income Statement;
- Summary of Programmes/Activities (pages 1-16);
- Statement of Comprehensive Income by Nature or Type Report (page 17);
- Capital Works Schedule (pages 18-24);
- Statement of Financial Position (page 25);
- Statement of Changes in Equity (page 26);
- Reserve Schedule (page 27);
- Debtor Report (page 28);
- Rate Debtors Report (page 29);
- Statement of Financial Activity (page 30);
- Net Current Asset Position (page 31);
- Beatty Park Report – Financial Position (page 32);
- Variance Comment Report (pages 33-35); and
- Monthly Financial Positions Graph (pages 36-38).

Comments on the financial performance are set out below:

**Income Statement and Detailed Summary of Programmes/Activities**

**Net Result**

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

YTD Actual	-	\$20.6 million
YTD Revised Budget	-	\$20.4 million
Variance	-	\$0.2 million
Full Year Budget	-	\$6.2 million

**Summary Comments:**

The current favourable variance is due to increase revenue received as outlined below.

**Operating Revenue**

YTD Actual	-	\$38.6 million
YTD Revised Budget	-	\$38.8 million
YTD Variance	-	-\$0.2 million
Full Year Budget	-	\$38.4 million

**Summary Comments:**

The total operating revenue is currently 100.46% of the year to date Budget estimate.

Major variances are to be found in the following programmes:

- Governance – 54% below budget;
- Law Order and Public Safety – 748% over budget;
- Health – 23% below budget;
- Community Amenities – 15% over budget;
- Economics – 17% below budget;
- Other Property and Services – 128% below budget;
- Administration General – 368% over budget.

More details variance comments are included on the page 33 – 35 of this report.

**Operating Expenditure**

YTD Actual	-	\$3.5 million
YTD Revised Budget	-	\$3.8 million
YTD Variance	-	-\$0.3 million
Full Year Budget	-	\$42.3 million

Summary Comments:

The operating expenditure is currently 91.88% of the year to date Budget estimate.

The major variance for expenditure is located in the following programmes:

- Community Amenities – 20% below budget;
- Economic Services – 21% over budget;
- Other Property & Services – 28% over budget;
- Administration General – 96% below budget.

Detailed variance comments are included on the page 33 – 35 of this report.

**Statement of Comprehensive Income by Nature and Type Report**

This statement of comprehensive income shows operating revenue and expenditure are classified by nature and type.

**Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2011/2012 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 July 2011 of \$6,618,532 which represents 45% of the revised budget of \$14,585,113.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date</b>	<b>%</b>
			<b>(Include commitment)</b>	
Furniture & Equipment	\$183,000	\$183,000	\$11,041	6%
Plant & Equipment	\$1,126,500	\$1,126,500	\$0	0%
Land & Building	\$15,154,425	\$15,154,425	\$46,660	0%
Infrastructure	\$12,082,448	\$12,082,448	\$102,486	1%
<b>Total</b>	<b>\$28,546,373</b>	<b>\$28,546,373</b>	<b>\$160,188</b>	<b>1%</b>

**Statement of Financial Position and Statement of Changes in Equity**

The statement shows the current assets of \$38,478,925 and non current assets of \$188,920,877 for total assets of \$227,399,802.

The current liabilities amount to \$13,752,370 and non current liabilities of \$11,347,940 for the total liabilities of \$25,100,310. The net asset of the City or Equity is \$202,299,492.

**Restricted Cash Reserves**

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

The balance as at 31 July 2011 is \$9.4m. The balance as at 31 July 2010 was \$9.1m.

**General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$588,680 is outstanding at the end of July 2011.

Out of the total debt, \$182,147 (30.9%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

**Rate Debtors**

The notices for rates and charges levied for 2011/12 were issued on the 18 July 2011.

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

First Instalment	22 August 2011
Second Instalment	24 October 2011
Third Instalment	5 January 2012
Fourth Instalment	8 March 2012

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 July 2011 including deferred rates was \$18,995,900 which represents 83.58% of the outstanding collectable income compared to 84.84% at the same time last year.

**Statement of Financial Activity**

The closing surplus carry forward for the year to date 31 July 2011 was \$18,831,926.

**Net Current Asset Position**

The net current asset position as at 31 July 2011 is \$28,273,957.

**Beatty Park – Financial Position Report**

As at 31 July 2011 the operating deficit for the Centre was \$32,579 in comparison to the year to date budgeted deficit of \$71,868.

The cash position showed a current cash surplus of \$15,964 in comparison year to date budget estimate of a cash deficit of \$22,085. The cash position is calculated by adding back depreciation to the operating position.

### **Variance Comment Report**

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

### **CONSULTATION/ADVERTISING:**

Not applicable.

### **LEGAL/POLICY:**

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

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

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

### **COMMENT:**

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

**9.3.3 Reconciliation Place Project – Progress Report No. 3**

<b>Ward:</b>	South	<b>Date:</b>	30 August 2011
<b>Precinct:</b>	Banks – P15	<b>File Ref:</b>	CMS0120
<b>Attachments:</b>	-		
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	J Anthony, Manager Community Development B Grandoni, Community Development Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES Progress Report No. 3 for the Reconciliation Place Project;**
2. **APPROVES;**
  - 2.1 **The recommended initiatives set out by the Vincent Reconciliation Group (VRG) as follows;**
    - 2.1.1 **Organisation of a community launch and interpretative signage;**
    - 2.1.2 **Rehabilitation of Walters Brook;**
    - 2.1.3 **Addition of artwork in the amphitheatre at Banks Reserve; and**
  - 2.2 **The City's contribution of \$10,000 to assist with the costs of the community launch and interpretative signage.**

---

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

---

**PURPOSE OF REPORT:**

The purpose of this report is to provide a further progress report to the Council on the Reconciliation Place Project and present the recommendations of the VRG.

**BACKGROUND:**

9 June 2009                      The Council approves in principle support for creating a "Reconciliation Place" in the City of Vincent; and support for using the identified land on Banks Reserve for the purposes of creating the Reconciliation Place; and

LISTS for consideration in the 2009/2010 draft budget an amount of \$15,000 for Stage 1 of the Reconciliation Place Project;

22 June 2010                      At the Ordinary Meeting of Council the Council received Progress Report No. 1 for the Reconciliation Place Project; and

8 February 2011 The Council received the Consultant's Report and agreed on advertising the report for public comment for a period of up to twenty one (21) days, in accordance with the City's Community Consultation Policy 2.1.5.

In May 2007, the Vincent Reconciliation Group (VRG) commenced a process to develop a new reconciliation-themed project in the City of Vincent. VRG members formulated the idea of a Reconciliation Place Project, identified a preferred location for the reconciliation place, conducted initial consultations with stakeholders and were successful in securing seed funding of \$8,800 to scope the project.

To date, members of the VRG have formed the Interim Steering Committee overseeing project development, however once Stage 1 of the project commences, membership will be broadened to include representatives from the following organisations/groups:

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

In 2009, a brief was commissioned by two consultants that included detailed recommendations for the development of Banks Reserve as a place for reconciliation.

The proposed location for the Reconciliation Place Project is Banks Reserve. The report affirmed that Banks Reserve is already a place of reconciliation and has been a significant site for the Wadjuk-Nyungar people throughout history.

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

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

Ideas for the design of the place including the community artwork have been included in the brief attached in Appendix 9.3.3.

#### **DETAILS:**

In November 2009, the VRG, in consultation with the City, contracted Anne Goodall and Tim Muirhead to coordinate the development of the proposed Reconciliation Place Project. The report for Stage 1, 'Enhancing Banks Reserve as a Place of Reconciliation' was submitted with an emphasis on community art and place design.

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

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

The brief discusses a variety of options that can be implemented. Some suggestions that can be incorporated at Banks Reserve are:

- A trail of discovery

The brief discusses thematically linked features that would be used like a 'trail'.

- Building relationship

A strong aspect of the project is linking the relationship with the land and people. This can be done through a variety of art-based practices.

In the course of the consultation with their stakeholders and reference groups, a number of 'elements' of design and/or activity were identified that could foster reconciliation at Banks Reserve. Below are the key elements that community members have identified as being important:

- Place Design e.g. Reflection spots, gathering areas;
- Gathering place;
- Linking elements;
- Education and Information; and
- Place Activity e.g. Community Art.

The following guiding principles emerged in consultation with local Aboriginal and non-Aboriginal people and other stakeholders:

- The existing use of the Reserve should remain the same. E.g. the amphitheatre is currently a point for performance and gathering, and should remain so;
- There should be minimal change to the 'sight lines' to the river from local residences;
- Aboriginal cultural protocols about use of the land must be respected;
- Any enhancements should either improve the natural environment or have a low environmental impact; and
- Every aspect of park enhancement should be done in a way that builds trust and relationships.

In the course of the interviews, ceremonies and workshops as well as discussions within the Project Steering Committee, a number of key themes of reconciliation emerged:

- Understanding our past, present and future together;
- Respecting the land and river;
- Joining together – relationship; and
- Descriptions of stories/histories included.

#### **Priority art and design features**

After extensive consultation with relevant stakeholders, the brief has identified nine (9) natural 'nodes' in the Reserve (Please see attached report). These indicate different areas where particular elements will be displayed. Below are some suggestions of key features that can be implemented into Banks Reserve, allowing it to evolve as a place of reconciliation:

##### 1) A Trail of Reconciliation

This describes a range of thematically linked, low impact features that will collectively mark Banks Reserve as a 'Place of Reconciliation'. The brief does not dictate the nature of the trail – this is left to the prospective community art and design processes.

##### 2) Labyrinth

A labyrinth is intended to encourage reflection and introspection and is recommended to be placed in low public exposure area.

3) Amphitheatre

The use of the pre-existing amphitheatre is recommended as it is already a natural performance, ceremonial and gathering place. The report suggests many art concepts that can potentially be incorporated into the area.

Overall there are three (3) priorities that the VRG has recommended:

1) Organise a community launch and interpretive signage

This launch will be in conjunction with NAIDOC week celebrations in 2012. This will include the addition and organisation of interpretive signage to be added to Banks Reserve to signify the new place of reconciliation.

2) Rehabilitation of Walters Brook

Currently, The Claisebrook Catchment Group in conjunction with volunteers and stakeholders have initiated the restoration of Walters Brook. At present, the final plans in relation to the restoration of Walters Brook back from our consultants, Golder Associates are still in draft stage. The plans have been executed following consultation with the Banks Precinct group, Banks Reserve Reconciliation Group, Water Corporation and the Swan River trust.

3) Amphitheatre Artwork

As the Amphitheatre is currently a pre-existing place for community gatherings and performances, the addition of thematic Indigenous community artwork to the space would be a valuable interactive community activity with the purpose of creating a unique space for reconciliation for the community to share.

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

**CONSULTATION/ADVERTISING:**

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

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

Three community events designed to engage local residents and other key stakeholders for the project were held at the reserve between 29 May and 25 June 2010. The first community event was held at Banks Reserve on Saturday, 29 May 2010 which coincided with National Reconciliation Week.

The second community event was a workshop focused on developing a shared vision on how to make the reserve a place for reconciliation.

The third community event was designed as a shorter focused workshop for reviewing ideas and suggestions made to date and shaping them into recommendations for action to be included in the brief.

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

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

The report was available for public comment for a period of no less than twenty-one (21) days. All the feedback was positive and only one response from the Claise Brook Catchment Group (CBCG) gave specific recommendations as follows;

*“The CBCG supports the concept and planning for Banks Reserve to be a place of reconciliation; and for it to be further developed as a place of reconciliation for the City of Vincent community, where Wadjuk culture and history is celebrated and made more visible. Whilst our group is interested in the community artwork component of the proposed project, and looks forward to the development of this; our group is particularly interested in the proposals for environmental rehabilitation, including those that enhance the water quality of the river and provide education related topics such as stormwater use and flow”.*

The CBCG also suggests that including indigenous food plants along the walk trails may add interest and interpretation opportunities to the area. The Group also outlines the specific projects in which the group could best be involved in.

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

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

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

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

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

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

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

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016 Key Result Areas:

- 1.1.3 *Enhance and maintain the character and heritage of the City of Vincent*
- 1.1.5 *Enhance and maintain parks, landscaping and community facilities*
- 3.1.1 *Celebrate and acknowledge the City's cultural and social diversity*
- 3.1.2 *Provide and develop a range of community programs and community safety initiatives*
- 3.1.3 *Determine the requirements of the Community and focus on needs, value, engagement and involvement.*

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

\$10,000 has been budgeted for the NAIDOC/Reconciliation Week Event which will assist with the project launch and interpretive signage that is recommended.

The budget for the addition of artwork to the amphitheatre will be determined after further discussion with relevant stakeholders.

In regards to the restoration of Walters Brook, there is no funding on budget to commence any ground works this financial year; however it is planned to be included in the 2012/2013 budget. In the interim, we seek to obtain cultural seeding cultural funding to initiate the restoration process of Walters Brook. Regular funding bodies used are Swan Alcoa Land care, State Natural Resource Management, Caring for Country and Lotteries West.

**COMMENTS:**

The project is designed to be a genuine community development initiative that engages the Vincent community in creating a vision for and developing a new community place. It is therefore important that decisions about the type of community artwork (e.g. mosaic, sculpture, etc) and any infrastructure elements (such as interpretive signage, seating and landscaping) to be incorporated into the Reconciliation Place.

Stage 1 of the project has been designed to have clear, 'stand alone' community development outcomes, in terms of community education about local history and reconciliation themes, which ensures Stage 1 has value even if subsequent stages are not implemented. There are no building costs in Stage 1.

If adopted this will be the first project of its kind in Perth. Once complete other Councils in Perth may be interested in developing similar Reconciliation Place projects in their communities.

### 9.3.4 Proposed New City Entry Statements

<b>Ward:</b>	Both	<b>Date:</b>	29 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0558
<b>Attachments:</b>			
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	R Gunning, Arts Officer J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

#### OFFICER RECOMMENDATION:

That the Council;

- APPROVES** the location of the Vincent Entry statements at five (5) major entry points in the City, with the proposed major entry points being:
  - Vincent Street (corner of Leederville Parade);
  - Fitzgerald Street (corner of Walcott Street);
  - Scarborough Beach Road (corner of Green Street);
  - Charles Street (corner of Newcastle Street); and
  - Guilford Road (corner of East Parade); and
- NOTES** the design options for the remainder of the existing entry signage locations have been referred to the Art Advisory Group for further consideration.

---

#### COUNCIL DECISION ITEM 9.3.4

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

---

#### PURPOSE OF REPORT:

The purpose of the report is to approve the proposed locations for the new City of Vincent entry statements.

#### BACKGROUND:

At the Ordinary Meeting of Council 14 June 2011 the following was resolved;

*"That the Council;*

- APPROVES of the design "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;*
- REFERS the location of the Town of Vincent Entry statements to Art Advisory Group for further consideration with respect Town of Vincent Entry statements having more pedestrian usage."*
- APPROVES of the deletion of the slogan "The Town of Vincent is a Nuclear Free Zone" from the Town's entry signs;*

4. *REFERS the design options for the remainder of the existing entry signage locations to the Art Advisory Group for further consideration;*
5. *AUTHORISES the Chief Executive Officer to:*
  - 5.1 *re-fabricate the current remaining entry signs in their current form to be installed at their existing locations; and*
  - 5.2 *to allocate the additional funds required for the project from a source to be determined; and*
6. *REQUESTS the Chief Executive Officer to investigate opportunities to utilise the cash-in-lieu Percent for Public Art Contribution to assist in establishing the remaining of the new entry sign art installations”.*

**DETAILS:**

Following Council's referral of the location of the City of Vincent Entry statements to the Arts and Culture Advisory Group for further consideration, the City's officers conducted a survey of the potential locations to present to the group. The Officers graded the sites according to car traffic visibility, pedestrian visibility, pedestrian access, traffic sightlines and potential disturbances to underground services.

At the 10 August meeting of the Arts and Culture Advisory Group, the survey and photographic documentation was presented. The following locations were selected:

- Vincent Street and the north-west corner of Leederville Parade.  
  
The location was considered to have high visibility both for traffic and pedestrians. A dual pathway on the other side of Vincent Street is a major entry point for pedestrians into the City; likewise the entry statement would be visible for traffic moving along Vincent Street as well as south bound traffic entering the Mitchell Freeway.
- Fitzgerald Street and Walcott Street, located on the south-east corner of the intersection (set back from the footpath).  
  
The location offers high visibility while providing some protection from vehicle collision (this had been an ongoing problem in the former position on the southern traffic island of the intersection). The entry statement would be in close proximity to the residential boundary wall of 28 Little Walcott Street and therefore residential consultation would be required.
- Scarborough Beach Road and the corner of Green Street (traffic island).  
  
The location was considered ideal as the grassed traffic island presents an unhindered view of the entry statement with major traffic visibility.
- Charles Street and corner of Newcastle Street (traffic island).  
  
The location is a major entry and exit point to the City with high traffic flow. The traffic island has little competing signage, maximising the entry statement's visual impact.
- Guildford Rd and corner of East Parade (located on the footpath on the north-south corner of the underpass).  
  
The location is a major entry and exit point to the City with high traffic flow. The traffic island has little competing signage, maximising the entry statement's visual impact.

The Arts and Culture Advisory Group recommended that the further location on the corner of Beaufort Street and Newcastle Street (the south-west corner of Weld Square) be considered at a later date for an additional entry statement.

Officers from Technical Services reviewed and approved the above sites in regards to traffic sightlines, pedestrian movement and access. The officers also concluded the locations would not present any significant impediment to underground services.

**CONSULTATION/ADVERTISING:**

The locations would go to public consultation for a period of twenty one (21) days.

**LEGAL/POLICY:**

Not applicable

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** The contracted designers (Glow Studios) would be responsible for undertaking risk management regarding installation of the entry statements. The City would coordinate traffic management.

**STRATEGIC IMPLICATIONS:**

In keeping with the Strategic Plan 2011-2016

- "1.1: Improve and Maintain the Natural and Built Environment and Infrastructure:  
1.1.6 Enhance and maintain the Town's parks, landscaping and the natural environment; and*
- 3.1: Enhance and Promote Community Development and Wellbeing:  
3.1.1 Celebrate, acknowledge and promote the Town's Cultural and Social diversity."*

**SUSTAINABILITY IMPLICATIONS:**

Quality materials are proposed with a ten year guarantee.

**FINANCIAL/BUDGET IMPLICATIONS:**

The submitted designs are costed at \$105,000. The budget allocation for the project is \$95,000. Additional funding is to be allocated from a source yet to be determined.

**COMMENTS:**

The entry statements are dynamic and unique sculptural forms, the recommended locations with their emphasis on high pedestrian and vehicle visibility will ensure they become iconic structures readily associated with the City.

The design options for the remainder of the existing entry signage locations will be considered by the Arts and Culture Advisory Group at a future meeting.

Opportunities to utilise the cash-in-lieu Percent for Public Art Contribution to assist in establishing the remaining of the new entry sign art installations will also be investigated in due course.

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

<b>Ward:</b>	-	<b>Date:</b>	
<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 August 2011.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**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>
13/08/2011	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 8 (Lot 504) Elven Street, North Perth
13/08/2011	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: Western Australia Police - Emergency Management and Counter Terrorism Division Planning Seminar on 15 August 2011 (Gareth Naven Room)
13/08/2011	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: Australian Geoscience of Western Australia Meeting on 16 August 2011 (nib Lounge)
18/08/2011	Deed of Licence	2	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football West, Gibbney Reserve, Ferguson Street, Maylands WA 6051 re: Football West Events - Period of Licence: Commencing on 15 August 2011 and terminating 30 June 2012 (Stadium)
23/08/2011	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: Flexi Training on 25 August 2011 (Gareth Naven Room)

### 9.4.3 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	2 September 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>	K Ball, A/Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 13 September 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 13 September 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from Director General, Department of Planning, Eric Lumsden regarding <i>‘Delivering Directions; 2031 and Beyond’</i> and attachment of the first edition of the Delivering Directions 20321 report card
IB02	Congratulatory email from Paula Day, Secretary Cleaver Precinct Group regarding City Status
IB03	Email of appreciation from Annie Hahn to the City’s Community Development Section – in regards to Paws on the Path Program
IB04	Progress Report No. 3 – Heritage Assistance Fund (FIN0159)
IB05	Minutes from the Vincent Accord <i>‘Socialising with Safety’</i> meeting held on 4 May 2011
IB06	Unconfirmed Minutes from the Sustainability Advisory Group meeting held on 15 August 2011
IB07	Unconfirmed Minutes from the Arts and Culture Advisory Group meeting held on 10 August 2011
IB08	Unconfirmed Minutes of the Integrated Transport, Traffic and Road Safety Advisory Group meeting held on 18 August 2011
IB09	Minutes of Tamala Park Regional Council Ordinary Meeting of Council held on 18 August 2011
IB10	Register of Petitions - Progress Report - September 2011
IB11	Register of Notices of Motion - Progress Report - September 2011
IB12	Register of Reports to be Actioned - Progress Report - September 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 - September 2011
IB15	Forum Notes - 16 August 2011
IB16	Notice of Forum - 20 September 2011
IB17	Mindarie Regional Council – Minutes of Ordinary Council Meeting held on 25 August 2011

**9.3.2 Hyde Park Rotary Community Fair 2012**

<b>Ward:</b>	South	<b>Date:</b>	24 August 2011
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	RES0031
<b>Attachments:</b>			
<b>Reporting Officer:</b>	J Anthony, Manager of Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 4 and 5 March 2012, subject to;
  - 1.1 event application fees for the fair at Hyde Park being waived;
  - 1.2 a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;
  - 1.3 full compliance with conditions of use being imposed including Environmental Health and other conditions;
  - 1.4 under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;
  - 1.5 only vehicles with an official City of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;
  - 1.6 the City will issue infringement notices to any vehicle not displaying an official City of Vincent parking permit remaining in the park during the event;
  - 1.7 a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the City's staff; and
  - 1.8 acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the reportto the satisfaction of the Chief Executive Officer; and
2. **APPROVES** the City's sponsorship contribution of \$17,000 to assist with the costs of the event as listed in the 2011/2012 Budget.

---

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Topelberg, Seconded Cr Farrell

That clause 2 be amended to read as follows:

- "2. **APPROVES** the City's sponsorship contribution of ~~\$17,000~~ \$18,000 to assist with the costs of the event as listed in the 2011/2012 Budget."

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

**COUNCIL DECISION ITEM 9.3.2**

**That the Council;**

1. **APPROVES** the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 4 and 5 March 2012, subject to;
  - 1.1 event application fees for the fair at Hyde Park being waived;
  - 1.2 a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;
  - 1.3 full compliance with conditions of use being imposed including Environmental Health and other conditions;
  - 1.4 under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;
  - 1.5 only vehicles with an official City of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;
  - 1.6 the City will issue infringement notices to any vehicle not displaying an official City of Vincent parking permit remaining in the park during the event;
  - 1.7 a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the City's staff; and
  - 1.8 acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report

to the satisfaction of the Chief Executive Officer; and
2. **APPROVES** the City's sponsorship contribution of \$18,000 to assist with the costs of the event as listed in the 2011/2012 Budget.

---

**PURPOSE OF REPORT:**

To approve the Hyde Park Community Fair to be held in Hyde Park in 2012 subject to the conditions as listed in the report.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 24 August 2010 the Council considered the event for 2011 and resolved as follows:

*"That the Council;*

- (i) *APPROVES* the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 6 and 7 March 2011, subject to;
  - (a) *event application fees for the fair at Hyde Park being waived;*
  - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*

- (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
- (d) *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;*
- (e) *only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;*
- (f) *the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;*
- (g) *a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff; and*
- (f) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

*to the satisfaction of the Chief Executive Officer; and*

- (ii) *APPROVES the Town's sponsorship contribution of \$15,000 to assist with the costs of the event as listed in the 2010/2011 Budget."*

**DETAILS:**

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of Sunday, 4 March and Monday, 5 March 2011. The theme for 2011 was culture, community and service.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The Rotary Club of North Perth considered the 2011 Hyde Park Fair to be extremely successful and ran smoothly. There were no major issues during the event. The Fair also gained positive feedback from both attendees and exhibitors.

Estimated attendance was down at approximately 30,000 over the two (2) days due to the perfect weather over the entire weekend, 26.6 degrees Celsius on Sunday and 28 degrees Celsius on Monday.

Exhibitors, amusement providers and food vendors reported much higher takings than at the previous year's event.

There were 177 exhibitors and numbers were slightly lower than in previous years but more manageable for the organisers.

The proceeds from the 2011 Rotary Fair totalling \$23,900 were distributed to the following projects and causes:

- Rotary Oceania Medical Aid for Children;
- Shelterbox Australia;
- StreetDoctor;
- Australian Rotary Health Trust;
- PolioPlus;
- Rotary International Foundation;
- Life Education;
- Rotaract Club of South Perth;

- 1st Bayswater Scouts;
- St Johns Fellowship;
- Manna Inc.;
- Carnarvon Floods Disaster Appeal;
- Kelmscott Bushfire Appeal; and
- NZ Disaster Appeal.

Since 2005, event organisers have continued to put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The organisers are responsible for any damage to the Park vegetation; Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers; Leaf and ground coverage is not to be removed from the ground of the allocated site; and All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this.

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the City with the following representatives:

- Manager Community Development (Chairperson);
- Manager Parks Services;
- Manager Ranger Services and Community Safety;
- Manager Health Services;
- WA Police Service; and
- representatives from the organising committee.

For all events, the Working Group meets regularly and discusses the conditions as stipulated plus coordinates a management plan for the smooth running of the fair. This group also meets after the event to debrief and record any issues that need to be addressed for the following year's event.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. Fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment and exhibitors.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the City:

- Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the City of Vincent at an early date;
- Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;
- Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and
- The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the City of Vincent.

**CONSULTATION/ADVERTISING:**

An extensive media campaign will be undertaken to promote the event. A letter box drop will be undertaken for the streets around the park and about 1,000 flyers will be distributed.

Flyers will be distributed schools, local shops & cafes in North Perth and surrounding areas. A mail out will also be done to about 13,000 residents within the City of Vincent.

**LEGAL/POLICY:**

Policy 1.1.5 Donations, Sponsorship, Support for Festivals and Waiving of Fees and Charges.

**STRATEGIC IMPLICATIONS:**

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

*"Key Result Area Three – Community Development*

*Objective 3.1: Enhance and Promote Community Development and Wellbeing:*

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

**SUSTAINABILITY IMPLICATIONS:**

The purpose of the fair is to provide an event with activities catering to a broad section of the community in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

The City's officers have actively worked with the organisers to ensure that the fair takes place with the least possible impact on the park. This includes organisation of "bump in - bump out" procedures and placement of the various activities and stalls.

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** Previous events have been extremely popular and successful however factors such as weather on the day can be a contributing factor to attendance levels.

**FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$17,000 is listed on the Annual Budget 2011/12 for the event. The Rotary Club of North Perth have requested an amount of \$18,000 in their application to the City to cover the increased costs in organising the Fair as well as additional promotion in mainstream media.

In return, the City would be acknowledged as a major sponsor through radio, television, and local and State wide newspaper coverage.

**COMMENTS:**

This is one of the most well patronised events organised in the City. The sponsorship funds will provide the opportunity for the City to be prominently featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives given that the event is non-profit and community based.

It is considered that the Rotary Club of North Perth has managed the Fair professionally in partnership with the City's officers, and continues to be well supported by the wider community.

**9.1.2 No. 5 (Lot 125; D/P: 12521) Hanover Place, North Perth – Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	30 August 2011
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO5166; 5.2011.131.2
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Reporting Officer:</b>	C Harman, 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 Plunkett Homes Pty Ltd on behalf of the owner J Valli for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings, at No. 5 (Lot 125; D/P: 12521) Hanover Place, North Perth, and as shown on plans stamp-dated 16 August 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 Hanover Place and Macedonia Place;
2. Any new street/front wall, fence and gate within the Hanover Place setback areas, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. First obtaining the consent of the owners of No. 3 Hanover Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 3 Hanover Place in a good and clean condition;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;
5. A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on site; and
6. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**6.1 Essential Facilities**

An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres, for each group dwelling;

**6.2 Construction Management Plan**

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

**6.3 Building Articulation**

Revised plans shall be submitted and approved demonstrating the upper floor wall on the eastern side of Unit 1 and the western side of Unit 2 incorporating appropriate articulation.

---

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Maier, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

**Cr Farrell departed the Chamber at 6.49pm.**

**Debate ensued.**

**MOTION PUT AND CARRIED (5-3)**

**For:** Mayor Catania, Cr Burns, Cr Harvey, Cr McGrath, Cr Topelberg

**Against:** Cr Buckels, Cr Lake, Cr Maier

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

---

<b>Landowner:</b>	J Valli
<b>Applicant:</b>	Plunkett Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwellings
<b>Use Classification:</b>	'Preferred Use'
<b>Lot Area:</b>	413 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the City received six objections during the community consultation period.

**BACKGROUND:**

There is no background that directly relates to this proposal.

**DETAILS:**

The proposal involves the demolition of an existing single house and construction of two (2), two-storey grouped dwellings. As part of the construction of the two dwellings, the lot is to be subdivided down the middle with both dwellings fronting Hanover Place. The City's Officers have worked with the applicant to create an acceptable proposal for the site as the originally proposed plans were considered to have an adverse impact on the streetscape and adjacent parkland.

The applicant has introduced open style balconies to the upper floors, facing Hanover Place, which cantilevers over the garages below in order to reduce the visual dominance of the garages. The applicant has also introduced greater openings as well as another balcony to the rear of unit 2, in order to establish interaction with the adjacent Charles Veryard Reserve.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Ground Floor Setbacks:</b>		
Front (Hanover Place):	Units 1 & 2 = 4 metres.	Units 1 & 2 = 3.5 metres.
East	Unit 1 = 1.5 metres. Unit 2 = 1.5 metres.	Unit 1 = Nil – 1.5 metres. Unit 2 = Nil – 1.6 metres.
West	Unit 1 = 1.5 metres. Unit 2 = 1.5 metres.	Unit 1 = Nil – 1.6 metres. Unit 2 = Nil – 1.5 metres.
<b>Officer Comments:</b>		
Supported – The variations are not considered to have an undue impact on adjoining properties or the amenity of the area.		
<b>Upper Floor Setbacks:</b>		
Front (Hanover Place)	2 metres behind each portion of the ground floor.	Unit 2 = 1.3 metres behind the ground floor.
East	Unit 1 = 2.1 metres. Unit 2 = 2 metres.	Unit 1 = 1.5 – 3.2 metres. Unit 2 = Nil – 2.7 metres.
West	Unit 1 = 1.9 metres. Unit 2 = 2.2 metres.	Unit 1 = Nil – 1.6 metres. Unit 2 = 1.5 metres.
<b>Officer Comments:</b>		
Supported – The variations are not considered to have an undue impact on adjoining properties or the amenity of the area. The reduced upper floor setbacks are considered appropriate to reduce the impact of the garages on the ground floor and also increase the interaction between the dwellings and the adjacent park and streetscape.		
<b>Carpports and Garages</b>	To be located 0.5 metre behind the street setback line.	Unit 1 = 4.2 metres in front of main building line.  Unit 2 = 2 metres in front of man building line.
<b>Officer Comments:</b>		
Supported – Given the proposed lot widths, it is not possible to comply with the above requirements as the site does not have access to a secondary street or right of way. The arrangement is similar to a proposal approved at No. 3 Deague Court and, therefore, is not considered to have an undue impact on the amenity of the area.		
<b>Garage Doors</b>	Not to occupy more than 50 per cent of the frontage.	Garage doors occupy 65 per cent of each proposed lot frontage.
<b>Officer Comments:</b>		
Supported – As above.		
<b>Site Works</b>	Retaining walls, excavation and fill not to exceed 0.5 metre.	Up to 0.8 metre retaining.
<b>Officer Comments:</b>		
Supported – The level of retaining is minimal and located behind the street setback line and is not considered to have an undue impact on adjoining properties or the streetscape.		
<b>Building Height</b>	Maximum height of 6 metres to the top of an external wall.	Up to 6.3 metres along the western elevation.
<b>Officer Comments:</b>		
Supported – The applicant has set the dwellings back from adjoining dwellings at the rear and to the eastern side to minimise the impact on the adjoining dwellings. The proposed dwellings are also lesser in height than those approved at No. 3 Deague Court.		

NON-COMPLIANT REQUIREMENTS			
REQUIREMENTS		REQUIRED	PROPOSED
<b>Store Requirements</b>	<b>Room</b>	Minimum area of 4 square metres and minimum dimension of 1.5 metres.	No store rooms proposed.
<b>Officer Comments:</b>			
Not Supported – A condition has been applied to address this.			
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1			

Consultation	
<b>In Support</b>	Nil.
<b>Objections</b>	6.
Comments Received	Officer Comments
Concerned over the visual dominance of the garage doors and their reduced setbacks.	Noted – See “Officer Comments”.
Concerned that the overshadowing was not calculated correctly and does not comply with the R-Codes.	Not Supported – The overshadowing complies with Clause 6.9.1 of the Residential Design Codes relating to Solar Access for Adjoining Sites.
The level of fill on the site, coupled with 2 storey dwellings will significantly increase the impact of overshadowing on the adjoining lot.	Not Supported – The level of retaining retains a small portion of the site and is not considered to significantly impact on the overall building height.
Proposed screening is not adequate.	Not Supported – The proposed privacy screening complies with the requirements of the Residential Design Codes.
The proposal will result in a loss of potential city views for adjoining properties.	Noted – Views are not a planning concern as there are no statutory requirements pertaining to views.
The reduced front setbacks of the ground and upper floors will result in the dwellings dominating the street.	Noted – See “Officer Comments”.
Allowing the proposal will set a precedent and have an adverse impact on the streetscape in the future.	Not Supported – This is not the first proposal for the area; a similar proposal at No. 3 Deague Court was previously approved by the Council.
The proposed front setbacks will adversely impact the streets relationship with the adjacent parklands.	Noted – See “Officer Comments”.
The plans should meet the acceptable development standards.	Noted – The Council has discretion to vary some of the Acceptable Development standards. Furthermore, the proposal complies with the Performance Criteria of the Residential Design Codes.
There needs to be measures in place to ensure adjoining properties are protected during demolition/construction.	Noted – A condition has been applied requiring that the applicant submit a Construction Management Plan, prior to the issue of a Building Licence, which will address this.
<b>Advertising</b>	The advertising was carried out as per the City ‘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 2011-2016</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:**

A small pocket of old dwellings, bounded by Deague Court, Hanover Place and Macedonia Place is beginning to be redeveloped, with the Council recently approving the demolition of an existing single house and construction of two (2), two storey grouped dwellings including lofts at No. 3 Deague Court, in a similar configuration to what is being proposed in this instance. The current proposal is considered to have adequate interaction with the adjacent park and the streetscape, and the applicant has taken measures to reduce the visual impact of the garages and the overall impact on the streetscape generally.

In light of the above, the proposal is not considered to have an undue impact on the amenity of the area and it is recommended that the application be approved subject to standard and appropriate conditions.

**9.1.1 No. 180 (Lots 254 and 255; D/P: 2503) Scarborough Beach Road, Mount Hawthorn – Demolition of Existing Building and Construction of a Four-Storey Mixed-Use Development Comprising of Three (3) Shops, Two (2) Offices, Two (2) Single Bedroom Multiple Dwellings, Four (4) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	31 August 2011
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO 3777; 5.2011.306.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans <a href="#">002</a> - Heritage Assessment		
<b>Tabled Items:</b>	Plans - Coloured Perspectives and Applicant submission		
<b>Reporting Officers:</b>	R Narroo, Senior Planning Officer (Statutory) T Woodhouse, Manager Strategic Planning, Sustainability and Heritage Services		
<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 Ecorp Project Management on behalf of the owner, Western Network Pty Ltd for Demolition of Existing Building and Construction of a Four Storey Mixed-Use Development Comprising of Three (3) Shops, Two (2) Offices, Two (2) Single Bedroom Multiple Dwellings, Four (4) Multiple Dwellings and Associated Car Parking at No. 180 (Lots 254 and 255; D/P: 2503) Scarborough Beach Road, Mount Hawthorn and as shown on amended plans dated 30 August 2011 , subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road;
- 1.2 First obtaining the consent of the owners of No. 178 and No. 182 Scarborough Beach Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 178 and No. 182 Scarborough Beach Road in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Scarborough Beach Road shall maintain active and interactive relationships with this street; and
- 1.4 The maximum gross floor area of the shops and offices shall be limited to 345 square metres and 1303 square metres respectively. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;

2. **Car Parking and Accessways**

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 Twenty-two (22) car parking bays shall be allocated for the shops and offices;

3. **Public Art**

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

- 3.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,000,000); and
- 3.2 in conjunction with the above chosen option;
  - 3.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;  
  
OR
  - 3.2.2 Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

5. **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the following shall be submitted to and approved by the City:**

5.1 **Cash-In-Lieu of Car Parking**

The owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

5.1.1 pay a cash-in-lieu contribution of \$15,466 for the equivalent value of 4.989 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

5.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$15,466 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

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

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

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

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

6. **Demolition**

A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

7. **History Panel Wall and Coreten Decorative Feature Panel**

7.1 Details of the proposed History Panel Wall incorporating explicit recognition of the heritage values of the place at No. 180 Scarborough Beach Road, Mount Hawthorn, as outlined within the Heritage Assessment, shown in Attachment 002, shall be submitted to and approved by the City prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s); and

7.2 Details of the Coreten Decorative Feature Panel incorporating reference to the heritage values of the place at No. 180 Scarborough Beach Road Mount Hawthorn, shall be incorporated as part of the Percent for Art requirement of this approval, and be submitted to and approved by the City prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved art work proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);

8. **Right of Way**

No development shall take place in the right of way widening area;

9. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

9.1 **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;

9.2 **Section 70 A Notification under the Transfer of Land Act**

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

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

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

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

9.3 **Landscape and Reticulation Plan**

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

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

9.3.1 the location and type of existing and proposed trees and plants;

9.3.2 all vegetation including lawns;

9.3.3 areas to be irrigated or reticulated;

9.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

9.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

**9.4 Schedule of External Finishes**

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

**9.5 Acoustic Report**

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

**9.6 Refuse and Recycling Management Plan**

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

**9.7 Fencing**

Any new street/front wall, fence and gate within the Scarborough Beach 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;

**9.8 Amalgamation**

Prior to the issue of a Building Licence, the subject Lots 254 and 255 shall be amalgamated into one lot on one Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

**9.9 Heritage**

An archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the City's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;

**9.10 Road/Verge Security Bond**

A Road/Verge security bond of \$2350 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, have been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable; and

**9.11 Drainage**

The location of the drainage pipe and easement which conveys storm water from the ROW into the drainage system on Scarborough Beach Road shall be determined in consultation with the City of Vincent;

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

**10.1 Residential Car Bays**

Six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The eight (8) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**10.2 Bicycle Parking**

Two (2) bicycle bays for the residents of the residential component plus eight (8) Class one or two and two (2) bicycle bays Class 3 for the shops and offices components shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**10.3 Management Plan-Vehicular Entry Gates**

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

**10.4 Management Plan- Tandem Parking**

The Applicant shall submit a management plan detailing how the tandem car parking bays will be managed; and

**10.5 Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or a clothes tumbler dryer.

---

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Maier, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 6.51pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

---

<b>Landowner:</b>	Western Network Pty Ltd
<b>Applicant:</b>	Ecorp Project Management
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Former Mount Hawthorn Post Office
<b>Use Class:</b>	Office Building, Shop and Multiple Dwellings
<b>Use Classification:</b>	"P", "P" and "AA"
<b>Lot Area:</b>	Lot 254 = 592 square metres Lot 255 = 546 square metres
<b>Right of Way:</b>	Northern side, sealed, width of 5.5 metres, Council owned private.

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination as the City's Officers do not have Delegated Authority for applications of this nature.

**BACKGROUND:**

No background.

**DETAILS:**

The application is for the demolition of the existing building and the construction of a four-storey mixed-use development comprising of three shops, two offices, two single bedroom multiple dwellings, four multiple dwellings and associated car parking.

The applicant's submission is "*Tabled*".

The applicant has provided a response to the submissions received during the advertising, which is also "*Tabled*".

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	0.7= 796 square metres	1.54 = 1,707 square metres
<b>Officer Comments:</b>		
Supported-Refer to "Comments" below. Moreover, the site is zoned commercial and if this development would have been totally commercial, plot ratio would not have been applicable.		
<b>Street Setbacks:</b>	Setback to be generally consistent with building setbacks on adjacent land.	Ground, First and Second Floors= Nil  Fourth Floor= 0.3 metre to 4.8 metres
<b>Officer Comments:</b>		
Supported- The existing commercial buildings in the surrounding area have nil setbacks along Scarborough Beach Road and, therefore, the proposal will not have an undue impact on the streetscape.		
<b>Building Setbacks:</b>	North Side  <i>Ground Floor</i>  6 metres (Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface)	1 metre to 1.8 metres

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
	<i>First Floor</i> 6 metres (Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface)	1 metre
	<i>Third Floor</i> 8 metres	6.2 metres
<b>Officer Comments:</b>		
Supported- The proposed building will be facing a right of way on the northern elevation. The third and fourth floors are setback at least 6 metres from the right of way and, therefore, there will be no impact on the adjoining neighbours in relation to ventilation and sunlight.		
<b>Number of Storeys:</b>	3 storeys including loft	4 storeys
<b>Officer Comments:</b>		
Supported- Refer to "Comments".		
<b>Car Parking:</b>	Shops and Offices = 26.989 car bays	22 car bays Shortfall= 4.989 car bays
<b>Officer Comments:</b>		
Supported- Refer to Parking Table and Comments.		
<b>Open Space:</b>	45 per cent = 512 square metres	18 per cent = 205 square metres
<b>Officer Comments:</b>		
Supported- The subject site is located within a commercial zone. In the event of a commercial development, open space would not be applicable. In addition, each residential unit is provided with a balcony. Moreover, the site is located 160 metres from Braithwaite, Park which provides open space for the Mount Hawthorn Town Centre. Therefore, the variation to the open space is supported.		

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

Consultation	
<b>In Support:</b>	15 support and 3 submissions which neither support nor object.
<b>Comments Received</b>	<b>Officer Comments</b>
The proposal will enhance the overall appeal and amenity of the area. It will also contribute to establish the area as a major alternative retail.	Noted. However, it is considered that the proposed development with three shops cannot be considered as a major alternative retail.
<b>Objections:</b>	10
<b>Comments Received</b>	<b>Officer Comments</b>
Heritage  <i>"I do not agree with the Heritage Architects comment that "the proposed development offers mitigating offsets by way of a significant interpretation dimension that will allow the historic and social values to be sustained and strengthened." An over sized "statement panel" (albeit in laser cut Carten) and a Digiglass wall with yet to be determined graphic content are "token" gestures only of acknowledgement. Visual integration of the design element that set the Post Office building apart, the polished stainless steel glazing trim, should be considered for the street level frontage of the new development. I am not suggesting a direct copy but a design "cue" as interpreted by the architect. The street level frontage is what most will see the most visually relevant element."</i>  <i>Signposting of the street level shops should also be "controlled" to ensure its fit within the context of the new façade."</i>	Not supported - Refer to Heritage comments below.

<b>Consultation</b>	
<p><i>“Do not underestimate the longstanding visual impact of the old Post Office building on the psyche of the local residents and those familiar with the streetscape. The new development will eventually have the same impact and some relevant acknowledgement of the passing of the old is critical to the ongoing heartbeat of the precinct.”</i></p> <p>The existing building should be retained as part of the character of Mt Hawthorn. This type of building should not be demolished for financial gain to the detriment of the character and community feel of the area.</p> <p>The proposed building needs to be able to incorporate and maintain the historical character of the Post Office which will ensure that such character and history was never lost.</p> <p>180 Scarborough Beach Road epitomises Mount Hawthorn Art Deco. It is a shame that it is being demolished and replaced with bland pieces of modern architecture.</p> <p><i>“I am surprised this particular building does not come under a heritage preservation listing. I’m not sure, but believe it was the former Post Office? I’m not a designer, historian or architect, but believe the style of the building is unusual and significant, exemplifying the Art Deco style which is the era of our suburb. Is it possible to encourage, and even demand, that the streetscape aspect of building be preserved in the redevelopment?”</i></p> <p><i>“The façade of the proposed building, as visible from Scarborough Beach Road, reminiscent of a bar code and overall, cold and sterile and aesthetically jarring in relation to nearby buildings. The rear of the building, which will be seen by its residential neighbours, has all the appeal of a Soviet-era office block. In short, it is hideous and will become an “What were they thinking?” monument years to come. “</i></p>	
<p><u>Impact on No. 178 Scarborough Beach Road</u></p> <p>The proposed building will significantly block out the existing signage on our building which will detrimentally impact on our business.</p>	<p>Not supported- It is acknowledged that the building at No. 178 Scarborough Beach Road has a sign on the side of the building facing No. 180 Scarborough Beach Road site and visible from the street. However, the precinct allows for a nil setback, and therefore, the City cannot request the applicant to setback the building which will impact on the overall design of the building.</p>
<p><u>Plot Ratio, Setbacks and Open Space</u></p> <p>The variations to the plot ratio, setbacks and open space will have a negative impact on the amenity of the adjoining area and the proposal will create a bad precedent.</p>	<p>Not supported- Refer to Compliance Table and Comments below.</p>

<b>Consultation</b>	
<p><u>Parking</u></p> <p>This area is already having a parking issue and the proposed development will contribute to worsen the existing shortfall of parking.</p>	<p>Not supported- Refer to Comments below.</p>
<p><u>Privacy</u></p> <p>The three apartments will overlook the property at the rear.</p>	<p>Not supported- The apartments comply with the required privacy setbacks.</p>
<p><u>Security</u></p> <p>People from the raised level car park will be able to view the adjoining rear property which can create a security risk.</p>	<p>Not supported- Security is a Police matter.</p>
<p><u>Noise</u></p> <p>The construction process and the proposed 29 parking bays will have a noise impact on my young family.</p>	<p>Not supported- The applicant will have to comply with the noise regulations.</p>
<p><u>Air Pollution</u></p> <p>The airborne particles that will result from the demolition and construction will impact on the adjoining rear neighbour who has two adult asthmatics and a young family.</p>	<p>Not supported- As part of the Construction Management Plan, the applicant will have to provide comments on dust impact to the satisfaction of the City Health Services. With regard to asbestos, the City Environmental Health requirements will apply.</p>
<p><u>Damage to adjoining rear property</u></p> <p>Potential structural damage to adjoining rear property during demolition and construction of the building.</p>	<p>Not supported- As part of the Construction Management Plan, the applicant will have to address the impact on the adjoining buildings to the satisfaction of the City.</p>
<p><u>Safety</u></p> <p>The traffic during construction and post construction will have traffic impact on the laneway.</p>	<p>Not supported- As part of the Building Licence, the applicant is required to submit a Construction Management Plan which will address the traffic impact during construction, to the satisfaction of the City. With regard to post construction, the City Technical Services are satisfied that there will be no unreasonable undue traffic impact in the laneway.</p>

<b>Consultation</b>	
<p><u>Loss of Land</u></p> <p><i>“At current the southwest corner of our property contains an existing boundary fence which is at a diagonal. This means part of our property has been fenced out to cater for traffic using the right of way. This is not a medium or long term option, as owner occupier I wish to reclaim this land at some point in the future. Therefore suitable planning will be required to ensure cars can access 180 SBR without impact or damage to 70 Coogee Street or our boundary fence.”</i></p> <p><u>Property</u></p> <p>The proposed development will result in our property being devalued.</p> <p><u>Rezoning of rear properties</u></p> <p>If the City supports this application, then all the properties at the rear should be rezoned to allow for multiple dwellings on these properties.</p>	<p>Not supported- The fence is truncated so as provide sightline for vehicles traversing the laneway. Damage to fences is a civil matter and at this stage, the City’s Technical Services are satisfied that the existing laneway can cater for the traffic to be generated by this development.</p> <p>Not supported- Devaluation of property is not a planning related matter.</p> <p>Not supported- Multiple Dwellings are permitted on the rear properties, subject to compliance with the requirements of the R-Codes and the City’s Town Planning Scheme No. 1.</p>
<b>Advertising</b>	The advertising was carried out as per the City ‘Policy No. 4.1.5- relating to Community Consultation

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies.
<b>Strategic</b>	<p>The City’s <i>Strategic Plan 2011-2021</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.

**Car Parking**

The car parking required is calculated as per the R-Codes 2010.

<b>Car Parking</b>	
<p>Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling (2 small dwellings proposed) = 1.5 car bays = 2 car bays</p> <p>Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (4 dwellings proposed) = 4 car bays</p> <p>Visitors= 0.25 per dwelling= 1.5 car bays=2 car bays</p>	
Total= 8 car bays	8 car bays
Total car bays provided	30 car bays
<b>Surplus</b>	<b>22 car bays</b>

In total 8 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 30 car bays. Therefore, for the commercial component, 22 car bays will be available.

<b>Car Parking</b>	
Car parking requirement (nearest whole number). <ul style="list-style-type: none"> <li>• Shop ( 1 car bay per 15 square metres gross shop floor area) Proposed 345 square metres = 23 car bays</li> <li>• Office (1 car bay per 50 square metres gross office floor area)- Proposed 1303 square metres = 26.06 car bays</li> </ul>	49 car bay
Total car bays required = 49.06 car bay	
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.8 (within 50 metres of public car park in excess of a total of 50 car parking spaces)</li> <li>• 0.9 (development provides end-of-trip facilities)</li> <li>• 0.9 (development within a District Centre)**</li> </ul>	(0.5508)
	26.989 car bay
Minus the car parking provided on-site	22 car bay
Minus the most recently approved on-site car parking shortfall	N/A
<b>Shortfall</b>	<b>4.989 car bays</b>

\*\*Given the site is located adjacent to a site zoned District Centre and the subject site is proposed to be zoned District Centre under the Urban Design Framework, as outlined below, the adjustment factor for District Centre has been applied.

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<p><i>Shop</i></p> <p>1 space per 300 square metres gross floor area (proposed 345 square metres) = 1.15= 1 Class 1 or 2</p> <p>1 space per 200 square metres (proposed 345 square metres) (class 3) = 1.725= 2 Class 3</p> <p><i>Office</i></p> <p>1 space per 200 (proposed 1303 square metres) square metres (class 1 or 2)= 6.52 bicycle bays= 7 bays</p> <p>1 space per 750 square metres over 1000 square metres (proposed 1303 square metres) (class 3) = 0.4= Nil</p> <p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):</p> <p>2 bicycle bays for the residents</p>	End-of-Trip facility is shown on the plan.

**COMMENTS:**

**Demolition**

The former Mount Hawthorn Post Office at No. 180 Scarborough Beach Road is an example of the Post-war International architectural style, constructed circa 1953. The subject building is built in red brick, with an iron concealed roof stepped towards the west. The roof form results in an irregular façade at the principal front elevation, which is constructed with panels of fixed glazing, set in stainless steel mullions presenting a strong vertical emphasis to the street, typical of this style of architecture.

The subject former Post Office was opened in 1955 under the Post Office Post War Building Programme initiated by the Commonwealth Postmaster General's Office in 1944 to meet the increased demand for postal services in the area.

A full Heritage Assessment as shown in Appendix 9.1.1 undertaken for No. 180 Scarborough Beach Road, Mount Hawthorn in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, indicates that the place has *some aesthetic value*, *some historic value* and *some social value* to warrant entry onto the City of Vincent's Municipal Heritage Inventory (MHI) as a Management Category B – Conservation Recommended.

In accordance with the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory, the City has advised the owner and applicant of the subject development application, that the property meets the threshold for entry onto the Municipal Heritage Inventory as a Management Category B – Conservation Recommended, and invited comment on this proposed listing from the owner. In response to this, the owner has not supported the proposed heritage listing and has recommended that the heritage value of the property be incorporated into the new building through various forms of interpretation.

The City's Officers are supportive to this proposal and provide the following comments on the proposed interpretation detailed below.

#### History Panel Wall

The City's Officers support the intent of the proposed History Panel Wall to be located to the south-western portion of the building. The extensive research undertaken as part of the preparation of the Heritage Assessment provides a strong reference point for any proposed graphics to be included in the panels, including the historical background, architectural style, original building plans and photographs. The City's Officers view the purpose of the History Panel Wall as providing the detailed historical insight into the former Post Office, whilst complementing the Decorative Feature Panel proposed to be affixed to the façade of the property, which provides the visual interest and abstract connection to the original post office building.

#### Coreten Decorative Feature Panel

The Decorative Feature Panel proposed to be affixed to the façade of the property overhanging the boundary, whilst it does provide reference to the property, this could be developed further as part of the Percent for Art Component required for the development. It is strongly recommended that an artist is engaged to develop this concept further, which ensures that the Decorative Feature Panel serves to both maintain a strong visual presence to the street, whilst also providing a connection to the original Post Office associated with the site.

#### Design Features

It is considered that the ground floor of the proposed development, which features vertical window mullions with clear glazing, together with the vertical sun louvers on the front, western and eastern facades of the building, both serve to reflect the strong vertical emphasis of the original Post Office building constructed in the Post-war International Style.

In light of the above, the City's Heritage Services have considered the proposed development and recommend that the proposed demolition and redevelopment of the subject property be supported, subject to standard and specific conditions.

### **Technical Services**

#### Drainage

It is a standard condition imposed upon development applications for the developer to ensure that they retain their stormwater on-site. However, in respect of No. 180 Scarborough Beach Road, there is potential for the City to breach its own stormwater retention obligations.

The property has a sealed Right of Way (ROW) to the rear, off which it is proposed to provide parking. However, the ROW is an 'L' shape with a sealed east-west leg to Matlock Street and an unsealed north-south leg to Woodstock Street, both grading down to the low point directly at the rear of the subject lot. The City is responsible for containing the stormwater runoff from the ROW, which is achieved by a series of soak wells. However, in the event of a severe storm, such as 22 March 2010, the soak-wells could not cope and as a consequence, the water found its own way to Scarborough Beach Road. Fortunately, the existing building, the old Mount Hawthorn Post Office, had a side access which acted as an overland flow path. However, once the site is fully developed this will no longer be the case. In order to address this matter, a meeting was held with the applicant on 26 August 2011, to discuss possible solutions to benefit both parties.

It was agreed that if the developer installed a drainage pipe the length of the western boundary of the lot, which is already subject to a sewer easement, the City would install the appropriate structures at either end. This would comprise the existing ROW soak wells being linked together and discharged to a manhole (located within the ROW) and via the pipe to an outlet to the existing system in Scarborough Beach Road.

The pipe sizing, depth and grade would be determined in consultation with the applicant's hydraulic consultant and form part of the Building Licence conditions. In respect of direct cost to the City, it would be in the order of \$10,000.

The above cost is justified in that the City has an obligation to contain its own stormwater and as indicated above, the existing measures would fail in a severe storm event potentially inundating the adjoining property, being No. 180 Scarborough Beach Road. While the applicant is yet to advise of a likely building schedule, if the drainage works are required this financial year, the funds would be sourced from the miscellaneous drainage budget and if in the following year, funds can be allocated in the new budget.

### **Parking**

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

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

Whilst taking this provision of the Policy into account, the premises are located within 50 metres of the Coogee Street Car Park located to the south of the subject site, with a capacity of fifty-one (51) car parking bays. In addition, to the south-east of the site within 400 metres, off Scarborough Beach Road, is the Flinders Street Car Park which also provides thirty (30) car parking bays. Moreover, Scarborough Beach Road is a major road which is regularly served by buses.

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

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

If a shortfall in car parking were to be supported, cash in lieu payment would be required. The cash in lieu payment required would be \$3,100 per bay based on the 2011/12 fees; \$15,466 in this instance.

In light of the above, the proposal satisfies the Parking and Access Policy for cash-in-lieu, and it is not considered that the shortfall will have an undue impact on the amenity of the area given the location of the subject site to public car parking and along Scarborough Beach Road.

## Strategic Planning

In conjunction with the Department of Planning, the City of Vincent has developed an Urban Design Framework for the portion of Scarborough Beach Road within the City's jurisdiction. Among other things, this document sets out the desired future land use along Scarborough Beach Road. In light of this document, and the City's Local Planning Strategy, the proposed four-storey mixed use development at No. 180 Scarborough Beach Road is considered consistent with the City's strategic direction/vision for the site.

The proposal is consistent with the Urban Design Framework for the following reasons:

- The subject site is currently zoned 'Commercial' and abuts the 'District Centre' zone, which allows for a commercial/retail component and a residential component;
- The subject site has been proposed to be zoned 'District Centre' under the Urban Design Framework, which encourages a commercial/retail component and a residential component;
- A building height of up to four storeys is encouraged by the Urban Design Framework for properties that have been identified as having a District Centre zoning, and therefore, the proposed four storey development complies with the maximum height permitted; and
- One of the key objectives for this site as outline in the Urban Design Framework is to '*Continue to provide a capacity for active retail frontages characterised by high quality commercial facilities.*' This proposal identifies a commercial/retail component at the ground level, with office and residential at the upper levels, and is therefore consistent with this objective of the Urban Design Framework.

Furthermore, the proposed four storey mixed use development is consistent with the strategic direction for the subject site as set out in the City's Local Planning Strategy, as outlined below:

- Ensure that uses along Scarborough Beach Road are consistent with the principles of an Activity Corridor/Urban Corridor, with the concentration of mixed use and commercial development on the key nodes; and
- Promote innovative, high quality urban design.

In light of the above, the proposal is consistent with the City's strategic direction/vision for the site.

## Planning

Plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties. The subject site is located within a commercial zone. In the event the site was developed fully for commercial development, then plot ratio would not be applicable. The Precinct Policy allows for nil setbacks on the side boundaries. The two adjoining side properties are commercial properties and have nil setbacks. Therefore, the proposed nil side setbacks will not have an impact on the side adjoining properties in terms of overshadowing and overlooking. Moreover, the third and fourth floors are setback at least 6 metres from the right of way at the rear, which minimises the impact on the rear residential properties in terms of overlooking and visual impact. The fourth storey will not occupy the full width of the frontage facing Scarborough Beach Road and only balconies will be facing the street; hence, it is considered there will be no undue impact on the streetscape. The four storey building is consistent with the future direction for development along Scarborough Beach Road and is supported.

In the event of support for a four-storey development on the subject site, the proposed plot ratio is considered supportable. The subject development is consistent with the principles of transit oriented development espoused with respect to residential building in close proximity to transport facilities.

In view of the above, the application is supportable given the development will contribute to this diverse and active District Centre area.

**9.1.4 No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre**

<b>Ward:</b>	South	<b>Date:</b>	31 August 2011
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0143; 5.2010.524.4
<b>Attachments:</b>	<a href="#">001</a> - Development Plans; <a href="#">002</a> - Response from Water Corporation in relation to concerns raised during advertising and responses to Main Roads WA and Department of Transport submissions; <a href="#">003</a> - Newcastle Street Concept Plans by the City; <a href="#">004</a> - Heritage Assessment; <a href="#">005</a> - Feature Survey, Commercial Area and Parking Schedule from Applicant; and <a href="#">006</a> - Map of Properties Consulted		
<b>Tabled Items:</b>	Traffic Impact Assessment Waste Management, Traffic and Precinct Reports		
<b>Reporting Officer:</b>	R Rasiah, Coordinator Statutory Planning		
<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 **APPROVES** and **RECOMMENDS APPROVAL** by the Western Australian Planning Commission under the Metropolitan Region Scheme of the application submitted by Cox Howlett Balley Woodland on behalf of the owner Water Corporation for proposed Demolition of Existing Two (2) storey building on Newcastle Street frontage, Construction of a new Mixed Use Development consisting of Six (6) Multi Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and including Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville, and as shown on plans stamped 12 November 2010, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Newcastle Street, Loftus Street, Leederville Parade and Frame Court;
- 1.2 The doors, windows and adjacent floor areas for the ground floor commercial uses fronting Newcastle Street and Frame Court shall maintain an active and interactive relationship with these streets;
- 1.3 The proposed development is to incorporate design features that comply with a minimum 5 Star Green Star rating under the Green Building Council of Australia rating system;

- 1.4 The maximum gross floor area of the shops, offices and eating house shall be limited to 1540 square metres, 107846 square metres and 927 square metres respectively. Any increase in floor space or change of use of the shops, offices and eating house shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access; and
- 1.5 The maximum number of children for the child care centre shall be limited to 75. Any increase in the number of children or change of use of the child care centre shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access;

2. Car Parking and Accessways

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development;

3. Cash-in lieu

- 3.1 Within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
  - 3.1.1 pay a cash-in-lieu contribution of \$380,258.40 for the equivalent value of 122.664 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR
  - 3.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$380,258.40 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
    - (a) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
    - (b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

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

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

4. Public Art

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

- 4.1 Within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$1,500,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$150,000,000); and

- 4.2 In conjunction with the above chosen option;

- 4.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

- 4.2.2 Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

5. Demolition Licence

A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site, including:

- 5.1 An archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the City's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and

- 5.2 Details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the place at No. 629 Newcastle Street, Leederville, shall be submitted to and approved by the City prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);

6. Signage

All signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City, prior to the erection of the signage;

7. **Verge Trees**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;

8. **Frame Court**

8.1 The extension of the Frame Court Road Reservation shall be designed and constructed in consultation with the City, and to the City's specifications. The lots adjacent to the intersection of the Frame Court and Newcastle Street intersection shall include standard 3 metres x 3 metres truncations; and

8.2 If the Frame Court extension through to Newcastle Street is to be a dedicated road, then the proposed underground parking shown beneath the proposed road reserve is to be deleted and the car park re-designed accordingly, as the City does not support any encroachments into, over or under existing or proposed road reservations, which exceed those permitted under the Local Government Act 1995. Modification to the submitted development design shall be submitted, deleting such encroachments, prior to the issue of a Building Licence;

9. **Fencing**

Any new street/front wall, fence and gate within the Newcastle Street and Loftus Street, Leederville Parade and Frame Court setback areas, including along the side boundaries and within these street setback areas, shall comply with the Leederville Town Centre Masterplan and Built Form Guidelines;

10. **Underground Power**

The power lines adjacent to the subject lots shall be placed underground for the complete length of the Newcastle Street frontage of the development, at the full expense of the developer/applicant;

11. **Entry Gates**

Any new entry gates to the basement car park and the proposed vehicular entry gate to the service area shall have a minimum 50 per cent visual permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the City prior to the first occupation of the development;

12. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

12.1 **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;

**12.2 Section 70 A Notification under the Transfer of Land Act**

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

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

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

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

**12.3 Landscape and Reticulation Plan**

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

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

12.3.1 the location and type of existing and proposed trees and plants;

12.3.2 all vegetation including lawns;

12.3.3 areas to be irrigated or reticulated;

12.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

12.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

**12.4 Refuse and Recycling Management**

The applicant shall liaise with the City to develop a Waste Management Strategy which is compliant with the City's requirements, prior to submission of Building Licence;

**12.5 Amalgamation of the Lots**

The subject land shall be amalgamated in such a manner to accommodate the future extension of the Frame Court road reservation if required; OR alternatively, prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land in a manner satisfactory to the City within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

**12.6 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;

**12.7 Motor Vehicle and Service Vehicle Access Management**

A comprehensive motor vehicle (private cars, taxis, motorcycles and scooters) and service vehicle Traffic and Access Management Plan shall be prepared by a duly qualified consultant and submitted to, and approved by the City, detailing how vehicles access the site, and addressing the following issues:

- 12.7.1 to minimise the impact on surrounding streets, when car bays are fully occupied;
- 12.7.2 to minimise noise from service vehicles;
- 12.7.3 contact details of essential Water Corporation personnel and Strata Managers;
- 12.7.4 parking arrangements for contractors and sub-contractors; and
- 12.7.5 any other matters deemed appropriate by the City;

**12.8 Awning**

Provision shall be made for an awning along the Newcastle Street frontage for the ground floor commercial tenancies in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 3.3 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle Street;

**12.9 Screening**

The balcony on the northern elevation of the mixed use residential building No. 1 adjacent to the swimming pool, all windows to bedrooms, habitable rooms other than bedrooms and balconies to Buildings 1 and 2 facing the western elevation shall comply with the privacy setback within the cone of vision of 4.5 metres, 6 metres and 7.5 metres respectively of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials 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 adjoining property to the west. 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments; and

**12.10 Design Features**

Additional design features using colour and/or relief shall be incorporated on all large portions of walls;

**12.11 Proposed Newcastle Street Upgrade Contribution**

The Water Corporation shall contribute 50 per cent (50%) of the total cost, inclusive of the standard upgrade conditions for;

12.11.1 the proposed upgrading of Newcastle Street, between Loftus Street and Carr Place; and

12.11.2 the proposed upgrade of the footpaths, streetscapes and other, yet to be determined, infrastructure improvements in Leederville Parade, Loftus Street and the existing portion of Frame Court abutting the Water Corporation site;

**12.12 Bicycle Parking Facilities**

Class 1 or 2 and Class 3 facilities shall be provided in accordance with the City's Policy No. 3.7.1 relating to Bicycle Parking Requirements for each building proposed. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facilities; and

**12.13 End of Trip Facilities**

12.13.1 End of Trip Facilities shall be provided in accordance with the City's Policy No. 3.7.1 relating to Bicycle Parking Requirements for each building proposed;

12.3.2 The change room facilities shall be secure and capable of being locked; and

12.3.3 A minimum of one locker shall be provided for every bicycle parking bay provided.

The revised plans shall not result in any greater variation to the City's Policies; and

to the satisfaction of the City's Chief Executive Officer;

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

**13.1 Security Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land, being Newcastle Street, Frame Court, Leederville Parade and Loftus Street, are to be upgraded, by the applicant, using materials as specified by the City. A refundable footpath upgrading bond, of an amount consistent with the works proposed, to be assessed at the time of submission of the respective Building Licence applications. The bond shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services. Any required re-location of the City's ticket parking machines and signage shall be at the direction of the City, at the applicants full cost. An application to the City for the refund of the upgrading bond must be made in writing; and

**13.2 Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.

**FOOTNOTES:**

1. The City is preparing a new Town Planning Scheme pursuant to which the City will prepare a Development Contribution Plan for the Leederville Masterplan Area. The City is proposing to recover development contributions from owners of land in the Leederville Masterplan Area for any infrastructure works carried out in the area. As the subject land is within the Leederville Masterplan Area, the owner of the subject land may become liable to pay a development contribution, irrespective of whether any redevelopment or subdivision of the land occurs during the term of the Development Contribution Plan.
2. The Council notes that the above approval by the Council requires the City to forward the Metropolitan Region Scheme Form 1 and accompanying plans and documents to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme.

---

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr McGrath**

*That the item be DEFERRED to enable the Water Corporation and the City of Vincent to meet and resolve traffic issues, in consultation with Main Roads Western Australia, the Department of Transport and the Department of Planning.*

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

---

<b>Landowner:</b>	Water Corporation of Western Australia
<b>Applicant:</b>	Cox Howlett Bailey Woodland
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Offices
<b>Use Class:</b>	Office, Multiple Dwellings, Shops, Eating House, Day Nursery
<b>Use Classification:</b>	"P", "AA", "P", "P", "AA"
<b>Lot Area:</b>	40,149 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination.

**BACKGROUND:**

21 June 2006 The draft Municipal Heritage Inventory was released for public comment. The City advised the Water Corporation in a letter dated 21 June 2006, that the John Tonkin Water Centre was included on the draft Municipal Heritage Inventory as a Management Category A - Conservation Essential and invited the Water Corporation to provide comment on the proposed heritage listing.

3 April 2007 The Council at its Special Meeting considered a Confidential Item relating to the proposed listing of the John Tonkin Water Centre at No. 629 Newcastle Street, Leederville onto the City's Municipal Heritage Inventory and resolved as follows:

*"That the Council: ...*

*(3) DEFERS consideration of 629 (Lot 100) Newcastle Street, Leederville, until early 2008, when the Water Corporation Masterplan has been completed; and ..."*

2 April 2008 The Council at its Special Meeting considered a report relating to Leederville Masterplan Progress Report No. 7 - Outcomes of Community Consultation and Design Review (Item 7.1). In this report, special consideration was given to the heritage value of the subject place the John Tonkin Water Centre - No. 629 (Lot 100), Newcastle Street, Leederville. In relation to this place, the Council resolved that it:

*"...(ix) RECEIVES the Heritage Assessment as attached in Appendix No. 6, relating to the John Tonkin Water Centre located at Nos. 629 (Lot 100) Newcastle Street, Leederville and DETERMINES NOT to include the place on the Town's Municipal Heritage Inventory and condition that prior to any redevelopment of the site, an interpretation plan is submitted and approved by the Council that reflects the historical significance of the site, as detailed in the Heritage Assessment, as shown in Appendix 6;"*

**DETAILS:**

The application is for the demolition of the existing two storey building on Newcastle Street known as the Monarch laundry site, construction of a new mixed use development consisting of six (6) multi storey buildings (between 10 and 27 storeys) consisting of offices, shops, eating houses and multiple dwellings (240 units), basement car parking and including alterations and extensions to the existing John Tonkin Water Centre including a child care centre.

Three (3) of the tower blocks are completely commercial in nature, with 2 being mixed use (commercial/residential) and 1 completely residential.

Access to the site is off Newcastle Street and Frame Court. The details of the uses are as follows:

Multiple Dwellings:	240 units
Office:	107,846 square metres
Shops:	1,540 square metres
Eating House:	927 square metres open to the public
Child Care Centre:	75 Children

The Water Corporation have advised that the 3 residential towers are likely to be subdivided into a separate lot in the near future. The proposal is not required to be determined under the Development Assessment Panel (DAP) process, which came into effect on 1 July 2011, as the development application was lodged prior to this date, being 11 October 2010.

The application is also being assessed under the previous requirements for mixed used development and multiple dwellings in the R-Codes, as the new multiple dwellings requirements of the Residential Design Codes came into effect on 22 November 2010.

There are no plot ratio or R-coding requirements for the residential component, within this area of the Leederville Masterplan, which is Precinct No. 8 – Network City. The plot ratio calculated is 1.0: 3.37, and the R Coding is R51. The only section of above document that addresses densities, relates to Precinct No. 7 – Carr Place Residential Precinct.

The Masterplan vision for Precinct No. 8 – Network City includes *"an intensification of commercial and mixed-use development along Newcastle Street."* The above aim is achieved through an increase in densities to allow for future high-rise development on the corner of Newcastle and Loftus Streets.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Car Parking-Commercial	1349.664 car bays	1227 car bays
<b>Officer Comments</b>		
<p><b>Supported</b> – The shortfall in car bays is supported in this instance, as the reduction in car bays will assist in the reduction in cars accessing the subject site. The site is also within close walking proximity to the Oxford Street and also the Leederville Train Station. The above development is also consistent with the principles associated with Transit Oriented Developments (TOD). The applicants will be required to pay cash-in-lieu for the subsequent shortfall in car parking (122.664 bays).</p>		
Bicycle facilities-Class 1 or 2, class 3 and end of trip facilities.	554 class 1 or 2, 163 class 3 and end of trip facilities.	Location shown but details not provided. Applicant has advised that the required bicycle facilities, which will be of a 5 Star Green Star standard as required by the City.
<b>Officer Comments</b>		
<p><b>Supported</b> – The applicants have advised that the Water Corporation encourage staff to commute to the site using alternative forms of transport, which include cycling. Due to the substantial requirements for bicycle facilities associated with the size of development, it is recommended that the bicycle facilities be provided as demand for the facilities occur, rather than to provide all the facilities prior to the first occupation of the development. This has been implemented in other large developments. A condition has been recommended reflecting the proposed bicycle facilities that the Water Corporation has planned to provide.</p>		
General Newcastle Street setback.	Nil	Nil to 3.932 metres.
<b>Officer Comments</b>		
<p><b>Supported</b> – As the front setback to Newcastle Street would not adversely affect the existing streetscape.</p>		
Podium/tower building to be setback along Newcastle Street and Loftus Street.	10 metres.	Newcastle Street-3.909 to 3.962 metres. Loftus Street-1.25 metres to 7.892 metres.
<b>Officer Comments</b>		
<p><b>Supported</b> – As the setbacks stated in the Leederville Masterplan while prescriptive, can be varied if required, where the development will contribute to the streetscape, as is the case in this instance. This is the first major development application to be considered by the City, and will pave the way for a new streetscape at this location. Furthermore, this section of Newcastle Street, from Loftus Street has substantial trees which would assist in partly reducing the bulk and scale of the buildings.</p>		
Indicative building blocks shown on plan	Four (4) buildings	Existing Water Corporation Offices and six (6) new buildings, made up of 3 commercial buildings and 2 mixed use (residential/commercial) buildings and 1 residential building (multiple dwellings).
<b>Officer Comments</b>		
<p><b>Supported</b> – As the site is the largest landholding within the Leederville Masterplan area, the number of buildings results in a better utilisation of land within the City, which includes 240 new multiple dwellings. The additional residents in the Leederville area will assist in the area being more vibrant afterhours, together with additional proposed eating houses and retail activity. The subject site falls within the Leederville Masterplan; Network City Precinct 8, whereby <i>"The precinct encompasses the current Water Corporation site and Newcastle Street (from Loftus Street to Carr Place). The masterplan vision sees an intensification and consolidation of development along Newcastle Street. The corner of Newcastle Street and Loftus Street has been identified as a site for a future high rise development."</i></p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Height of building- Commercial buildings	16 to 24 storeys	Commercial building 1, 2 and 3 being 11-28 storeys.
<b>Officer Comments</b>		
<b>Supported</b> – The corner of Newcastle Street and Loftus Street has been identified as a suitable for high rise development in the Leederville Masterplan. The additional height is unlikely to have an adverse impact to the area.		
Mixed use (residential/ commercial) and residential (multiple dwellings)	5 storeys, with the 4th and 5th storey front setback a minimum of 5 metres from Newcastle Street.	20 storeys, with the roof being the 21st storey. The 4th and 5th floor front setback being 1.65 metres to 3.535 metres.
<b>Officer Comments</b>		
<b>Supported</b> – The corner of Newcastle Street and Loftus Street has been identified as a suitable for high rise development in the Leederville Masterplan. The variation to the setback is considered acceptable in this instance, as it is considered unlikely to affect the new emerging streetscape.		
Awning	To be provided along Newcastle Street.	Not provided.
<b>Officer Comments</b>		
<b>Not supported</b> – A condition has been imposed for the provision of an awning along the Newcastle Street frontage.		
Privacy	Bedrooms, habitable rooms other than bedrooms and balconies.	Not available.
<b>Officer Comments</b>		
<b>Not supported</b> – A condition has been imposed for privacy conditions to be imposed. These privacy related matters can be resolved at the Building Licence stage, where more detail is provided, including whether there is any adverse privacy impact.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1. There are no side or rear setbacks applicable as per the Leederville Town Centre Masterplan and Built Form Guidelines.

**CONSULTATION/ADVERTISING:**

Consultation	
<b>In Support:</b>	Seven (7)
Comments Received	Officer Comments
It is a very positive concept.	Noted and supported – the development indicates the Water Corporation's confidence in the objective and future development within the Leederville Masterplan area.
Development will revitalise and improve the area, bringing increased ground level action, and provision of pedestrian-scale amenities across the site.	Noted and supported -- The development is considered to act as a catalyst for the surrounding land, within the Leederville Masterplan area.
Introduction of significant residential population onto the site has the potential to centre a hub of activity at the eastern end of Newcastle Street and sustain additional retail and commercial floor space.	Supported – The increase in residential population in the area will provide more life and after hour activity to the area. The proposal will assist the City in achieving its requirement/target for an additional 5000 dwellings as per Directions 2031.
Further detail is sought with regard to the proposed vehicle access points and intersection treatments with Newcastle Street, to ensure that safe and efficient vehicle movements on Newcastle Street.	Noted – Access points have been indicated in the development application. There will be a need to further develop detailed treatments as part of the Building Licence application. A condition has been imposed to reflect the above matter.

<b>Consultation</b>	
<b>Objections:</b>	Thirteen (13)
Main Roads WA has advised that the development proposal is unacceptable. See below in the "Comments Section".	See Comments section for response from the City's Technical Services.
<b>Comments Received</b>	<b>Officer Comments</b>
Department of Transport (DOT) have advised that the DOT generally agrees with MRWA's concerns that a reasonable understanding on the impacts on traffic has not been developed for this project. See below in the "Comments Section".	See Comments section for response from the City's Technical Services.
Department of Planning (Network Planning) has advised as follows: <ul style="list-style-type: none"> <li>Concerns regarding double counting of trip generation discount;</li> <li>Implications of overflow of parking that may use surrounding streets;</li> <li>Implication of huge reduction in parking supply and trip estimation needs to be studied and compared;</li> <li>Note that some of the existing and proposed intersections are not performing satisfactorily under the ultimate development scenario; and</li> <li>To consider opportunities to signalise Frame Court and Newcastle Street.</li> </ul>	See Comments section for response from the City's Technical Services.
Will result in traffic and infrastructure issues in the area due to the increase in activity, traffic flow in the area is already considered poor, and this will significantly exasperate the issue.	Not supported – The Traffic Impact Statement has identified and highlighted possible ways to cater for the increased traffic flows, as a result of the proposed development.
Too many high rise buildings on the site, particularly the 27 storey building. There is no other structure of this magnitude in the area. Under the master plan, a five storey height limit is proposed for the main streets. What's proposed is a 21 and about 13 storey building. The 5 storey building height should continue to the corner of Newcastle and Loftus Streets. Strongly urge the Council to refuse the proposal in its current format.	Noted – The area has been dormant in terms of development activity. The proposed development is encouraged for the City in this location. The site is also in close proximity to the Perth Central area and will contribute in providing additional employment and economic opportunities, in addition to the flow-on benefits to the adjacent and adjoining non-residential landuses.
The proposal will adversely affect the amenity of the area.	Not supported – The uses are mainly offices, retail, eating houses, residential and child care; consistent with the Leederville Masterplan.
Project too large/dense for the area, too intense for the Leederville area to cope with. The proposal does not embrace the principles of the Leederville Masterplan, and set a precedent that may harm Leederville in both planning and social "senses".	Not supported – On the contrary, the intensification of this site and other sites within the Leederville Masterplan area may reduce the demand for higher density areas in other residential areas within the City. There is also likely less pressure for future non-residential development encroaching within existing surrounding residential areas. The proposed uses are not inconsistent with surrounding regional development.

<b>Consultation</b>	
Looks aesthetically out of place, again strongly relating to the building heights, this type of development more suited to be in the CBD. The proposal is too radical, impractical and detrimental to the whole area.	Not supported – As the applicant has advised that the development will be of a high quality finish. The drawings submitted indicate an acceptable finish as proposed.
Noise generated from the development will be too high.	Not supported – All developments are required to comply with the relevant State Noise Regulations.
Overshadowing concerns, due to the height of the proposed buildings.	Not supported – The overshadowing is to the south and south east of the site as at noon on 21 June. The overshadowing also falls within the light industrial/commercial area in the West Perth area, across Loftus Street.
Parking in Leederville already a huge problem, and proposed car bays for the development are less than the City's acceptable development standards. The need to ensure that there is enough on-site parking to cater to the occupants and their visitors.	Noted – The area is close to public transport networks. The City also has plans to redevelop its existing car parks (in Frame Court and The Avenue).
The concentration of vehicular access points on Newcastle Street is too high	Noted – A Traffic Impact Statement has identified the current access points, which are likely to be finetuned.
Setbacks along Newcastle and Loftus Streets are not large enough, and are not in line with the required standard.	Not supported- See comments in the non-variation table above.
No awnings provided along Newcastle Street.	Supported – A condition has been recommended for the provision of awnings.
Not enough entry/exit points to spread the load and ease traffic along Newcastle Street.	Noted – The Traffic Impact Statement has addressed this issue.
<b>Advertising</b>	Advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation for a period of 28 days.

The Water Corporation has responded to the matters raised in the advertising as shown in Appendix 9.1.4 (002).

### Residential Car Parking

In total, 336 car bays, which include 15 visitor car bays are proposed for the residential component, which is considered excessive. As such, 240 car bays have been allocated for the 240 multiple dwellings and the remaining 96 car bays have been allocated to the commercial car parking provision. Therefore, for the commercial component, 1227 car bays will be available.

<b>Car Parking</b>	
<p>Car parking requirement (nearest whole number):</p> <ul style="list-style-type: none"> <li>• Shop – 1 space per 15 (proposed 1540) square metres of gross = 102.66 car bays.</li> <li>• Office – 1 space per 50 square metres (proposed 89846 and existing 18000 = 107,846 of gross floor area) = 2156.92 car bays.</li> <li>• Eating House- 1 space per 4.5 square metre (proposed 927 square metres) open to the public = 206 car bays.</li> <li>• Child Care – 1 space per 5 children (75 children proposed) = 15 car bays.</li> </ul> <p>Total = 2480.58 car bays</p>	<p>2481 car bays (nearest whole number)</p>

<b>Car Parking</b>	
Apply the parking adjustment factors: <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces)</li> <li>• 0.80 (within 400 metres of a train station)</li> </ul>	(0.544)
Minus the car parking provided on-site	1349.664 car bays
Minus the most recently approved on-site car parking shortfall.	1227 car bays
Resultant shortfall	Nil
	122.664 car bays

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<p><u>Shop</u></p> <p>1 space per 300 square metres gross floor area (proposed 1540) square metres = 5.13 Class 1 or 2 facilities.</p> <p>1 space per 200 (proposed 1540) square metres (class 3) = 7.7 Class 3 facilities.</p> <p><u>Office</u></p> <p>1 space per 200 (proposed 107,846) square metres = 539.23 Class 1 or 2 facilities.</p> <p>1 space per 750 square metres over 1000 square metres (proposed 107,846) = 142.46 Class 3 facilities.</p> <p><u>Eating House</u></p> <p>1 space per 100 (proposed 927) square metres of public area = 9.27 Class 1 or 2 facilities.</p> <p>2 spaces plus 1 space per 100 (proposed 927) square metres = 11.27 Class 3 facilities.</p>	End-of-Trip facilities are shown on the plan.

<b>Other Implications</b>	
<b>Legal/Policy</b>	Metropolitan Region Scheme (MRS), TPS 1 and associated Policies.
<b>Strategic</b>	<p>The City's <i>Strategic Plan 2011-2021</i> - Objective 1 states:</p> <p><i>"Natural and Built Environment</i></p> <p>1.1 <i>Improve and maintain the natural and built environment and infrastructure</i></p> <p>1.1.2 <i>Enhance and maintain the character and heritage of the City."</i></p>
<b>Sustainability</b>	<p>The subject development is in line with best practice environmental sustainability principles, espousing the requirements of the Green Building Council of Australia (GBCA), as well as the conditions set out in section 4.3 of the Leederville Town Centre Masterplan and Built Form Guidelines, relating to Environmental Sustainability.</p> <p>More specifically, it is noted that the parking management plan for the proposed development supports transit oriented development, by encouraging the reduction of car dependence and providing strong support for other modes of transport, such as cyclists and pedestrians. In particular, it is noted that 'end of trip' facilities are provided in order to encourage these alternative transportation modes. Furthermore, office buildings are proposed to target 5 Star Green Star performance, with the</p>

<b>Other Implications</b>	
	<p>residential components of the proposal mapping a 5 Star Green Star multi-unit residential V1. This is in accordance with the GBCA requirements, as well as the conditions set out in section 4.3 of the City's Leederville Town Centre Masterplan and Built Form Guidelines for iconic buildings to achieve a 5 Star GBCA rating. Finally, it is noted that the waste management plan prepared for the proposed development, is both efficient and effective, and takes into consideration the relevant Green Star rating tools.</p> <p>In summary, it is evident that the development proposal has best practice sustainability measures at its core, and strongly canvasses elements that will contribute to sustainable design and development within the City of Vincent.</p>
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Department of Planning (DoP)**

The DoP Metropolitan Planning Central section has advised the City via email as follows:

*"The subject land is zoned Urban in the Metropolitan Region Scheme (MRS), and abuts Mitchell Freeway Primary Regional Road (PRR) reservation and Loftus Street Other Regional Road (ORR) reservation, which are designated as Category 3 roads under the control of Main Roads Western Australia (MRWA) and Department of Planning (DoP) respectively."*

In this instance, determination of the application in accordance with Part IV of the MRS is delegated to the City of Vincent subject to referral to the relevant public authorities, being MRWA and DoP. The WAPC in their letter dated 8 November 2010 have advised that the "WAPC does wish to exercise its call in powers as provided in Clause 32 of the MRS Text for mixed use development proposed for the subject land.

*Whilst the proposal is significant in its scope and projected commercial and residential outcome, it is consistent with the State's policy objectives for the Leederville secondary centre and accords with the objectives of the central metropolitan Perth sub-regional strategy.*

*I am of the view therefore that the development proposal should be assessed in accordance with the Town of Vincent's Town Planning Scheme No. 1".*

This delegation is subject to, amongst others, a condition that where a recommendation provided by the public authority is not acceptable to the local government, the application together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, is to be referred to Western Australian Planning Commission (WAPC) for determination as per Schedule 1 of the delegation.

Should the development be refused by the Council, then there is no further need to refer the matter to the WAPC, as the City will have acted in accordance with the Notice of Delegation where it has delegation to refuse the application based on the recommendation of the referral authorities; in this instance the MRWA, DoT and DoP, who have all objected to the development based on traffic concerns.

**Main Roads WA (MRWA)**

The MRWA have advised that the development proposal is unacceptable due to the following (summarised) concerns. The Water Corporation has documented MRWA concerns as shown in Appendix 9.1.4 (002), which also includes the Water Corporation's response to the concerns raised by MRWA:

- Insufficient information submitted with the Traffic Impact Assessment;
- Not supportive of additional traffic signals to serve a commercial interest, including at the corner of Frame Court;
- Traffic flows and impact on queue lengths; and
- That concerns raised by MRWA have not been adequately addressed, when MRWA have advised that the development was unacceptable.

### **Department of Transport (DoT)**

The DoT has advised that while they support the development, they generally agree with MRWA's concerns that a reasonable understanding on the impacts on traffic has not been developed for this project. The Water Corporation has documented DoT concerns in Attachment No. 2 to this Agenda Report, which also includes the Water Corporation's response to the concerns raised by DoT. Below is a summary of concerns raised by the DoT:

- The DoT generally supports the development, but advises that the proposal will likely contribute to significant traffic volumes;
- The submitted traffic impact assessment does not include intersection analysis;
- The DoT generally agrees with MRWA's concerns that a reasonable understanding on the impacts on traffic has not been developed for this project;
- It is the opinion of DoT that this development is similar in nature to those found within the CBD, and therefore, a CBD level assessment should be undertaken for developments on this site and the development of a traffic model is urgent;
- DoT's comment is that as this is a CBD-similar development, probably different from anything previously considered in Leederville, further consideration of car parking would be beneficial;
- 800 (+ the 400 existing) car parking bays is more than a congested traffic lane can carry during a peak period, there is certainly no ability to provide an additional lane anywhere in Leederville, so this additional traffic will simply add to the congestion problem; and
- Consideration should be given to reducing this car parking provision, particularly the commercial bays, given the location close to excellent train and bus based public transport.

### **Department of Planning**

Department of Planning (Network Planning) has advised as follows:

- Concerns regarding double counting of trip generation discount;
- Implications of overflow of parking that may use surrounding streets;
- Implication of huge reduction in parking supply and trip estimation needs to be studied and compared;
- Note that some of the existing and proposed intersections are not performing satisfactorily under the ultimate development scenario; and
- To consider opportunities to signalise Frame Court and Newcastle Street.

### **City of Vincent Technical Services**

The City's Technical Services has provided the following response to the concerns raised by MRWA, DoT and DoP in respect of the Traffic Impact Assessment submitted by Aurecon (Consultants) on behalf of the Water Corporation.

In light of MRWA's objections and DoT and DoP comments, the City finds itself in an awkward position. While it is acknowledged that the scale of the Water Corporation's development will have significant impact upon traffic in the Leederville area, MRWA are seeking to address not only local issues, but also the much wider regional issues.

Many of their concerns are beyond the City's power to influence and cross numerous jurisdictions, albeit at a State or Local Government level. Further, MRWA's concerns are intertwined with other major developments such as the Waterfront and Citylink Projects and the impact they will in-turn have on traffic movement in the inner city, in general.

By way of example, they (MRWA) are greatly concerned that Loftus Street is already operating at near maximum capacity in peak periods and that the Water Corporation's development will exacerbate the problem. However, in order to address the redistribution of traffic that will be caused by the proposed Waterfront development, both during construction and permanently, MRWA are looking to add additional lanes to the Graham Farmer Freeway tunnel, which will significantly increase the volume of traffic on Loftus Street.

As the Water Corporation and their consultants point out, it is beyond their scope and responsibility to try and address all the issues raised, as well as the City of Vincent.

### Establishment of Inter-Governmental Working Group

At a meeting held at the City on 19 July 2011, representatives of the City, MRWA, DoT and Water Corporation met to discuss the issues raised by the State agencies, but in particular MRWA's objections.

There was a certain level of frustration on the part of the City and Water Corporation, that while MRWA had numerous issues with the development proposal, they were offering very little in the way of solutions or even acknowledgment that development in the Leederville area, is inevitable.

However, in order to progress the matter, the following was agreed:

- That the Development Application would be presented to the Council as lodged; and
- Main Roads WA would be invited to join the newly formed Inter-Governmental Working Group.\*

At its Ordinary Meeting held on 10 May 2011, the Council approved the establishment of:

*"...an Inter-governmental Working Group inter-governmental comprising the City of Perth, the City of Vincent, the Town of Cambridge and the Department of Planning to assist in the management and implementation of the various planning related studies being undertaken in the vicinity of the Hamilton Precinct, in particular; the Town of Vincent's Leederville Masterplan and West Perth Regeneration Plan, the Town of Cambridge's West Leederville Planning and Urban Design Study and the joint Town of Vincent and Town of Cambridge Leederville Station Link Feasibility and Design Study;..."*

*The Inter-Governmental Working Group will provide an opportunity for State and Local authorities to discuss ways to best manage and implement the key strategic planning projects within West Perth, Leederville and West Leederville collaboratively.'*

In respect of the specific issues raised by Main Roads, such as the number and location of vehicle access points to the site, the merits of traffic signals verses roundabouts etc, they can be addressed during the detailed design phase of the project, via on-going dialogue with MRWA, the Water Corporation and their various consultants.

### Traffic Impact Assessment

As is required for a development of this magnitude, the applicant has engaged a suitably qualified consultant to prepare and submit a *Traffic Impact Statement* in accordance with the relevant guidelines. The consultant, Aurecon, is an international consultancy who specialises in transport planning and development, and are well regarded in their field.

As indicated above, Aurecon's brief was to assess the impact of the traffic generation from (the ultimate) development on the immediate area. The original report was submitted to MRWA in 2010 and in which they (MRWA) had cited shortcomings. Water Corporation subsequently approved Aurecon's undertaking for further work and re-submitted the report in early 2011.

The current situation is that MRWA still has misgivings and believe that the assessment needs to be expanded to a '*regional review*' whereas the applicant has concerns that it is too onerous and that it should not be incumbent upon them to fund a regional study.

Furthermore, there is a concern that a regional or expanded study may conclude that the wider road network, including the Freeways, will not cope and given that there are no plans, at either State or local level to expand the capacity of the road network, where does that leave this development and any other development within Leederville and the City of Vincent.

Therefore, while MRWA and Aurecon may agree to disagree about which traffic modelling software is more appropriate, a full study could cost several hundreds of thousands of dollars with dubious outcome.

In respect of the actual report, the City is reliant upon the consultant's expertise and Main Roads assessment and, therefore, as indicated above, while site specific issues can be resolved the 'bigger picture' cannot. It was for this reason MRWA have been invited to join the Inter-Governmental Working Group.

#### Proposed Upgrade of Newcastle Street

At its Ordinary Meeting held on 8 September 2009, the Council received a progress report on the proposed *Concept Plan for Streetscape Improvements to Newcastle Street between Loftus Street and Carr Place for the upgrade of Newcastle Street*.

The report discussed the Water Corporation's progress of their Masterplan and how it would address Newcastle Street. Given that approximately 208 metres of the Water Corporation land directly fronts Newcastle Street (total length of Newcastle Street, from Loftus Street to Carr Place, is 365metres), they (the Water Corporation) agreed that it was in their interest to ensure that the Newcastle Street upgrade complimented their redevelopment plans.

Therefore, at the time the City's Officers held a series of meetings with the Water Corporation at which the Newcastle Street upgrade was discussed and including the Water Corporation's likely contribution.

At the conclusion of the discussion, the Council made the following decision:

*"That the Council;*

- (i) RECEIVES progress report No 2 on Concept Plan for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville;*
- (ii) APOPTS IN PRINCIPLE, concept plan No. 2597-CP-1A [(as shown in Appendix 9.1.4 (003)] for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville at an estimated cost for the project (including undergrounding of power) to be \$1,130,000, subject to the concept plan being reviewed to incorporate water sensitive urban design principles in liaison with the Water Corporation;*
- (iii) AUTHORISES the Chief Executive Officer to;*
  - (a) enter into discussions with the Water Corporation to determine an equitable cost sharing arrangement for the upgrading of the portion of Newcastle Street adjoining the Water Corporation frontage and the proposed timing of the proposed streetscape upgrade project to coincide with the Water Corporation redevelopment;*
  - (b) determine the possible staging of the project over a number of financial years; and*
  - (c) explore additional sources of funding e.g. Metropolitan Regional Road Funding, developer contributions etc. for the project; and*
- (iv) RECEIVES a further report/s on the matter following discussions with the Water Corporation prior to formally advertising the proposed concept plan to the public."*

In the most recent discussions with the Water Corporation, they are still committed to contributing to the upgrade of Newcastle Street. A condition has been recommended to this effect, requiring a contribution of 50% of the costs.

Frame Court extension to Newcastle Street.

Integral to the Water Corporation's development proposal, is the extension of Frame Court from its current terminus point adjacent the western boundary of the Water Corporation site, through to Newcastle Street.

In light of the scale of the development and the likely traffic volumes generated, the proposed road is to be dedicated, and will ultimately come under the care and control of the City. Therefore, it is incumbent upon the applicant to design and construct the road and associated infrastructure to the City's requirements.

Further, it is noted that the concept plan shows an underground parking area extending under the new Frame Court, which is not supported by the City's Technical Services and nor is it likely to be supported by State Lands Services.

**Heritage Comments**

A Heritage Assessment for the John Tonkin Water Centre was undertaken by the City's Heritage Officers in March 2007 as shown in Appendix 9.1.4 (004). The Heritage Assessment indicated that the place, comprising the Water Corporation Headquarters ('John Tonkin Water Centre') and associated buildings and grounds, has historic value for its continued association with water management for over 100 years and some aesthetic value for the design of the c.1980 administration building, being innovative in its construction and as a local landmark.

As detailed above, most of the heritage value associated with the place relates to the historical association of the site with water management for over 100 years, which is not reflected directly in the building's structure, style or physical appearance. In light of this, and the resolution of Council made at its Special Meeting held on 2 April 2008, there is no objection to the demolition of the existing 2 storey building known as the "Monarch Laundry" site, on Newcastle Street to facilitate the redevelopment of the site, subject to the provision of some form of interpretive signage being displayed on the site.

In light of the above, it is considered that approval should be granted for demolition, subject to the following conditions:

- “(i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (iii) details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the place at No. 629 Newcastle Street Leederville shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s).”*

**Strategic Planning Comments**

The proposed development has been assessed by the City's Strategic Planning Services as detailed below.

The proposal has been considered against the objectives and intent of the Leederville Masterplan Built Form Guidelines and broader State planning objectives.

The proposal supports the general objectives of the Leederville Masterplan Built Form Guidelines, in particular by:

Capitalising on the location of the Leederville Train Station and promoting development consistent with the principles of Transit Orientated Development;

- Providing additional residential and commercial opportunities;
- Increasing activation of street frontages; and
- Encouraging new opportunities for local employment.

More specifically, the proposed development supports the aim of Precinct 8 of the Built Form Guidelines by increasing the density of the Newcastle Street commercial area and allowing future high-rise development to occur on the corner of Newcastle Street. Whilst the height of the podium is consistent with that prescribed in the Built Form Guidelines, the height of the development addressing Newcastle Street, exceeds the 5 storeys recommended in the Built Form Guidelines.

In terms of the broader regional strategic context, the proposal supports the objectives of *Directions 2031*, particularly as Leederville has been identified as a Secondary Centre in the Activity Centres Hierarchy. This classification is characterised by centres which provide an essential service to their catchment population and are key suburban centres, of which their continued development is essential to supplement the network of strategic metropolitan centres. The proposal also supports the key objectives of State Planning Policy No. 4.2 relating to Activity Centres for Perth and Peel. In this Policy, an 'Activity Centre' is defined as a community focal point which include activities such as commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education and medical services and designed to be well-served by public transport. The Leederville Activity Centre aligns closely with these key attributes of an Activity Centre, and it is considered that the proposed development serves to facilitate the growth and diversity within the Centre.

Recognising the regional significance of Leederville and the growth of the centre and surrounding locality more generally, the City is committed to forming partnerships with key stakeholders to facilitate the growth of the Centre espoused through *Directions 2031*. This has been illustrated through the recent formation of the Inter-Governmental Working Group, comprising representatives from the City of Vincent, City of Perth, Town of Cambridge, City of Subiaco, the Department of Planning, the Department of Transport and Main Roads WA. It is considered that this group will provide a forum to facilitate the implementation of development in the Leederville area and the surrounding locality in an integrated manner. In addition to this, the City is also engaged with the Town of Cambridge to prepare a Leederville Link Feasibility and Design Study, which is investigating options to better link Leederville and West Leederville to enhance future development and improve movement and access.

In light of the above, it is considered that the proposed development supports both the City's vision for Leederville and the State's strategic direction for the development of Activity Centres, and therefore is supported from a strategic planning perspective.

#### **Health Services Comments**

The applicant is to demonstrate compliance with the City's Sound Attenuation Policy 3.5.21, in relation to the proposed development. The applicant must engage the services of a qualified Acoustic Consultant to assess the application and to provide a report that ensures the noise received inside, or emitted from the premises does not exceed the levels stipulated in the *Environmental Protection (Noise) Regulations 1997* and the *BCA*.

As the development is proposed in an entertainment/mixed use precinct with several premises providing amplified music, the applicant is requested to place a memorial on the respective Certificate of Title. The memorial should advise that the property(s) may be subject to activities such as traffic, car parking, and elevated baseline sound levels that constitute activities not normally associated with a typical residential development.

As the development indicates future food premises, the applicant will have to submit details in their Waste Management Plan as to how rubbish and waste will be managed. This will be required at the Building Licence stage.

**Building Comments**

The City's Building Services have advised that the applicant is required to identify the areas where the development does not meet the deemed-to-satisfy provisions of the Building Code of Australia (BCA) requirements. A performance based application will be required to address the areas of non-compliance. The Building Licence application will be required to comply with the BCA requirements.

The proposal while significant in terms of scale is considered to provide the much needed impetus for redevelopment within the Leederville Masterplan Area and contribute benefits to the surrounding community and the City. It is further considered that the proposal will also be positive in an economic sense and will provide employment opportunities, and be a catalyst for new development. In light of the above, it is recommended that Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.1.5 Nos. 193-195 (Lots 267-269; D/P: 3642) Scarborough Beach Road, corner of The Boulevard, Mount Hawthorn – Proposed Extension of Trading Hours to Existing Unlisted Use (Plant Nursery) and Incidental Shop and Eating House**

<b>Ward:</b>	North	<b>Date:</b>	30 August 2011
<b>Precinct:</b>	Mount Hawthorn; P2	<b>File Ref:</b>	PRO3020; 5.2011.333.1
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Reporting Officer:</b>	C Harman, 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, REFUSES the application submitted by D Bianchi on behalf of the owner R Rispoli for proposed Extension of Trading Hours to Existing Unlisted Use (Plant Nursery) and Incidental Shop and Eating House, at Nos. 193-195 (Lots 267-269; D/P: 3642) Scarborough Beach Road, corner of The Boulevard, Mount Hawthorn, and as shown on plans stamp-dated 12 July 2011, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The non-compliance with the objectives of the City's Town Planning Scheme No. 1 and City of Vincent Economic Development Strategy;
3. The approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and
4. Consideration of the objections received.

**Advisory Note:**

The applicant is reminded that the previously approved trading hours are from 10.00am to 5.00pm, Monday to Sunday inclusive, and any non-compliance with the approved trading hours may result in the City commencing enforcement proceedings, in accordance with the City's Prosecution and Enforcement Policy. Please note that on conviction, offences under Section 214 of the Planning and Development Act may be liable to a penalty of \$200,000 for each offence and a daily penalty of \$25,000 for each day during which each offence continues.

---

**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

<b>Landowner:</b>	R Rispoli
<b>Applicant:</b>	D Bianchi
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Commercial/Residential R30
<b>Existing Land Use:</b>	Plant Nursery
<b>Use Class:</b>	Plant Nursery
<b>Use Classification:</b>	Unlisted Use
<b>Lot Area:</b>	1,318 square metres
<b>Right of Way:</b>	East side, 6 metres wide, sealed, City-owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the proposal involves an unlisted use and the City received 4 objections, including 1 petition with 8 signatures, during community consultation.

**BACKGROUND:**

6 October 2009 The Council at its Ordinary Meeting approved an application for the change of use from Plant Nursery to Plant Nursery, Incidental Shop and Eating House (Café) and Associated Alterations subject to the following conditions:

- “(i) the hours of operation for the proposed Plant Nursery, Incidental Shop and Eating House (Café) shall be limited to the following times: 10.00am to 5.00pm Monday to Sunday, inclusive;
- (ii) the eating house use is ancillary to the primary use of the site as a Plant Nursery, and shall not be permitted to operate independently of the primary use...”

**DETAILS:**

The proposal involves the extension of trading hours of the premises, predominantly the eating house component. The applicant wishes to extend the trading hours to 7am to midnight, 7 days, in lieu of the currently approved 10am – 5pm. The applicant has stated in his submission that the business is not economically viable operating only between 10am – 5pm and due to requests from some patrons, is seeking extended trading hours to increase gains.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Hours of Operation</b>	Currently approved to operate from 7am – 5pm, Monday to Sunday, inclusive.	7am – 12am (midnight) Monday to Sunday, inclusive.
<b>Officer Comments:</b>		
Not Supported – Refer to comments below.		

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

Consultation	
<b>In Support:</b>	3.
<b>Objections:</b>	4, including 1 petition with 8 signatures.
Comments Received	Officer Comments
Concerns over the amount of noise generated and the impact on adjoining residential properties at night time.	Supported – see “comments” below.

<b>Consultation</b>	
The open-style nature of the existing buildings on-site does little to protect adjoining residents from noise.	Supported - see "comments" below.
<b>Advertising</b>	The advertising was carried out as per the City '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 2011-2016</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:**

The premises are located directly next to and in very close proximity to residential properties and as such, the City's Officers have concerns regarding the potential for unreasonable noise to be emitted from the premises into the night. The extension of trading hours to midnight has the potential to present noise issues through amplified music and patron noise, and would disturb the current amenity in the area. It is noted that the City's Health Services have received noise complaints against the premises in the past, relating to the playing of amplified music at the property, late into the night.

The previous approval states that the eating house use is incidental to the primary use of the site as a plant nursery and that it is not permitted to operate independently of the primary use. Therefore, an extension of trading hours is not considered to benefit the primary use as a plant nursery and it is anticipated that the plant nursery will become the incidental use, particularly after 5.00pm.

For the abovementioned reasons, the proposal is therefore considered unacceptable and it is recommended that the Council refuse the application.

**9.1.3 No. 65 (Lot 800; D/P: 49553) Kingston Avenue (formerly No. 60 Loftus Street), West Perth - Proposed Construction of Four (4) Storey Building consisting of Four (4) Two Bedroom Multiple Dwellings and Eleven (11) Single Bedroom Multiple Dwellings and Basement Car Park.**

<b>Ward:</b>	South	<b>Date:</b>	5 September 2011
<b>Precinct:</b>	Cleaver Precinct; P05	<b>File Ref:</b>	PRO4794; 5.2011.290.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Neighbourhood Context Report		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<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 Cuborosso Design and Development on behalf of the owner Artecasa Pty Ltd for proposed Construction of (4) Four Storey Building Consisting of Four (4) Two Bedroom Multiple Dwellings, Eleven (11) Single Bedroom Multiple Dwellings and Basement Car Park, at No. 65 (Lot 800; D/P: 49553) Kingston Avenue (formerly No. 60 Loftus Street), West Perth, and as shown on the amended plans stamp-dated 5 September 2011, subject to the following conditions:

1. **Building**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Kingston Avenue and Loftus Street;

2. **Car Parking and Access-ways**

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

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

3. **Street Verge Trees**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;

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 Landscape and Reticulation Plan**

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

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

- 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;
- 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 plans (indicating details of plant species and materials to be used).

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

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

**4.3 Essential Facilities**

Revised plans shall be submitted denoting the provision of appropriate storerooms for each Multiple Dwelling accessible with a minimum area of 4.0 square metres;

**4.4 Schedule of External Finishes**

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

**4.5 Acoustic Report**

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

**4.6 Security Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. A refundable footpath upgrading bond of \$26,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

**4.7 Privacy Screening**

The upper eastern living and bedroom windows of apartment 3 on the first floor and apartment 8 on the second floor shall be screened with a permanent obscure material and be non- openable to a minimum of 1.6 metres above the first floor level. 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 No. 63 Kingston Street, stating no objection to the respective proposed privacy encroachments;

**4.8 Visitor Parking**

A minimum of four (4) car parking bays shall be marked and/or signposted permanently and located on the ground level and within close proximity to the entrance of the development for the exclusive use of visitors to the property; and

**4.9 Car Parking**

A minimum of sixteen (16) compliant car bays shall be provided for the development, with four (4) car bays provided for visitor parking.

The revised plans shall not result in any greater variation to the requirements of the City's Policies; and

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

**5.1 Bicycle Parking Facilities**

A minimum of seven (7) bicycle parking spaces shall be provided at a location convenient to the entrance of the development with two (2) spaces noted for visitor bays. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities; and

**5.2 Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or a clothes tumble dryer.

---

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED (8-1)**

**For:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Cr Buckels

---

<b>Landowner:</b>	Artecasa Pty Ltd
<b>Applicant:</b>	Cuborosso Design and Development
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	769 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The report is referred to the Council for determination as the City has received more than five (5) objections and the City does not have delegation to approve a four (4) storey development.

**BACKGROUND:**

Nil.

**DETAILS:**

The proposal involves the construction of a four (4) storey multiple dwelling development including basement car park. The development itself contains a mix of both single bedroom multiple dwellings (11) and two bedroom multiple dwellings (4).

The subject property is currently a vacant site and is located on the western end of Kingston Avenue and abuts Loftus Street to the west. The design of the development is mainly orientated to the Loftus Street side of the development; however, there is no access to Loftus Street.

The subject property abuts single and two storey dwellings to the immediate east and north along Kingston Avenue and a vacant site currently occupied by a large billboard sign and garden to the south.

It is noted that whilst the City identifies the property as No. 65 Kingston Avenue, West Perth, the property was previously known as No. 60 Loftus Street.

The applicant's submission is "*Laid on the Table*".

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	Residential R80 – 1.0 – 769 square metres	1.3 or 1002.42 square metres
<b>Officer Comments:</b>		
Supported. It is considered that whilst the development proposes a variation to the Plot Ratio requirements of the Residential Design Codes for multiple dwellings, the nature and position of the subject site affords the development a greater argument towards varying the height and plot ratio provisions. Furthermore, it is considered the majority of the development is orientated towards the western side of the development, reducing the appearance of bulk and height on the adjoining properties. On this basis, the variation is supported.		
<b>Essential Facilities</b>	Stores (Area)  4m2	2 m2 (minimum)
<b>Officer Comments:</b>		
Not supported. A condition has been included in the recommendation for approval.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Street Walls and Fences</b>	<b><u>Fencing</u></b> Front Fencing (East) 1.2 metres (solid)	2.6 metres solid (maximum)
<b>Officer Comments:</b>		
Supported. It is noted that the proposed solid portion of wall along the eastern side of the dwelling abuts an existing boundary wall of the adjoining properties garage. On this basis, no impact from the wall will be presented to the existing streetscape.		
<b>Buildings setbacks from the boundary:</b>	<u>Western – (Loftus Street)</u> 4.0 metres	Ground – Third Floor - Nil – 1.0 metre
	<u>Eastern (Side)</u> First Floor – Fourth Floor 4.0 metres	Ground Floor – Nil – 5.0 metres First Floor – 1.8 metres (min) Second Floor – 1.8 metres (min) Third Floor – 1.202 (min) – 1.81 metres
	<u>Southern (Rear)</u> First Floor – Third Floor – 4.0 metres	Ground Floor – Nil – 18.083 metres First Floor – 1.537 – 2.537 metres Second Floor – 1.2 – 2.753 metres Third Floor – 1.513 metres – 2.753 metres
<b>Officer Comments:</b>		
Supported. Western (Side) – It is noted the proposed western façade of the development abuts a significant road reserve/verge area of the adjacent Loftus Street and whilst the development proposes a significant side setback variation to this side, it is considered that the scale of the development does not detract from the existing character of the precinct.		
Supported. Eastern (Side) – It is considered the proposed eastern façade of the development has been designed to reduce where possible the impact of the development on the adjoining property. Features such as providing articulation along the eastern façade and the provision of screening for privacy and noise intrusion have been included. Whilst it is noted that at certain periods of the day some overshadowing will result from the development, the provisions as listed in the Residential Design Codes provide those experienced at the winter solstice, whereby the development is compliant.		
Supported. (Southern Side) – It is noted the proposed southern (rear) portion of the site abuts a grassed, open area which accommodates a significant billboard feature. It is considered the rear façade, with the presence of an open terraced area and window treatments provide passive surveillance to the adjoining property and will contribute to the revitalisation of this area.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Number of Storeys:</b>	2 Storeys (3 Storeys where appropriate – as determined by the City)	Four (4) Storeys Plus Basement
<b>Officer Comments:</b>		
Supported. Refer to “Comments” section below.		
<b>Dwelling Size</b>	Development that contains more than 12 (13 or more) dwellings are to provide diversity in unit types and sizes.  Single Bedroom Dwellings – Minimum of 20% and a Maximum of 40%.  Double Bedroom Dwellings – Minimum of 40% of the Dwelling Type	Fifteen (15) Dwellings Proposed.  Eleven (11) Single Bedroom Dwellings  Four (4) Double Bedroom Dwellings
<b>Officer Comments:</b>		
Supported. It is noted that the proposed single bedroom dwellings range from a size of 57 square metres to 60 square metres and the two bedroom dwellings range from 73 square metres to 80 square metres. Whilst this mix of dwellings is considered a variation to the requirements of the Residential Design Codes, the single bedroom dwellings and double bedroom dwellings are of an adequate size and layout to meet the needs of future residents with adequate living, bedroom and bathroom requirements in each.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support – Three (3)	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	Noted.
Objections – Ten (10) + One (1) (Late Submission) (Eleven (11))	<ul style="list-style-type: none"> <li>• Concern the City would consider the application.</li> <li>• Concern that previously the City had indicated it may support three storeys but no higher. The proposed height at five storeys will dwarf the adjoining properties and be out of character for Kingston Avenue, which is a quiet tree lined street with no building higher than two storeys.</li> <li>• Object to the number of variations proposed by the development and its visual impact and building bulk to the adjoining landowners.</li> <li>• Object to the proposed density and number of storeys proposed.</li> </ul>	<p>Noted. The City is required to accept a development application and assess the proposal on its merits and in accordance with the City’s Policies.</p> <p>Noted. The Council adopted an amended Multiple Dwelling Policy on 9 August 2011, which allows for an increase in height for development if a particular site is of a strategic nature and satisfies design and lot criteria.</p> <p>Noted.</p> <p>Noted.</p>

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
	<ul style="list-style-type: none"> <li>• Concern relating to the severe reduction in sunlight for the adjoining properties and their outdoor living areas.</li> <li>• Bicycle parking must be provided and be integrated into the development with adequate storage for bicycles.</li> <li>• Concern regarding lack of parking for visitors on site and its potential to overflow onto Kingston Avenue and increase traffic to the area. Already similar type developments in the vicinity have additional vehicles generated by users of the dwellings of whom park on the street. Also concern if approved, during a construction phase with construction trucks accessing the street.</li> <li>• Object to setback variations as proposed. A 1.2 -1.8 metre setback proposed to eastern boundary is inadequate for the development height.</li> <li>• Wish for applicant to note along rear boundary of the site, there is a bore and significant reticulation and any earthworks may impact on this.</li> <li>• Note there are no clothes drying areas on the proposed plans.</li> <li>• Request for fence height along eastern boundary to be increased to provide additional privacy and reduce noise from traffic flow in and out of the car park.</li> </ul>	<p>Whilst it is noted that at certain periods of the day some overshadowing will result from the development, the provisions as listed in the Residential Design Codes provide those experienced at the winter solstice, whereby the development is compliant.</p> <p>Noted. A bicycle storage area is located in the basement/undercroft area of the development. A condition has been included in the recommendation that two (2) spaces are available for visitors.</p> <p>Noted. It is considered that in accordance with the parking requirements of the Residential Design Codes Clause 7.3.3 On Site Parking Provision, the development is compliant in terms of the number of vehicle spaces required and the number of visitor bays required. It is noted however, as part of the conditions in the recommendation, that the visitor parking bays are to be clearly noted within the development.</p> <p>Noted. See comments above.</p> <p>Noted. The applicant has been alerted to the existing development on the property to the rear of the site at Nos. 596 -598 Newcastle Street.</p> <p>Noted. A utility area is available in each multiple dwelling for the purposes of locating a dryer. Furthermore, a condition has been included in the recommendation, for each multiple dwelling to include either a tumble dryer or screened clothes drying area.</p> <p>Noted. The proposed boundary fence has been increased in height along the eastern boundary to a maximum height of 2.4 metres along the boundary increasing to 3.0 metres and the rear of the property from finished floor level.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> <li>Note if ground levels are to be altered adjacent to the fence line, adequate retaining walls should be installed to maintain support to existing fence line and protect root zone of existing trees; That is with large depth limestone blocks with well cemented joints.</li> <li>Wish for applicant to provide further shadow diagrams during both winter solstice and summer solstice at different times of the day including midday and afternoons.</li> </ul>	<p>Noted.</p> <p>Noted. The applicant has provided shadow diagrams in accordance with the overshadowing provisions of the Residential Design Codes Clause 7.4.2 Solar Access for Adjoining Sites, with a plan denoting the shadow cast at 12.00pm, 21 June.</p>
Advertising for a period of 21 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.		

### Car Parking

The car parking required is calculated as per the Residential Design Codes.

Car Parking	
Small Multiple Dwelling – (Less than 75sq m or 1 bedroom) – 0.75 bays per dwelling (12) – 9 Car Bays	
Medium Multiple Dwelling – (75 square metres -110 square metres) – 1 bay per dwelling (3) – 3 car bays	
Visitors – 0.25 bays per dwelling – 3.75 car bays	
Total – 15.75 car bays	16 car bays
Total Car Bays provided	18 car bays
Surplus	2 car bays

Bicycle Parking		
Bicycle Parking	Residential Component (As per the Residential Design Codes) – 1 Bicycle Space per 3 dwellings (15 proposed)  Visitors – 1 bicycle space per 10 dwellings  Total – 6.5 spaces – 7 spaces	A bicycle storage area is proposed in the undercroft level. However, a condition is included in the recommendation for individual spaces be provided for seven (7) spaces, with two (2) of these for visitors.

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:  <u>"Natural and Built Environment</u>  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:**

**Cleaver Precinct Policy**

The subject property is located within the Cleaver Precinct, and it is required to comply with the City's Residential Design Elements Policy in terms of height. The maximum height prescribed by the Residential Design Elements Policy is two (2) storeys plus a loft.

**Multiple Dwellings Policy**

According to the City's Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones, which was adopted by the Council at its Ordinary Meeting held on 9 August 2011, any development which are to comply with the Policy and to take precedence over other City policies. Under the Policy, properties which front major roads, including Loftus Street (which is located to the immediate west of the subject property and where the majority of the development is orientated), allow for a greater opportunity of building height given its propensity to provide both public transport and accessibility opportunities.

Under Policy No. 3.4.8, the maximum building height allowed along Loftus Street is to be a maximum height as permitted by the Residential Design Codes. For properties zoned Residential R80, the maximum wall height permitted is 12 metres with a flat or concealed roof height of 12 metres. The elements of any design are to take into account a variance of colour, texture, a range of materials, shape and form, the use of complementary landscaping and retention of existing landscaping and the reduction of large expanses of opaque or blank walls.

Under the provisions of the Policy, the City may consider variations to the building height requirements in some scenarios, whereby the applicant is required to demonstrate that the development is of an exceptional nature and meets the following criteria including where the development does not result in a relaxation of overshadowing and car parking standards, the design of the development is richly detailed and reduces bulk to the street and adds interest and includes sustainable design initiatives.

The site itself is currently vacant and therefore underutilised, is located within a close catchment of the Leederville Town Centre, and has a prominent position in relation to the future Leederville Masterplan and Water Corporation site and highly accessible and utilised transport routes. Whilst it could be argued the site is a prominent position as a gateway to the southern entry point of the City of Vincent, it is of a size of less than 1000 square metres, as required by the Policy. The development does however, incorporate a number of single bedroom dwellings which is consistent with a demonstrated need for affordable housing within the area.

**Technical Services**

The City's Technical Services have noted that the proposed development proposes significant non compliances with the Australian Standards. It is noted that several of the proposed parking bays on both the under croft level and ground level are inaccessible, as a number of them are obstructed by piers or lacking the required manoeuvrability amenity as required by the Australian Standards. The submitted design does not present opportunities for adjustments which will resolve these issues. It is noted a number of these bays will be required to be deleted.

In addition, the Officer's noted that the proposed bin numbers indicated on the plans are insufficient at present. It is noted however, that the proposed bin store may be able to accommodate additional bins and would be required to accommodate a total of thirty six (36). A bin collection site would be required to be located behind the footpath.

### **Strategic Planning**

The subject site will remain zoned as Residential R80 in the Town Planning Scheme No. 2 and the subject development requirements will be as per the proposed Perth Precinct Policy. This Policy proposes a maximum height limit of 3 storeys for this site, with a maximum plot ratio of 1.0 (residential development). However, given the site's location along a major transport route (Loftus Street), as well as it directly abutting a Commercial zoned property to the rear, it is considered that the proposed four storey development with excess plot ratio will not have an undue impact on the amenity of the area. It is noted that the development proposes different unit types (single bedroom and two bedroom dwellings) which contribute to an increased housing diversity in the area. It is further noted that the bulk of the development is contained to the western boundary, which therefore allows for a significant setback to the eastern residential dwelling.

### **Planning**

It is considered that the proposed bulk and scale of the proposed development has been increased by the variations that are present with both the plot ratio and height variations of the development. In this instance, whilst the site does not meet the 1000m<sup>2</sup> requirement of the City's Multiple Dwelling Policy, given the orientation of the development and its location abutting a district distributor road of the locality, Loftus Street and its future position in relation to key developments in terms of the West Perth area, Newcastle Street and the Water Corporation site, the height and scale of the development are considered not unsuitable for the subject site. It is also noted that the development is compliant in terms of the provisions of parking and space for bicycle parking, the presentation of a contemporary design, a roof top garden and other sustainable features, which it is considered will soften the impact of the building. The development meets the intent of the City's Multiple Dwelling Policy.

In view of the above, it is considered the proposed development be supported subject to appropriate conditions.

**9.1.7 Department of Transport – Draft Public Transport for Perth in 2031 Document**

<b>Ward:</b>	-	<b>Date:</b>	29 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a> – Comments Table		
<b>Tabled Items:</b>	Public Transport for Perth in 2031		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **ADVISES** the Department of Transport (DoT) that the Council **SUPPORTS IN PRINCIPLE** the Draft *Public Transport for Perth in 2031* document (Draft Plan) as Tabled, subject to the comments identified in the City's submission, as shown in Appendix 9.1.7, being further investigated by the DoT.

Moved Cr Maier, Seconded Cr Burns

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

That the Officer Recommendation be amended to read as follows:

**"That the Council **ADVISES** the Department of Transport (DoT) that the Council **SUPPORTS IN PRINCIPLE** the Draft *Public Transport for Perth in 2031* document (Draft Plan) as Tabled, subject to the comments identified in the City's submission, as shown in Appendix 9.1.7, being further investigated by the DoT, and subject to Appendix 9.1.7 being amended as follows:**

1. Remove the sentence under the 'Recommendation' section, relating to Developing the Network – Stage One Projects – Access to Morley on page 3, which states '...which cannot be achieved without widescale demolition of existing properties, many of which are valued, individually or collectively, by the community for their contribution to the character and sense of place in the City of Vincent.'

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 9.1.7**

That the Council **ADVISES** the Department of Transport (DoT) that the Council **SUPPORTS IN PRINCIPLE** the Draft *Public Transport for Perth in 2031* document (Draft Plan) as Tabled, subject to the comments identified in the City's submission, as shown in Appendix 9.1.7, being further investigated by the DoT, and subject to Appendix 9.1.7 being amended as follows:

1. Remove the sentence under the 'Recommendation' section, relating to Developing the Network – Stage One Projects – Access to Morley on page 3, which states '...which cannot be achieved without widescale demolition of existing properties, many of which are valued, individually or collectively, by the community for their contribution to the character and sense of place in the City of Vincent.'

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the DoT's *Public Transport for Perth 2031* document, as Tabled, and to seek the Council's endorsement of the document.

**BACKGROUND:**

The Minister for Transport released the *Public Transport for Perth in 2031* document on 14 July 2011 for a three month public comment period, with submissions closing on 14 October 2011.

As part of this public comment period, the DoT presented on the matter at the Council Member Forum held on 16 August 2011, whereby a number of issues were raised by the Council Members, as outlined in Appendix 9.1.7.

**DETAILS:**

The newly released *Public Transport for Perth in 2031* document is the State Government's vision for improved and expanded public transport in Perth. It was developed in close consultation with the Western Australian Planning Commission, and is in accordance with the *Directions 2031 and Beyond* planning framework. The vision for the Draft Plan is for '*public transport to become the preferred choice of travel to Perth's strategic centres and through growth corridors.*'

In order to develop the Draft Plan, the Government established an Independent Panel to identify options for the development of a mass transit network to 2031. The task of the Panel was to identify a primary public transport network for a city in the order to 2.5 million people, recommend capital investment necessary to achieve this, and consider how to best achieve land use and transport integration across the metropolitan area.

Further to consulting with the Western Australian Planning Commission, the Panel consulted closely with the Public Transport Authority, Main Roads Western Australia, the Department of Planning, Treasury, other government departments, Local Government, and the transport and development industries.

According to the DoT, the Draft Plan will play a vital role in addressing congestion and accessibility issues as Perth grows to an expected population of 2.5 million by 2031. Furthermore, according to the Minister for Transport, "*over the past 10 years, public transport use in Perth has increased by 67 per cent, and by 2031, Perth residents will more than double their use of public transport, which will see it account for nearly 70 per cent of all trips to the CBD.*"

In light of this, the Draft Plan identifies the main public transport infrastructure needs and the links required between major activity centres, such as universities and Perth Airport. Key initiatives of the Plan include the introduction of light rail, the development of rapid transit corridors, expansion of the rail network and more buses and trains in general.

More specifically, priority areas for improved public transport have been identified within 15km of the Central Business District (CBD), on the approaches to and the fringes of the CBD, in the central northern corridor towards Mirrabooka, and within suburbs forming the central sector of metropolitan Perth. The reason that these have been identified as priority areas is because whilst other centres will continue to expand, the CBD will maintain its dominance as the primary focal point of the city. In light of this, on the approach to the city and on the fringes of the CBD, where public transport is most effective for the most number of people, it is important to ensure trains, light rail and buses can move with limited exposure to congestion, in order to minimise travel times and ensure reliability.

A prime example of this is the corridor towards Mirrabooka, which is an example of a busy and congested corridor, and therefore, provision of a competitive alternative public transport service that is fast and frequent is critical. The Draft Plan also promotes building the railway to Yanchep by 2020. This will allow development to respond to the location of stations and associated public transport infrastructure, leading to a more sustainable urban form and more activity, employment, entertainment and residents in the vicinity of good public transport. Furthermore, according to the Minister for Transport, *“our two key transformational projects to redefine travel and development patterns are the extension of the Northern Suburbs Railway to Yanchep and a light rail from Mirrabooka to the CBD.”*

More broadly however, the projects proposals in the Draft Plan have been grouped into two categories, that being Stage One or shorter term/before 2021, and Stage Two or medium/before 2031.

Stage One projects are those that can be implemented to provide a network of rapid transit services across Perth before 2020. These projects have been divided into the following three groups:

1. Transformational projects:
  - Northern Suburbs Railway extension; and
  - Central Northern Corridor/Curtin/UWA Light Rail.
2. Connections to strategic centres using on-road priority measures:
  - Access for Ellenbrook;
  - Access to UWA;
  - Access to Curtin University;
  - Access to Morley;
  - Access to Stirling;
  - Access to Fremantle;
  - Access to Murdoch;
  - Access to Perth Airport and Belmont; and
  - Access to Midland; and
3. Projects that support the central area.

Stage Two projects are considered to be required before 2031. They build on Stage One projects and are all essential building blocks toward achievement of the long term (vision) network. Among other things, these Stage Two projects include the following:

- Glendalough/Subiaco/UWA;
- Railway to Perth Airport;
- Cannington to Fremantle cross city link via Murdoch;
- Fremantle to Cockburn Central via Cockburn Coast; and
- Fremantle to Rockingham via Latitude 32 and Kwinana.

In terms of how the projects identified in the Draft Plan will be funded, it is envisaged that there will be a mix of State and Federal funding. In addition, opportunities to secure private funding contributions will play an important role in some of the key projects, including the light rail network and extending the Joondalup Line to Yanchep. However, on completion of the consultation process, it is intended to examine potential funding options in more detail.

### **Implications for the City of Vincent**

The following is a brief overview of the main proposals/issues of the Draft Plan that may have implications for the City of Vincent:

- Stage One Projects: Central Northern Corridor/Curtin/UWA/Light Rail – It is important to ensure that the light rail proposal connecting Perth to Mirrabooka will not adversely impact on developments abutting Fitzgerald Street, particularly through the North Perth Town Centre. Furthermore, it is important to ensure that consideration is given to the impact that the light rail proposal along Fitzgerald Street will have on the surrounding movement network;

- Stage Two Projects: Other projects – Scarborough Beach Road has been identified as an Activity Corridor in *Directions 2031 and Beyond*. In order to facilitate suitable development along the road, the City of Vincent is part of the Scarborough Beach Road Activity Corridor Project Working Group, which is facilitated by the Department of Planning. As part of this, mixed-use development has been proposed along length of the road, with a long term rapid transit infrastructure proposed to support this intensity of development, which has not been reflected in the Stage One Projects of the Draft Plan. In light of this, and in order to ensure consistency with what's being proposed at both a State (Department of Planning) and Local Government level, it is considered appropriate for the Draft Plan to align with the outcomes of the Scarborough Beach Road Activity Corridor Project, by identifying the entire length of Scarborough Beach Road, between Scarborough and Charles Street, as 'Future Rapid Transit Infrastructure'. Notwithstanding the above, it is acknowledged that in the Stage 2 Projects of the Draft Plan, Bus Rapid Transit Infrastructure has been proposed along the portion of Scarborough Beach Road between Scarborough and Stirling. This is consistent with the City's strategic vision for the area, as it will reinforce the proposed Town Planning Scheme zonings of mixed-use along Scarborough Beach Road;
- It is crucial that the Draft Plan thoroughly cross-references with the Capital City Planning Framework, particularly 'The road network' plan, in order to ensure a synergy between the various State Government strategic documents; and
- The City's Officers are in the process of finalising the City of Vincent's Local Planning Strategy and Draft Town Planning Scheme No. 2, and are in the process of developing the North Perth Town Centre Masterplan. In light of this, the City and the consultants engaged to complete the Masterplan are being cognisant of the Draft Plan, particularly in terms of stipulating planning densities, determining suitable land use mix and built form outcomes, and identifying activity centres.

More detailed information relating to the relevant issues arising from the Draft Plan that specifically relate to the City of Vincent have been documented in Appendix 9.1.7.

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

The Minister for Transport released the *Public Transport for Perth in 2031* document on 14 July 2011 for a three month public comment period, with submissions closing on 14 October 2011.

Furthermore, as mentioned previously, the DoT presented on the matter at the Council Member Forum held on 16 August 2011, whereby a number of issues were raised by the Council Members, as outlined in Appendix 9.1.7.

It is noted that the DoT have indicated that they are keen to undertake consultation with business groups and community members regarding the Draft Plan. Of particular importance to the City of Vincent, it is noted that the DoT are particularly keen to workshop the light rail proposal along Fitzgerald Street with the relevant business owners in the North Perth Town Centre.

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

Not applicable.

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

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*“Improve and maintain the natural and built environment and infrastructure:*

- 1.1.2 *Enhance and maintain the character and heritage of the City.*
- 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
- 1.1.4 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*
- 1.1.5 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

**SUSTAINABILITY IMPLICATIONS:**

According to the Draft Plan, various studies highlight that Australian cities are among the most car dependent cities in the world. Transport contributes some 14 percent of Australia's total greenhouse gas emissions, of which 90 percent is generated by private vehicles.

Therefore, in terms of environmental sustainability, public transport is more sustainable than private car travel, as it emits less pollution per person/kilometre travelled. Trains and light rail can be powered by renewable energy as more renewable sources are introduced into the power grid. Less car travel will lead to lower air pollution, lower noise pollution from traffic, a “greener” urban environment, and wider environmental benefits, including improved air/water quality, all of which can improve the local environment and mitigate the health impacts experienced within the community from increasing carbon emissions.

Furthermore, as the individual projects identified in the Draft Plan evolve, environmental assessments will be undertaken, including noise impacts, and will involve environmental consultants, urban designers, architects and planners.

In terms of social sustainability, public transport has the benefit of promoting more active lifestyles by encouraging individuals to walk or cycle to the bus stop/train station. Furthermore, greater use of public transport, and consequent reduction in car travel, can have a positive effect on the number of road fatalities and serious injuries, and the resultant costs of road trauma.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The City of Vincent considers that the *Public Transport for Perth 2031* document is in line with best practice sustainability, transport, planning, and urban design principles.

In light of the above, it is considered appropriate for the Council to endorse the Officer Recommendation to advise the DoT that the City of Vincent supports in principle the intent and content of the *Public Transport for Perth 2031* document, subject to the comments identified in the City's submission as shown in Appendix 9.1.7 being further investigated and addressed by the DoT.

### 9.4.2 Draft Policy No. 1.1.9 - Public Murals

<b>Ward:</b>	Both	<b>Date:</b>	29 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0025
<b>Attachments:</b>	<a href="#">001</a> – Policy and Guidelines <a href="#">002</a> – Brochure		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Gunning, Arts Officer J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY ABSOLUTE MAJORITY** Draft Policy No. 1.1.9 “ Public Murals”, and the proposal of a Public Mural brochure and a link to a webpage, as shown in Appendix 9.4.2;
2. **ADVERTISES** the policy for a period of twenty-one (21) days, seeking public comment;
3. **After the expiry of the period of submissions:**
  - 3.1 **REVIEWS** the Draft Policy No. 1.1.9 ‘Public Murals’ having regard to any written submissions; and
  - 3.2 **DETERMINES** to proceed with, or not to proceed with, the Policy No. 1.1.9 ‘Public Murals’, with or without amendment; and
4. **AUTHORISES** the Chief Executive Officer to include the above policy in the City’s Policy Manual if no submissions are received from the public.

---

#### COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.29pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.31pm.

Debate ensued.

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

---

#### PURPOSE OF REPORT:

To obtain Council’s approval to adopt a new policy and policy guidelines relating to Public Art – Murals.

**BACKGROUND:**

In the Strategic Plan 2011-2016, under Strategies and Action Plans 1.1.4 (g) it states;

*'Develop a policy and mechanisms to encourage public art and/or beautification on blank walls-both public and private properties.'*

The Strategic Plan strategy and action plan 1.1.4 was proposed as a response in part to the growing trend of mural art to be placed on private walls within the City that can be publicly viewed. It was considered that a policy and appropriate mechanisms be developed to review, approve, register and monitor such artwork. The approval process would ensure artwork would conform to appropriate community standards.

The register would be an acknowledgement for the owner that the Mural is considered a permanent artwork, or a permanent site for ongoing mural development and not to be removed or vandalised. It would also allow the City to monitor the murals and alert the owner if maintenance is needed. Maintenance and any associated costs would always be the responsibility of the owner. The policy would also provide a process for the City to develop murals on some of its blank walls.

At the Ordinary Meeting of Council on 7 December 2010, the following resolution was adopted;

*"That the item be DEFERRED and referred to the Art Advisory Group for consideration".*

**DETAILS:**

Following the draft policy being referred to the Art Advisory Group the policy and guidelines were reviewed at the meeting on 23 March 2011. The original guidelines were considered too complex and would possibly act as a deterrent to applicants. It was the recommendation of the group to create a more 'user friendly' set of guidelines as well as explore the possibility of a brochure to engage the broader public with the programme.

A further meeting was held by the Art Advisory Group on 10 August to review the amended guidelines and the proposed brochure format (see attachments).

A professional graphic designer would be employed to create the final brochure. It was also proposed the brochure link to a page on the City of Vincent's website to show images and locations of murals in the City, possibly with an interactive map. It was stressed that the all material should show a wide range of styles, emphasising that the City has no preference of mural style.

**CONSULTATION/ADVERTISING:**

New policies are advertised for a period of twenty one (21) days.

**LEGAL/POLICY:**

The new policy will form part of the City of Vincent Policy Manual once approved.

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** All liability of the creation of the murals would reside with the owners (of the wall) and the artists.

**STRATEGIC IMPLICATIONS:**

In keeping with the Strategic Plan 2011-2016:

*"1.1: Improve and Maintain the Natural and Built Environment and Infrastructure:*

*1.1.4 Minimise negative impacts on the community.*

*3.1: Enhance and Promote Community Development and Wellbeing:*

*3.1.1 Celebrate, acknowledge and promote the Town's Cultural and Social diversity."*

**SUSTAINABILITY IMPLICATIONS:**

The approval process would consider the durability and sustainability of all materials proposed.

**FINANCIAL/BUDGET IMPLICATIONS:**

All financial responsibilities would remain with the owner of the private mural. The brochure and cost of documenting existing murals, including photography and webpage design, would require a budget of approximately \$6,000 with an ongoing annual budget of \$1,000 for updating.

The budget could be allocated from the existing Public/Community Artworks budget. Murals planned on spaces, which are owned by the City will be budgeted for annually.

**COMMENTS:**

In recent times there has been an increased interest in public murals, not only due to their aesthetic qualities but also as a productive way of deterring unwanted defacement of walls.

The Public Mural Policy will encourage more people to consider the option of wall murals by providing a clear set of processes for their production as well as support by monitoring maintenance. The policy and guidelines will promote a considered approach to public murals by implementing a thorough review process ensuring the best possible outcome for all such projects. The proposed brochure in conjunction with a webpage is seen as the best way of engaging members of the community with the mural art programme.

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

**10.1 Notice of Motion – Cr J Topelberg – Request for a report concerning the lodgement of electronic plans with major Development Applications**

That the Council REQUESTS the Chief Executive Officer to investigate and provide a report on the possibility of imposing a requirement on significant development applications(e.g. in excess of \$250,000) to submit electronic plans (in pdf format) as well as the required hard copy plans. These plans would be made available on the City's website, as well as the electronic copy of the agenda (in colour where provided).

---

**COUNCIL DECISION ITEM 10.1**

**Moved Cr Topelberg, Seconded Cr Farrell**

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

---

**10.2 Notice of Motion – Cr S Lake – Request for a report concerning the provision of a free portion for ticket parking in Highgate**

That the Council REQUESTS a report by 1 October 2011 in regards to providing a free portion for ticket parking in the perpendicular parking on Broome St, Mary St and/or Harold St Highgate to allow for short stay visitors to the Highgate shopping district.

---

**COUNCIL DECISION ITEM 10.2**

**Moved Cr Lake, Seconded Cr Maier**

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

---

**10.3 Notice of Motion – Cr D Maier – Request for Ministerial approval for Community Members to participate in the City’s Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups**

That the Council REQUESTS the Chief Executive Officer to write to the Minister for Local Government seeking approval, pursuant to section 5.69A. of the Local Government Act 1995, for residents and business owners with a proximity interest, who are members of the City’s Beaufort Street Enhancement Working Group and the Britannia Reserve Masterplan Working Group (if required) to be exempted from some or all of the provisions of Subdivision 1 of Division 6 of Part 5 of the Local Government Act 1995, for the life of those Working Groups.

Moved Cr Maier, Seconded Cr McGrath

That the motion, together with the following changes, be adopted:

That the Council:

- “1. REQUESTS the Chief Executive Officer to write to the Minister for Local Government seeking approval, pursuant to section 5.69A. of the Local Government Act 1995, for residents and business owners with a proximity interest, who are members of the City’s Beaufort Street Enhancement Working Group and the Britannia Reserve Masterplan Working Group (if required) to be exempted from some or all of the provisions of Subdivision 1 of Division 6 of Part 5 of the Local Government Act 1995, for the life of those Working Groups;
2. NOTES the written advice received from the Department of Local Government dated 13 September 2011 concerning whether financial and proximity interests of the Local Government Act apply to community members appointed to the City’s Working Groups; and
3. in light of the Department of Local Government’s advice dated 13 September 2011, REQUESTS the Chief Executive Officer (in liaison with the Department of Local Government) to review the Terms of Reference of the City’s Working Groups including Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups to ensure that they comply with the legal requirements of the Local Government Act and the probity, ethical and integrity standards of the Department of Local Government’s Operational Guidelines No. 5 – Council Forums and provide a report to the Council no later than 11 October 2011.”

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 10.3**

That the Council:

1. REQUESTS the Chief Executive Officer to write to the Minister for Local Government seeking approval, pursuant to section 5.69A. of the Local Government Act 1995, for residents and business owners with a proximity interest, who are members of the City’s Beaufort Street Enhancement Working Group and the Britannia Reserve Masterplan Working Group (if required) to be exempted from some or all of the provisions of Subdivision 1 of Division 6 of Part 5 of the Local Government Act 1995, for the life of those Working Groups;

2. **NOTES** the written advice received from the Department of Local Government dated 13 September 2011 concerning whether financial and proximity interests of the Local Government Act apply to community members appointed to the City's Working Groups; and
  3. in light of the Department of Local Government's advice dated 13 September 2011, **REQUESTS** the Chief Executive Officer (in liaison with the Department of Local Government) to review the Terms of Reference of the City's Working Groups including Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups to ensure that they comply with the legal requirements of the Local Government Act and the probity, ethical and integrity standards of the Department of Local Government's Operational Guidelines No. 5 – Council Forums and provide a report to the Council no later than 11 October 2011.
- 

**Administration Comments:**

The Local Government Act 1995 states;

5.69A Minister may exempt committee members from disclosure requirements

1. A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
2. An application under subsection (1) is to include –
  - a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - b) any other information required by the Minister for the purposes of the application.
3. On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
4. A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10,000 or imprisonment for two (2) years.

**ADDITIONAL INFORMATION:**

On 15 August 2011 the City's Chief Executive Officer wrote to the Department of Local Government requesting advice on Advisory and Working Groups and, in particular, in relation to whether the financial and proximity interest of the Local Government Act apply to community group members appointed to the City's Working Groups.

At 3.56pm on 13 September 2011, the City received a written response from the Department of Local Government and this is shown in Attachment [001](#).

In summary, the Department advises as follows:

*“Council may still establish a Working Group which sits outside the formal meeting structure to discuss matters and make recommendations. In this instance the statutory provisions relating to financial and proximity interests do not apply to other persons who are members of the Working Group, but it is noted that employees and Council members who are appointed to the Working Group are still bound by the City's Code of Conduct.*”

*The Working group meeting process is covered in the Department's Operational Guideline No. 5 "Council Forums". The Guideline does however warn of the risk of neglecting proper standards of probity and public accountability which is otherwise afforded in the Act.*

*Without the proper probity standards and mechanisms in place individual members of an informal Working Group and the local government may be exposed to issues being raised about lack of proper standards and a failure of confidence in the integrity of the local government's meeting processes.*

*While Council may wish to form Working Groups without establishing them under the Act it is strongly recommended that rigorous procedures are adopted and applied to the Working Groups in accordance with the Department's Guidelines on Council Forums to protect individual members, and the Integrity of the City's decision making processes."*

The Department's Guidelines at No. 27 and 28 – Probity and Integrity state ***"It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all Forums. Disclosure should lead to an individual departing the forum"***. Refer to Attachment [002](#).

The Department's advice strongly recommends that the City's proposed Working Group Terms of Reference comply with the Forum Guidelines. In this regard, the Chief Executive Officer recommends that the Terms of Reference be reviewed (in liaison with the Department of Local Government) and a further report be submitted to the Council.

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

Nil.

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

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 7.46pm **Moved Cr Burns, Seconded Cr Maier**

That Council proceed “behind closed doors” to consider confidential item 14.1, as the matter being considered is subject to formal consent to advertise from the Western Australian Planning Commission.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

There was one (1) member of the public and two (2) journalists present who departed the Chamber at 7.46pm. The Minutes Secretary also departed the meeting at 7.46pm.

**PRESENT:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	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
Jacinta Anthony	A/Director Corporate Services

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL REPORT: Review of City of Vincent Town Planning Scheme No. 2 – Progress Report No. 13**

<b>Ward:</b>	Both	<b>Date:</b>	31 August 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	14.1(a) - Summary of major changes; and 14.1(b) - Gantt chart.		
<b>Tabled Items:</b>	Peer Review Document; Peer Review: Additional Economic Analysis; Draft Town Planning Scheme No. 2 Text; Draft Town Planning Scheme No. 2 Maps (Scheme Maps 1 – 5); Draft Local Planning Strategy; and Draft Precinct Policies.		
<b>Reporting Officers:</b>	R Marie, Planning Officer (Strategic) D Mrdja, Senior Strategic Planning & Heritage Officer T Woodhouse, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES;**
  - 1.1 **The Peer Review documentation and Additional Economic Analysis document, as prepared by Consultants *Syme Marmion & Co.* as ‘Tabled’; and**
  - 1.2 **The list of major changes to the Draft Town Planning Scheme No. 2 Text and Maps, Draft Local Planning Strategy and Draft Precinct Policies following the Peer Review, as outlined in Appendix 14.1 (a)**
2. **ENDORSES the following ‘Tabled’ documents;**
  - 2.1 **Draft Town Planning Scheme No. 2 Text;**
  - 2.2 **Draft Town Planning Scheme No. 2 Maps (Scheme Maps 1 – 5);**
  - 2.3 **Draft Local Planning Strategy;**
  - 2.4 **Draft Precinct Policies; and**
3. **AUTHORISES the Chief Executive Officer to FORWARD the documents listed in clause 3 above, to the Western Australian Planning Commission for consent to advertise, in accordance with Regulation 13 of the Town Planning Regulations 1967;**
4. **ENDORSES the updated Gantt chart as shown in Appendix 14.1 (b); and**
5. **NOTES the remainder of the City’s Planning, Building and Heritage Policies will be reviewed in the interim to ensure that once the new Town Planning Scheme No. 2 is gazetted, an updated set of Policies can be readily aligned to the new Scheme.**

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Maier, Seconded Cr McGrath**

**That the recommendation be adopted.**

Debate ensued.

There was general consensus amongst the Councillors that more time was required to read the large volume of the documentation and that it would be beneficial to discuss the matter at the next Forum. The Presiding Member, Mayor Nick Catania requested the Councillors to submit their concerns or claims which they wanted clarified to the Director Development Services, in order to provide sufficient time for the City's Officers to research them.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Topelberg**

***That the item be DEFERRED to the Council Forum to be held on 20 September 2011, for further consideration.***

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

---

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information which cannot be released for public viewing, until such time as the City receives consent to advertise the Town Planning Scheme No. 2 and associated documents, from the Western Australian Planning Commission, in accordance with Regulation 13 of the Town Planning Scheme Regulations 1967. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

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

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

"2.15 Confidential business

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

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

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

**PROCEDURAL MOTION**

**At 7.58pm Moved Cr Farrell, Seconded Cr Buckels**

**That Council resume an "open meeting".**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

---

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.58pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	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
Jacinta Anthony	A/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 13 September 2011.

Signed: ..... Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2011